# LEGISLATIVE DIGEST
# OF BILL SUMMARIES
# AND ENACTED LAWS

**STATE OF MAINE**
123rd Legislature

Second Regular Session

January 2, 2008
---
March 31, 2008

&

First Special Session

April 1, 2008
---
April 18, 2008

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR & FIRST SPECIAL SESSIONS

# LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally Passed During the Second Regular or First Special Sessions of the 123rd Maine Legislature

Second Regular Session convened Wednesday, January 2, 2008
Second Regular Session adjourned Sine Die Monday, March 31, 2008
First Special Session convened Tuesday, April 1, 2008
First Special Session adjourned Sine Die, Friday, April 18, 2008

Senate Legislative Days (both sessions).....47
House Legislative Days (both sessions).....48
Bills Considered (including carryovers).....563


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MAY 2008

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR & FIRST SPECIAL SESSIONS

# 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

SECOND REGULAR & FIRST SPECIAL SESSIONS

# 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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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; bill died*
*ONTP (or Accepted ONTP report)* ..... *Ought Not To Pass report accepted; bill died*
*P&S XXX* ..... *Chapter # of enacted Private & Special Law*
*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*

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.[1] The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

[1] The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

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# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

May 2008


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# *Joint Standing Committee on Agriculture, Conservation and Forestry*

## LD 648 An Act To Maintain the Amount of State Land That Is Open for Hunting — PUBLIC 564

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | OTP-AM MAJ | H-756 |
| | OTP-AM MIN | H-781 PIEH |

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.

**Committee Amendment "A" (H-756)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the Bureau of Parks and Lands to present information on changes in acres open to hunting in its annual report on the public reserved lands and to present this information to the joint standing committee of the Legislature having jurisdiction over wildlife management matters as well as the joint standing committee of the Legislature having jurisdiction over public lands.

**Committee Amendment "B" (H-757)**

This amendment is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife. It replaces the bill. It requires the Department of Conservation, Bureau of Parks and Lands to include a description of changes in allowed uses of the public reserved lands in the bureau's annual report to the legislative committee of jurisdiction. The minority report was not adopted.

**House Amendment "A" (H-781)**

This amendment replaces the language in Committee Amendment "A" pertaining to required reporting. It requires the Department of Conservation, Bureau of Parks and Lands to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

**Enacted Law Summary**

Public Law 2007, chapter 564 requires the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to coordinate their respective management of the public reserved lands and land owned by the Department of Inland Fisheries and Wildlife to ensure that there is no net loss of acreage open to hunting on these lands. It requires the bureau to include in its annual report a description of any changes in allowed uses of public reserved lands, including the acreage affected and the reason for the change.

## LD 680 An Act To Increase Funding for the Spaying and Neutering of Companion Animals — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | ONTP | |

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. The fiscal impact statement for this bill projects an annual loss of $100,000 to the General Fund and an equivalent increase to the Companion Animal Sterilization Fund.

**LD 1650** **An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds** **PUBLIC 602**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHATZ | OTP-AM A<br>OTP-AM B<br>ONTP C | H-851 |

LD 1650 amends the statutory definitions 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 acreage of genetically modified crops that could be grown based on sales. 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. It limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

**Committee Amendment "A" (H-851)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. The amendment revises the definition of "genetically engineered" and "technology use agreement." It removes provisions regarding the process by which a manufacturer may investigate a violation of a technology use agreement and strikes language regarding liability resulting from cross-contamination. It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.

**Committee Amendment "B" (H-852)**

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It makes the same changes as are made in the majority report and, in addition, includes a requirement that a manufacturer annually report to the Commissioner of Agriculture, Food and Rural Resources an estimate of the potential acres of genetically engineered crops that could be planted based on sales in Maine. The minority report was not adopted.

**Enacted Law Summary**

Public Law 2007, chapter 602 amends the definition of "genetically engineered" and "seed dealer" and enacts a statutory definition for "technology use agreement." It provides protection for de minimus or unintended possession of a genetically engineered product. It requires the Commissioner of Agriculture, Food and Rural Resources to adopt major substantive rules that establish best management practices to maintain the integrity of crops.

**LD 1684** **An Act To Create the Maine Agriculture Protection Act** **PUBLIC 649 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SHERMAN | OTP-AM | S-455 |

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. 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.

**Committee Amendment "A" (S-455)**

This amendment removes from the bill the provisions for designating agriculture protection areas and requiring a governmental entity to prepare an impact assessment prior to taking an action that would diminish agricultural property. It replaces the term "generally accepted agricultural practices" with "best management practices." It corrects cross-references. This amendment also establishes a study commission to develop recommendations for protecting farmland.

**Enacted Law Summary**

Public Law 2007, chapter 649 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It enacts the repealed provisions in Chapter 6 of Title 7 to be known as the Agriculture Protection Act. It establishes a study commission to develop policy initiatives to protect working farms from the impact of development and to maintain a base of commercially viable agricultural land for Maine's future. The study commission is directed to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than November 5, 2008.

Public Law 2007, chapter 649 was enacted as an emergency measure effective April 18, 2008.

**LD 1930** **Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands** **RESOLVE 161**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT B | OTP-AM | S-441 |

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.

**Committee Amendment "A" (S-441)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2007, chapter 161 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.

**LD 1954** **An Act To Amend the Potato Cull Pile Law** **PUBLIC 570 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| LUNDEEN | OTP-AM | H-813 |

LD 1954 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. The bill expands responsibility for disposal and management of cull potatoes and potato cull piles beyond landowners to lessees and other persons responsible for the potatoes. The bill authorizes the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

**Committee Amendment "A" (H-813)**

This amendment adds a definition of "responsible party." It clarifies the Commissioner of Agriculture, Food and Rural Resources' authority to alter the statutory dates for the disposal of cull potatoes and management of cull potato piles and to prescribe site-specific best management practices.

**Enacted Law Summary**

Public Law 2007, chapter 570 strengthens the laws pertaining to potato cull piles and establishes requirements for the management of potato cull piles. It expands responsibility for disposal and management of cull potatoes and potato cull piles to include lessees and other persons responsible for the potatoes. This law requires the Commissioner of Agriculture, Food and Rural Resources to establish best management practices for managing potato culls and potato cull piles.

Public Law 2007, chapter 570 was enacted as an emergency measure effective April 7, 2008.

**LD 1992** **An Act To Amend the Laws Governing Agricultural Marketing and Bargaining** **PUBLIC 499**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-442 |

LD 1992 amends the laws governing agricultural marketing and bargaining by amending the definition of "handler" to define that term as it pertains to potatoes. The bill also amends the definitions of "agent" and "broker" to exclude from those definitions associations that are cooperative associations of agricultural producers.

**Committee Amendment "A" (S-442)**

This amendment removes the sections of the bill that proposed amending definitions for "agent" and "broker" under the licensing laws for the marketing of potatoes. It amends the definition of "handler" as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer that provides more than 100,000 hundredweight of potatoes annually to a processor. It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have been insufficiently paid.

**Enacted Law Summary**

Public Law 2007, chapter 499 amends the definition of "handler" under the Maine Agricultural Marketing and Bargaining Act of 1973 as it applies to potatoes to include a processor or a person or company acting as an agent, broker or dealer for a processor that provides more than 100,000 hundredweight of potatoes annually to a processor.

It amends the provision by which the Department of Agriculture, Food and Rural Resources responds to notices that producers have not been sufficiently paid by processors to include insufficient payment by dealers, brokers, agents or retailers. It clarifies that a determination of insufficient payment is made at a hearing.

**LD 2001** **An Act To Reduce Wild Blueberry Theft** **PUBLIC 694**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WESTON | OTP-AM | S-542 |
| | | S-675 ROTUNDO |

LD 2001 increases the penalties for violation of the laws regarding transportation and receipt of wild blueberries. It revises provisions for verifying permission to harvest and transport wild blueberries to facilitate enforcement. It provides for the owners of the blueberries to issue permits for the transportation of blueberries from the field. It makes certain violations strict liability crimes.

**Committee Amendment "A" (S-542)**

This amendment adds an emergency preamble and clause to the bill. It specifies that the State Tax Assessor is required to suspend or revoke the certification of a processor or shipper of wild blueberries when the assessor receives notification that certain violations have occurred. It allows the assessor to accept a notarized statement to determine that violations by an owner, officer or employee have not occurred. It clarifies that it is illegal for a first hauler to transport berries to anyone who is not certified as a shipper or processor. Instead of basing increased penalties for illegal transportation of berries on the value of the berries as proposed in the bill, this amendment establishes illegal transportation by a person with 2 prior convictions as a Class C crime.

**Senate Amendment "A" (S-675)**

This amendment changes the criminal categories proposed in the bill from Class C to Class D.

**Enacted Law Summary**

Public Law 2007, chapter 694 revises statutory provisions pertaining to the harvest, transportation, and receipt of wild blueberries to facilitate enforcement and deter theft. Fines are increased. Unlawful removal or possession of wild blueberries and unlawful transportation of wild blueberries remain Class E crimes for a first or second offense but become Class D crimes if the person has 2 or more convictions. A violation of the law pertaining to receiving wild blueberries becomes a Class D crime if a person has two previous civil violations under that section of law.

Public Law 2007, chapter 694 was enacted as an emergency measure effective April 24, 2008.

**LD 2010** **Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities** **RESOLVE 203**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PRATT | OTP-AM | H-803 |
| | | H-924 PRATT |

LD 2010 is a concept draft, which seeks to enact measures designed to address the inhumane breeding standards of so-called "puppy mills" in the State. The intent of the bill is to outlaw the most egregious dog breeding practices and establish a Maine humane dog breeding standard.

**Committee Amendment "A" (H-803)**

This amendment replaces the concept draft for a bill with a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to evaluate the definition of "breeding kennel" and review statutory provisions and regulation of breeding kennels. The department is directed to provide staff to and coordinate meetings of the working group within existing resources. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

**House Amendment "B" (H-924)**

This amendment clarifies the issues to be reviewed by the commissioner and the working group convened by the commissioner for purposes of ensuring humane treatment of animals. It requires that the Department of Agriculture, Food and Rural Resources post its report on its publicly accessible website as soon as practicable.

**Enacted Law Summary**

Resolve 2007, chapter 203 directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to review statutory and regulatory provisions pertaining to the breeding and sale of dogs and cats. The commissioner, in consultation with the working group, is specifically directed to review criteria to determine when a kennel or breeding kennel license is required and the authority of animal control officers and state humane agents to inspect and enforce animal welfare laws and rules. The commissioner is required to submit a report following this review by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over animal welfare matters. The committee is authorized to submit legislation pertaining to the regulation of breeding kennels to the First Regular Session of the 124th Legislature.

## LD 2023 An Act To Repeal the Cap on Rental Rates for State Submerged Lands — PUBLIC 540

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FLOOD | OTP-AM | H-770 |

LD 2023 repeals the current cap of $1,200 per year on rental rates for submerged lands leased from the State.

**Committee Amendment "A" (H-770)**

This amendment replaces the bill. It delays the repeal of the cap on rental rates until June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

**Enacted Law Summary**

Public Law 2007, chapter 540 repeals the cap on rental rates for submerged lands effective June 30, 2009 and directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group to assist in developing a schedule of rental rates. It requires the director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 22, 2008.

## LD 2087 Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake — RESOLVE 184

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CARTER | OTP-AM | H-804 |

LD 2087 directs the Department of Inland Fisheries and Wildlife, in partnership with other associations and individuals, to study the feasibility of a dock for public use and summer rentals on Mooselookmeguntic Lake to restore public access to the lake since the current dock has been privately purchased.

**Committee Amendment "A" (H-804)**

This amendment directs the Department of Conservation, rather than the Department of Inland Fisheries and Wildlife, to study the feasibility of establishing a dock for public use or leasing of slip space on Mooselookmeguntic Lake.

**Enacted Law Summary**

Resolve 2007, chapter 184 directs the Department of Conservation, in partnership with associations and individuals, to study the feasibility of establishing a dock for public use or summer rentals or leasing of slip space on Mooselookmeguntic Lake. In undertaking the study, the department is directed to examine possible locations accessible over publicly owned lands.

## LD 2171 An Act To Amend the Animal Welfare Laws — PUBLIC 702

| Sponsor(s) | Committee Report | Amendments Adopted | |
|---|---|---|---|
| PIEH<br>NUTTING J | OTP-AM | H-965 | |
| | | H-982 | PIEH |
| | | S-665 | ROTUNDO |

LD 2171 amends the Maine Revised Statutes, Title 7 to improve the specificity of some of the definitions used in the Animal Welfare Act, to provide for a temporary animal shelter, to impose a requirement that breeding kennels display kennel license numbers when advertising, to add neglect to the crime of cruelty to animals and to strengthen the requirements for proper shelter. It amends Title 17 to refine some of the definitions and to strengthen laws pertaining to cruelty to animals and shelter requirements. The bill establishes new crimes related to unattended animals in motor vehicles and domestic violence against animals.

**Committee Amendment "A" (H-965)**

This amendment removes several sections of the bill, revises some sections and adds several others.

**House Amendment "A" (H-982)**

This amendment authorizes the State Controller to advance up to $500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

**Senate Amendment "B" (S-665)**

This amendment removes language that expands the crime of aggravated cruelty to animals to apply to a person who acts with criminal negligence.

**Enacted Law Summary**

Public Law 2007, chapter 702 does the following:

1. Facilitates the collection of registration fees for home-based manufacturers of pet food.

2. Authorizes the Department of Agriculture, Food and Rural Resources to establish temporary shelters to impound animals.

3. Requires breeding kennels to post their license numbers.

4. Provides an affirmative defense for various violations of the animal welfare laws for agricultural animals kept in compliance with best management practices as determined by the department.

5. Requires a veterinarian to report suspected violations of aggravated cruelty.

6. Authorizes a law enforcement officer, humane agent or animal control officer to remove an animal confined unattended in a motor vehicle when the animal is in immediate danger due to extreme temperature. It requires notification to the owner of the animal's removal and provides immunity for an officer removing an animal under the described circumstances.

7. Replaces the definition of "pet dealer" with a definition of "seller" for use in the statutory chapter on the sale of cats and dogs.

8. Amends the provisions for a vendor's license to apply to dogs and cats under 6 months of age and removes the fee for one vendor's license in a 12-month period, but requires the $25 fee for additional licenses in a 12-month period, and extends the period for which a vendor's license is valid from 60 days to 90 days.

9. Amends shelter provisions in Title 17 to conform to changes made to Title 7 in the First Regular Session of the 123rd Legislature.

10. Authorizes the State Controller to advance up to $500,000 from the Board of Pesticides Control account to the Animal Welfare Fund if requested in writing by the Commissioner of Agriculture, Food and Rural Resources.

**LD 2184** **An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry** **PUBLIC 611**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-953 |

LD 2184 is a committee bill authorized under Resolve 2007, chapter 128 and submitted by the Joint Standing Committee on Agriculture, Conservation and Forestry after receiving the report and recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry.

**Committee Amendment "A" (H-953)**

This amendment clarifies that the executive director of the State Harness Racing Commission is authorized to present evidence in adjudicatory hearings before the commission as part of the executive director's duties for the commission. It amends the Maine Revised Statutes, Title 8, section 273 to clarify that a penalty for conducting a race without a license only applies when a license is required because pari-mutuel betting is permitted. It also clarifies that only horses qualified to race are subject to out-of-competition testing. It removes the section of the bill that proposes transferring money from 5 dedicated funds to an account to support laboratory testing. Public Law 2007, chapter 539 includes provisions in Part G to fund the operations of the State Harness Racing Commission including laboratory testing.

**Enacted Law Summary**

Public Law 2007, chapter 611 specifies that the duties of the executive director of the State Harness Racing Commission include presenting evidence in adjudicatory hearings before the commission on alleged violations. It requires a trainer upon request of the commission to submit a horse for testing to detect prohibited substances. It

removes the statutory caps on fines for violations of the harness racing statutes and rules. It clarifies that conducting a harness horse racing meet without a license is a Class D crime. It authorizes the State Police upon the request of the State Harness Racing Commission to assist in investigations following a positive test for use of substances in violation of the harness racing rules. It restricts licenses to operate slot machines to property within 200 feet of a commercial track, except that the 2,000-foot maximum distance continues for a commercial track that received an initial license for slot machines while owned by a municipality.

**LD 2190** **An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules** **PUBLIC 484 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

LD 2190 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the Maine Revised Statutes, Title 7, section 610, subsection 5. It designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

**Enacted Law Summary**

Public Law 2007, chapter 484 designates proposed rules that pertain to the use of organophosphate pesticides adjacent to occupied areas or distribution and use of plant-incorporated protectants as major substantive rules. It provides for rules pertaining to plant-incorporated protectants in effect on March 1, 2008 to remain in effect but designates amendments to those rules as major substantive rules.

Public Law 2007, chapter 484 was enacted as an emergency measure effective February 28, 2008.

**LD 2191** **An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential** **PUBLIC 483 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

LD 2191 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Resolve 2007, chapter 128 and submitted to implement a recommendation of the Commission to Study the Promotion, Expansion and Regulation of the Harness Racing Industry. It designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license. The bill cross-references the confidentiality provisions in the statutes governing the Gambling Control Board to specify the types of information and records that are confidential.

**Enacted Law Summary**

Public Law 2007, chapter 483 designates as confidential certain information provided to or developed by the State Harness Racing Commission as part of the application review process for issuing a commercial race track license.

Public Law 2007, chapter 483 was enacted as an emergency measure effective February 28, 2008.

**LD 2194** **Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

**RESOLVE 153**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

LD 2194 provides for legislative review of portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

**Enacted Law Summary**

Resolve 2007, chapter 153 authorizes final adoption of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 153 was enacted as an emergency measure effective March 17, 2008.

**LD 2195** **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control**

**ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

LD 2195 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control. This resolve erroneously cited Section 5 of the chapter 29 rules as the section to be reviewed. LD 2211 was subsequently printed with the correct reference to Section 6.

**LD 2211** **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.**

**RESOLVE 154**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

LD 2211 provides for legislative review of portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

**Enacted Law Summary**

Resolve 2007, chapter 154 authorizes final adoption of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

Resolve 2007, chapter 154 was enacted as an emergency measure effective March 17, 2008.

**LD 2237** **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government** **RESOLVE 179**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIEH | OTP-AM | H-783 |

LD 2237 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements to GMO Renewable Resources, LLC, in townships in Franklin County and Piscataquis County, crossing various parcels of public reserved lands. The easements are all for forest management purposes. The resolve allows the bureau to swap these easements for other easements or other consideration.

The resolve also allows the Director of the Bureau of Parks and Lands to convey a trail-crossing easement in Newport to benefit abutting properties. The resolve requires that the easement be granted for negotiated value.

The resolve also allows the Director of the Bureau of Parks and Lands to convey land and buildings on Hospital Street in Augusta to Bread of Life Ministries, which operates a homeless shelter on the abutting property and currently leases the state property for administrative and program support needs of the homeless shelter. The resolve requires that the land be transferred for negotiated value not less than the assessed value.

**Committee Amendment "A" (H-783)**

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park in Lubec, Washington County. It removes section 3 of the resolve, which allowed the director to convey an easement in Moosehead Junction Township to GMO Renewable Resources, LLC. It also amends the resolve to specify that the proposed conveyance to the Bread of Life Ministries be for a value of not less than $60,000.

**Enacted Law Summary**

Resolve 2007, chapter 179 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey several nonexclusive easements across public lands to GMO Renewable Resources, LLC, for forest management purposes. It authorizes the director to enter into a lease with the Federal Government or United States Coast Guard regarding an existing public safety communications facility located within Quoddy Head State Park. It also authorizes conveyance of a trail-crossing easement in Newport to benefit abutting properties and land and buildings on Hospital Street in Augusta to Bread of Life Ministries.

**LD 2245** **An Act To Promote the Agricultural Economy** **PUBLIC 660 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-862 |

LD 2245 makes several revisions to the statutes pertaining to the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It directs the Joint Standing Committee on Agriculture, Conservation and

Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during authorized interim meetings and to develop legislation to implement recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-862)**

This amendment removes a cross-reference to a definition of "agricultural enterprise," allowing any additional definitions needed to implement the Maine Farms for the Future Program to be established in rule. It specifies that instruction or classroom training in economics or business planning required for participation in the program must be approved by the Department of Agriculture, Food and Rural Resources. It allows a participant in the program who completes a business plan to apply for a reduced-interest loan, a grant or both. The amendment specifies that the review panel's responsibility to develop a competitive process applies to both applications for grants and eligibility to apply for reduced-interest loans. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

**Enacted Law Summary**

Public Law 2007, chapter 660 revises eligibility criteria for applicants to the Maine Farms for the Future Program for business development planning. Under current law the applicant must own at least 5 acres of land in agricultural use. Chapter 660 instead requires that applicants must own an agricultural business that has operated in the State for a minimum of 2 years. The bill requires ownership of 5 acres only for those entering the implementation phase and applying for a grant in exchange for a farmland protection agreement. It allows a participant in the program who has completed a business plan to apply for a reduced-interest loan of 2% from the Agricultural Marketing Loan Fund, a grant or both. It also requires the department to review a business plan within 2 years of awarding a grant for implementation of the plan.

Chapter 660 extends the time period for assembling a services package for participants in the Maine Farms for the Future Program business planning program from 12 to 18 months and requires instruction or classroom training in economics and business planning. It removes the requirement that the Commissioner of Agriculture, Food and Rural Resources approve payments of more than $5,000 for business planning services. It extends the duration of a farmland protection agreement from 5 years to 7 years. It replaces the mandate that the Department of Agriculture, Food and Rural Resources contract out the administration of the Maine Farms for the Future program with permissive language and removes the requirement that a contracting organization provide a $200,000 match. It also removes the cap on expenditures for administrative costs for a contracting organization. It requires that a minimum of 40% of annual state funding for the Maine Farms for the Future Program be reserved for grants to implement a business plan.

Chapter 660 expands the information to be included in the annual reports for the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund. It removes the cap of $100,000 on Agricultural Marketing Loan Fund loans for land for the start-up of a new agricultural business. It extends the time period during which grants for technical assistance and research must be expended to the 3 fiscal years following designation. It removes provisions for business planning under the Agricultural Marketing Loan Fund, eliminating the provisions of similar services under both the Maine Farms for the Future Program and the Agricultural Marketing Loan Fund.

Chapter 660 directs the Joint Standing Committee on Agriculture, Conservation and Forestry to review recommendations presented in the January 2008 report on the agricultural creative economy during regularly authorized meetings and to develop legislation to implement the report's recommendations relating to assistance, development and promotion for agricultural businesses. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit legislation during the First Regular Session of the 124th Legislature.

Public Law 2007, chapter 660 was enacted as an emergency measure effective April 18, 2008.

**LD 2256** **An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | ONTP | |

LD 2256 requires the Director of the Bureau of Public Lands within the Department of Conservation to lease submerged lands under and adjacent to the port facilities to the City of Portland for not less than 75 years nor more than 99 years. It also makes it clear that the submerged lands may not be sold by the city but may be leased and that the use of the property is subject to the public trust doctrine. The bill also imposes conditions on the use of the property that must be included in the lease and preserves the right of the city to pursue its claim of ownership to the submerged lands.

**LD 2260** **Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands** **RESOLVE 194**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | OTP-AM | S-556 |

LD 2260 authorizes the Department of Inland Fisheries and Wildlife to convey a linear transmission line easement interest in land in Webster Plantation in Penobscot County.

**Committee Amendment "A" (S-556)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2007, chapter 194 authorizes the Department of Inland Fisheries and Wildlife to convey an easement for a linear transmission line in Webster Plantation in Penobscot County to benefit Evergreen Wind Power V, LLC. This authorization is contingent on Evergreen Wind Power receiving necessary approvals from the Maine Department of Environmental Protection. The easement is for an area approximately 80 feet wide and 1.3 miles long.

**LD 2262** **An Act Pertaining to the Definition of "Milk"** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

LD 2262 prohibits the sale of milk labeled as "fresh milk," "Maine fresh milk" or "Northeastern fresh milk" unless the milk meets the definition for the term used, as enacted in the bill. Civil penalties under the Maine Revised Statutes, Title 7, section 2908-A apply as well as the Commissioner of Agriculture, Food and Rural Resources' authority to apply for an injunction under Title 7, section 2910-A.

LD 2262 was submitted as a committee bill following review of the Maine Milk Commission under the Government Evaluation Act as authorized under Title 3, section 955, subsection 4. The bill was subsequently referred back to the Joint Standing Committee on Agriculture, Conservation and Forestry for a public hearing and reported out with a unanimous "Ought Not to Pass" vote.

**LD 2284** **An Act Regarding the Regulation of Agricultural Composting Operations** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

LD 2284 requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources and directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning best management practices for commercial agricultural composting operations. It authorizes the commissioner or the commissioner's designee to enter the premises of a commercial agricultural composting operation to inspect for compliance with best management practices. It removes commercial agricultural composting operations from regulation by the Department of Environmental Protection as waste facilities but does not exempt commercial agricultural composting operations from state or federal environmental laws.

# *Joint Standing Committee on Agriculture, Conservation and Forestry*

## SUBJECT INDEX

### *Agriculture*

**Enacted**

| | | |
|---|---|---|
| **LD 1650** | **An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds** | **PUBLIC 602** |
| **LD 1954** | **An Act To Amend the Potato Cull Pile Law** | **PUBLIC 570 EMERGENCY** |
| **LD 1992** | **An Act To Amend the Laws Governing Agricultural Marketing and Bargaining** | **PUBLIC 499** |
| **LD 2001** | **An Act To Reduce Wild Blueberry Theft** | **PUBLIC 694 EMERGENCY** |

### *Agriculture-Policy*

**Enacted**

| | | |
|---|---|---|
| **LD 1684** | **An Act To Create the Maine Agriculture Protection Act** | **PUBLIC 649 EMERGENCY** |
| **LD 2245** | **An Act To Promote the Agricultural Economy** | **PUBLIC 660 EMERGENCY** |

**Not Enacted**

| | | |
|---|---|---|
| **LD 2284** | **An Act Regarding the Regulation of Agricultural Composting Operations** | **DIED ON ADJOURNMENT** |

### *Animal Control, Health and Welfare*

**Enacted**

| | | |
|---|---|---|
| **LD 2010** | **Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Review and Make Recommendations Regarding the Regulation of Dog and Cat Breeding Facilities** | **RESOLVE 203** |
| **LD 2171** | **An Act To Amend the Animal Welfare Laws** | **PUBLIC 702** |

**Not Enacted**

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

### *Dairy and Livestock*

**Not Enacted**

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|---|---|---|
| LD 2262 | An Act Pertaining to the Definition of "Milk" | ONTP |

## *Department of Conservation - Bureau of Parks and Lands*

Enacted

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|---|---|---|
| LD 648 | An Act To Maintain the Amount of State Land That Is Open for Hunting | PUBLIC 564 |
| LD 2023 | An Act To Repeal the Cap on Rental Rates for State Submerged Lands | PUBLIC 540 |
| LD 2087 | Resolve, To Study the Feasibility of a Public Dock on Mooselookmeguntic Lake | RESOLVE 184 |

## *Harness Racing*

Enacted

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|---|---|---|
| LD 2184 | An Act To Implement the Recommendations of the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry | PUBLIC 611 |
| LD 2191 | An Act To Designate Certain Application and Licensing Information Provided to the State Harness Racing Commission as Confidential | PUBLIC 483<br>EMERGENCY |

## *Land transactions*

Enacted

| | | |
|---|---|---|
| LD 1930 | Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands | RESOLVE 161 |
| LD 2237 | Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands and Enter into Certain Leases with the Federal Government | RESOLVE 179 |
| LD 2260 | Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey a Certain Easement Interest in Lands | RESOLVE 194 |

Not Enacted

| | | |
|---|---|---|
| LD 2256 | An Act To Modify the City of Portland's Leasing Authority for the Maine State Pier | ONTP |

## *Pesticides*

Enacted

| | | |
|---|---|---|
| LD 2190 | An Act To Designate Certain Rules Proposed by the Board of Pesticides Control as Major Substantive Rules | PUBLIC 484<br>EMERGENCY |
| LD 2194 | Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control | RESOLVE 153<br>EMERGENCY |

| | | |
|---|---|---|
| LD 2211 | **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 6, Buffer Requirement, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.** | RESOLVE 154<br>EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2195 | **Resolve, Regarding Legislative Review of Portions of Chapter 29: Standards for Water Quality Protection, Section 5, Restrictions on Pesticide Application To Control Browntail Moths near Marine Waters, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control** | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 2008


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SEN. JOHN L. MARTIN
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**LD 63** **Resolve, To Study Ways To Increase Access to After-school Programs** **RESOLVE 211**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | OTP-AM | H-1002 |

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

**Committee Amendment "A" (H-1002)**

This amendment strikes the appropriation and allocations section of the bill and directs the Department of Health and Human Services and the Department of Education, within existing resources, to gather information pertaining to ways to establish and fund after-school programs. The amendment directs the departments to seek input from the Maine Afterschool Network and report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2009. The committee is authorized to submit legislation regarding the report.

**Enacted Law Summary**

Resolve 2007, chapter 211 directs the Department of Health and Human Services and the Department of Education, within existing resources, to gather information pertaining to ways to establish and fund after-school programs. It directs the departments to seek input from the Maine Afterschool Network and report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 15, 2009. The committees are authorized to submit legislation regarding the report.

**LD 65** **An Act To Provide Funding for Mentoring Programs** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER<br>EDMONDS | ONTP | |

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

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A<br>RAYE | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON<br>MARTIN | ONTP | |

This bill makes a one-time General Fund appropriation of $50,000 in fiscal year 2007-08 to the Maine Municipal Bond Bank for the St. Francis Water District.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER<br>SHERMAN | ONTP | |

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.

**LD 305** **Resolve, To Investigate the Possibility of Expanding Cellular Telephone Service in Certain Rural Areas** **RESOLVE 212**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON<br>MARTIN | OTP-AM | H-1001 |

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.

**Committee Amendment "A" (H-1001)**

This amendment replaces the bill with a resolve, eliminates the appropriations and allocations section and directs the Department of Administrative and Financial Services to investigate the possibility of negotiating with providers of cellular telephone service for use of the state-owned tower located in St. Francis and report the results of its investigation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The committee is authorized to submit legislation regarding the report.

**Enacted Law Summary**

Resolve 2007, chapter 212 directs the Department of Administrative and Financial Services to investigate the possibility of negotiating with providers of cellular telephone service for use of the state-owned tower located in St. Francis and report the results of its investigation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The committee is authorized to submit legislation regarding the report.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOLMAN | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAIN<br>TURNER | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAIN | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JOY | ONTP | |

This bill 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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

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.

**LD 804** **An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAMPBELL | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CRAVEN | ONTP | |

The bill makes ongoing General Fund appropriations of $6,000,000 per year beginning in fiscal year 2007-08 for room and board costs for people 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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SILSBY | ONTP | |

This resolve makes ongoing General Fund appropriations of $125,000 per year beginning in fiscal year 2007-08 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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROTUNDO | ONTP | |

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.

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

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MAKAS | ONTP | |

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.

**LD 1424** **An Act Requiring Long-range Budget Planning** **PUBLIC 613**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WOODBURY | OTP-AM | H-993 |

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

**Committee Amendment "A" (H-993)**

This amendment requires that the long-range plan included in the state budget document describe the vision of the Governor or Governor-elect for the upcoming biennium and 2 succeeding biennia, rather than for the next decade. In addition, this amendment removes the requirement that the state budget document describe any imbalance between projected revenues and projected expenditures.

**Enacted Law Summary**

Public Law 2007, chapter 613 requires that the long-range plan included in the state budget document describe the vision of the Governor or Governor-elect for the upcoming biennium and 2 succeeding biennia.

**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** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THOMAS | ONTP | |

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.

**LD 1848** **An Act To Promote Sustainable Prosperity** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

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.

**LD 1852** **An Act To Provide Taxpayer Relief** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| LANSLEY | ONTP | |

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.

**LD 1991** **Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center** **RESOLVE 206**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-619 |

This bill appropriates $170,000 in 2007-08 and $680,000 in 2008-09 to the Department of Health and Human Services for grants to the Northern New England Poison Center to continue operation of the poison hotline.

**Committee Amendment "A" (S-619)**

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services to meet with interested parties to develop options for long-term funding of the Northern New England Poison Center.

**Enacted Law Summary**

Resolve 2007, chapter 206 requires the Department of Health and Human Services to meet with interested parties to develop options for long-term funding of the Northern New England Poison Center.

**LD 2042** **An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring Disorders Court** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CANAVAN | ONTP | |

This bill provides an ongoing General Fund appropriation of $100,000 beginning in fiscal year 2008-09 to the Judicial Department to continue funding of the Kennebec County Co-Occurring Disorders Court program.

**LD 2077** **An Act To Increase the State Subsidy for Adult Education within the Department of Education** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CROCKETT | ONTP | |

This bill increases the state subsidy for adult education by 6% in fiscal year 2007-08 and by 6% in fiscal year 2008-09.

**LD 2098** **An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRANG BURGESS | ONTP MAJ<br>OTP-AM MIN | |

Public Law 2007, chapter 341 required the Department of Health and Human Services, Bureau of Health to implement a comprehensive cancer screening, detection and prevention program and provided a base appropriation of $500 each fiscal year for the 2008-2009 biennium. This bill increases the tax on tobacco products, such as smokeless tobacco, cigars and pipe tobacco, to a flat rate of $1 per ounce beginning September 1, 2008 and appropriates an additional $1,800,000 in fiscal year 2008-09 to the comprehensive cancer screening, detection and prevention program.

**LD 2116** **An Act To Provide for the Construction of a Warehouse in Eastport** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | ONTP | |

This bill provides a one-time General Fund appropriation of $1,200,000 in fiscal year 2007-08 to the Administration - Ports and Marine Transportation program within the Department of Transportation for the construction of a warehouse at the port of Eastport.

**LD 2173** **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 Years Ending June 30, 2008 and June 30, 2009** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER | OTP-AM MAJ<br>OTP-AM MIN | H-806<br>H-848 MILLS J |

LD 2173 is the Governor's proposed Supplemental Budget Bill for the 2008-2009 biennium.

**Committee Amendment "A" (H-806)**

This amendment was incorporated into LD 2289.

**House Amendment "P" (H-840)**

This amendment was incorporated into LD 2289.

**House Amendment "W" (H-848)**

The amendment was incorporated into LD 2290.

**LD 2208** **An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS<br>EDMONDS | ONTP | |

This bill transfers $5,000,000 from the Maine Budget Stabilization Fund to the General Fund for the Low-income Home Energy Assistance Program and specifies that the funds may by used only for fuel purchases. Any funds remaining at the end of the fiscal year lapse to the Maine Budget Stabilization Fund.

**LD 2226** **An Act To Amend the Laws Governing the State's Cash Investment Policies**

**DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROSEN R | OTP-AM MAJ<br>OTP-AM MIN | |

This bill makes the following changes to the laws governing investments made by the Treasurer of State.
1. It limits the Treasurer of State to investing money in the cash pool in bonds, notes, certificates of indebtedness or other obligations of the United States.
2. It provides that the primary purposes of investments made by the Treasurer of State are the preservation of capital and the maintenance of maximum liquidity.
3. It provides that at least 95% of investments made by the Treasurer of State must be in instruments with maturities of 9 months or less and may not be subject to a call option. Not more than 5% of investments made by the Treasurer of State may be in instruments with maturities that exceed 9 months and may be subject to a call option.
4. It provides that investment decisions may be made by an employee of the Treasurer of State or by a person pursuant to a contract with the Treasurer of State, subject to oversight by the Treasurer of State, but such an employee or person shall demonstrate to the satisfaction of the Treasurer of State sufficient investment experience and professional skills and qualifications suitable to make such decisions.
5. It provides that the Treasurer of State and a person who makes investment decisions shall identify an appropriate index to track and compare investment performance.
6. It provides that a contract for investment advisory services entered into by the Treasurer of State may not exceed a term of 3 years and is subject to termination at the discretion of the Treasurer of State.

**LD 2231** **An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act**

**P & S 43**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TREAT | OTP-AM MAJ<br>ONTP MIN | H-1011 |

The purpose of this bill is to reduce the cost of prescription drugs purchased by the State and counties by expanding access to discounted prescription drugs under the federal 340B program. The bill: 1) Requires that counties and the Department of Corrections contract only with entities that are eligible to participate, and make reasonable efforts to participate, in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act; and
2) Directs the Department of Health and Human Services and the Department of Corrections to each develop a plan to maximize access to prescription drugs through Section 340B of the federal Public Health Service Act.

**Committee Amendment "A" (H-1011)**

This amendment replaces the bill and removes language that requires that counties and the Department of Corrections contract only with entities that are eligible to participate in the purchase of prescription drugs under Section 340B of the federal Public Health Service Act. It requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to

recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

**Enacted Law Summary**

Private and Special Law 2007, chapter 43 requires the Governor's Office of Health Policy and Finance to coordinate with the Department of Health and Human Services, other state agencies and representatives of state employees, health care providers and federally qualified health centers to identify opportunities to provide prescription drugs through Section 340B. It directs the Department of Health and Human Services to prepare and issue a request for proposal for specialty drugs with the greatest potential for savings. It directs the Department of Corrections to convene a working group to identify opportunities for cost savings through Section 340B. It directs the Department of Corrections to enter into negotiations with its current medical services and pharmacy contractor to recover a greater percentage of rebates and discounts paid by prescription drug manufacturers and wholesalers.

Private and Special Law 2007, chapter 43 was enacted as an emergency measure effective April 16, 2008.

**LD 2289** **An Act Making 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 Years Ending June 30, 2008 and June 30, 2009** **PUBLIC 539**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER | | |

LD 2289 was introduced in the House without reference to a committee. It incorporated all of Committee Amendment "A" to LD 2173 (H-806) plus House Amendment "P" to Committee Amendment "A" (H-840) and Senate Amendment "S" to Committee Amendment "A" (S-519).

**Enacted Law Summary**

Public Law 2007, chapter 539 achieves a net savings to the General Fund of $190,775,079 and a net cost to the Fund for a Healthy Maine of $2,265,450

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 relates to the funding of K-12 education.

PART D makes appropriations and allocations of funds for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART E contains implementing language for initiatives that streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART F increases fees related to food inspection and licensing by the Department of Health and Human Services and directs the departments involved in the process to eliminate any duplication of their jurisdictions.

PART G provides dedicated funding for the Harness Racing Commission from revenues collected by the commission, the state share of the handle and a portion of slot machine income.

PART H requires transfers from the Accident, Sickness and Health Insurance Internal Service Fund, and health insurance excess equity reserve funds to the General Fund.

PART I relates to the operations of the Statewide Radio and Network System Reserve Fund and the acquisition of a statewide enterprise system.

PART J requires transfers from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds.

PART K authorizes the transfer of funds from the Department of Inland Fisheries and Wildlife carrying account and to develop a plan to ensure the continuation of the "Maine Fish and Wildlife Magazine" as a self-supporting publication.

PART L authorizes transfers from the General Fund to the Maine Clean Election Fund in fiscal year 2007-08 and fiscal year 2009-10 and reduces the amount of the initial payments in the 2008 and 2009 general election.

PART M requires lottery winnings to be offset against Maine liquidated tax debts.

PART N repeals certain powers and duties of the Commissioner of Health and Human Services and provides a transition and planning process for the privatization of the Elizabeth Levinson Center.

PART O relates to the authority of the Bureau of General Services to enter into agreements to conduct energy projects at state facilities.

PART P approves the cost items in collective bargaining agreements reached by the Judicial Department.

PART Q changes certain reporting for the Consensus Economic Forecasting Commission and for the Revenue Forecasting Committee.

PART R relates to a cooperative purchase system for schools statewide.

PART S allows the State Controller to share confidential working papers during an audit or investigation with the subject of the audit or investigation, other auditors or law enforcement.

PART T reorganizes the position of Commissioner of Professional and Financial Regulation.

PART U lapses unencumbered balance forward in the Salary Plan, General Fund account.

PART V directs the transfer from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program.

PART W adds costs to those funded by the General Purpose Aid to Local Schools account.

PART X revises the basis for applying residential treatment facilities and nursing facilities taxes.

PART Y repeals provisions related to rates paid to agencies providing services to individuals with mental retardation.

PART Z renames four programs of the Department of Health and Human Services.

PART AA authorizes the transfer of funds between the Mental Retardation Waiver - Supports program and other MaineCare programs.

PART BB lapses unencumbered balances in the Disproportionate Share General Fund accounts and transfers specified Other Special Revenue Funds in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

PART CC adds salary savings balances from specified positions in the Psychiatric Center accounts to those balances authorized to be transferred to All Other.

PART DD authorizes the transfer of available fund balances to fund leased space agreements.

PART EE ensures that the school nurse consultant position is jointly supervised by staff of the Department of Health and Human Services and the Department of Education.

PART FF lapses unencumbered balance forward in the Division of Forest Fire Control, General Fund account in the Department of Conservation to the General Fund.

PART GG authorizes reorganization of programs and accounts in the Department of Education.

PART HH provides a process for determining the cost of dispensing a medication under the MaineCare program.

PART II transfers funds from the Bureau of Revenue Services Fund to the unappropriated surplus of the General Fund.

PART JJ provides for several methods of decreasing costs or increasing revenue for the judicial branch to offset the deappropriation made in Part A.

PART KK reestablishes the State Nuclear Safety Inspection Office and transfers the responsibility of all oversight and coordination of the spent fuel storage facility to the Department of Health and Human Services.

PART LL lapses funds from legislative accounts to the General Fund.

PART MM extends the authority to transfer information technology positions and funding.

PART NN requires the carry forward of balances in the Management Information Systems program, General Fund account and lapses unencumbered balance forward in the General Purpose Aid for Local Schools, General Fund to the General Fund.

PART OO allows the Department of Health and Human Services to seek collection of certain debts by transferring the debt to the Department of Administrative and Financial Services, Bureau of Revenue Services for collection by the bureau under its tax collection authority or using a specified set-off procedure.

PART PP transfers surplus funds of the State Fire Marshal Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART QQ requires a specified savings in the General Fund to be achieved through the elimination of state positions.

PART RR repeals the educational attainment investment tax credits in the income tax and insurance premiums tax statutes.

PART SS repeals the recruitment credits in the income tax and insurance premiums tax statutes.

PART TT directs the Department of Human Services to apply for a federal waiver to establish a different preferred drug list for MaineCare members enrolled under the childless adult waiver, and makes other provisions for the administration of the prescription drug benefit.

PART UU revises the time frame for the elimination of 100 positions in the Office of MaineCare Services and

requires a report on the positions to be eliminated.

PART VV lapses unencumbered funds from the Department of Conservation to the General Fund.

PART WW incorporates LD 262 as amended by the Taxation Committee. It also amends the real estate transfer tax provisions regarding transfers made to the Housing Opportunities for Maine Fund.

PART XX increases the special housing allowance available to certain TANF recipients and provides a new transitional benefit.

PART YY requires a plan of consolidation, eliminating duplication or creating greater efficiencies in certain ministerial licensing and registration functions, food safety inspection activities and the regulation of drinking water and septic systems.

PART ZZ provides that the proceeds from the sale or lease of certain properties must be deposited in the General Fund.

PART AAA requires the State Controller to ensure that all financial commitments and adjustments have been made before transferring unexpended Personal Services balances to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

PART BBB transfers funds from the Maine Coastal and Inland Surface Oil Clean-up Fund to the unappropriated surplus of the General Fund.

PART CCC updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes concerning income tax and estate tax laws, enacts new modifications for individual and corporate income tax to include provisions enacted in the Economic Stimulus Act of 2008, enacts new modifications to itemized deductions for individuals and the fiduciary adjustment for estates and trusts and enacts a new addition modification related to the exclusion from income of certain state and local tax benefits or qualified payments to a member of a qualified volunteer emergency response organization.

PART DDD provides technical amendments to the service provider tax provisions of the Maine Revised Statutes.

PART EEE transfers Personal Services unencumbered balances in the Disproportionate Share General Fund accounts of the Riverview and Dorothy Dix Psychiatric Centers to the All Other line category.

PART FFF reduces funding as part of a departmentwide reorganization of the Department of Health and Human Services and requires a report to the legislature detailing the new organizational structure and the specific positions eliminated.

PART GGG provides one-time funds for an independent review and evaluation to determine the effectiveness of economic development programs and tax incentives implemented throughout State Government.

PART HHH transfers funds from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART III provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from reducing the services provided through the cooperative agreement with the University of Maine System.

PART JJJ provides the method for distributing departmentwide savings that will result from consolidating outpatient

services into one section of MaineCare.

PART KKK specifies conditions under which a person is allowed to report on the income tax return the sales tax on casual rentals rather than filing sales and use tax returns.

PART LLL increases camping fees for nonresidents and requires the meals and lodging tax to be added to the fees for both residents and nonresidents.

PART MMM transfers funds from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund.

PART NNN authorizes the Department of Health and Human Services to assess an annual enrollment fee to certain participants in the MaineCare program.

PART OOO transfers funds from Other Special Revenue Funds to the unappropriated surplus of the General Fund by June 30, 2008 and requires the reversal of the transfer on July 1, 2008 as repayment.

PART PPP increases the fee for background checks performed by the State Bureau of Identification and dedicates a portion of the fee to offset the cost of maintenance and replacement of hardware and software associated with the system.

PART QQQ increases the license fee on certificates of approval from $600 to $1,000 for malt liquor and for wine for out-of-state alcohol manufacturers.

PART RRR requires training funds paid to the employer under the Governor's Training Initiative Program to be on a reimbursement basis and limits the reimbursement rates.

PART SSS makes distributions form the County Jail Prisoner Support Fund discretionary and directs the Commissioner of Corrections to review the current organizational structure.

PARTS TTT through ZZZ require savings identified in the Initiative to Streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ in central services, telecommunications, technology training, postal and printing functions, employment and general advertising, and property and vehicle liability insurance.

PART AAAA limits the subtraction modification for the recapture of carry-back net operating losses and allows unused amounts resulting from the limitation to be carried over to future tax years.

PART BBBB restores the maximum benefit base under the Maine Residents Property Tax Program and repeals indexing of those amounts for inflation.

PART CCCC prohibits charging the Companion Animal Sterilization Fund for indirect costs under a Department of Agriculture, Food and Rural Resources indirect cost allocation plan, authorizes the Commissioner to contract out administration of the fund, limits expenditures for administration and directs a review of the fund and its administration.

PART DDDD transfers funds from various accounts within the Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund, specifies that the amount to be transferred represents available balances and prohibits an increase in assessed fees as a result of the transfer.

PART EEEE transfers funds from the Emergency Services Communications Bureau, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund.

PART FFFF requires the Treasurer of State to implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

PART GGGG directs the establishment by rule of license fees for food and food salvage establishments, meat and poultry processors and beverage plants to increase revenue by a specified amount as well as fees for registering a fuel dispensing nozzle and payments to local sealers for inspection of dispensing nozzles.

PART HHHH allocates funds from the Fund for a Healthy Maine to offset reductions in block grant funding or other reductions in family planning services, domestic violence and sexual assault programs, the Hancock County Drug Court and agencies that provide HIV/AIDS services.

PART IIII provides Fund for a Healthy Maine funding to local school units that provide breakfasts to eligible students for the student's portion of the cost of the breakfast.

PART JJJJ requires the Department of Education to work with other departments to better coordinate efforts to assist youths with handicaps who are in transition from school to the community.

PART KKKK requires that any fees associated with the Steve Powell Wildlife Management Area be deposited into a dedicated revenue account.

PART LLLL affects the Office of Program Evaluation and Government Accountability and was, subsequently, significantly amended by LD 2307, Public Law 2007, chapter 710.

PART MMMM requires the Commissioner of Health and Human Services to consult with the Court Master regarding proposed administrative staffing changes or changes in administrative position counts at Riverview Psychiatric Center and to provide notice to the Legislature regarding proposed changes and the results of the consultation with the Court Master.

PART NNNN requires the monthly reports concerning individuals with mental retardation and developmental disabilities.

PART OOOO establishes a position in the Department of Conservation to offset an eliminated position in the Land Use Regulation Commission, restores some funding for the civil air patrol program and adjusts funding between fiscal years to fund indigent defense.

PART PPPP establishes the Commission To Review Short-term and Long-term Costs in the Maine Public Employees Retirement System.

**LD 2290** **An Act To Protect Access to Health Care** **PUBLIC 545**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | | |

This bill gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication and provide a minimum level of crisis services established by the department. It includes appropriations for mental health consolidated crisis services and community integration services. It provides increased funding for MaineCare home- and community-based services for people who are served through the Medicaid Mental Retardation Waiver. It appropriates funds for hospital-based physicians and additional payments to hospitals. This

bill also updates the base year for the hospital tax and excludes municipally funded hospitals from the tax after July 1, 2008. This bill was enacted without reference to any committee.

**Enacted Law Summary**

Public Law 2007, chapter 545 gives the community service networks the responsibility of providing consolidated mental health crisis services for children and adults, beginning March 1, 2009, through a memorandum of understanding among providers of mental health services in the network that includes provisions to ensure coordination, eliminate duplication and provide a minimum level of crisis services established by the department. It includes appropriations for mental health consolidated crisis services and community integration services. It provides increased funding for MaineCare home- and community-based services for people who are served through the Medicaid Mental Retardation Waiver. It appropriates funds for hospital-based physicians and additional payments to hospitals. It also updates the base year for the hospital tax and excludes municipally funded hospitals from the tax after July 1, 2008.

# *Joint Standing Committee on Appropriations and Financial Affairs*

## SUBJECT INDEX

### *Budget Bills*

**Enacted**

| | | |
|---|---|---|
| LD 2289 | An Act Making 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 Years Ending June 30, 2008 and June 30, 2009 | PUBLIC 539 |
| LD 2290 | An Act To Protect Access to Health Care | PUBLIC 545 |

**Not Enacted**

| | | |
|---|---|---|
| LD 2173 | 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 Years Ending June 30, 2008 and June 30, 2009 | DIED BETWEEN HOUSES |

### *Fiscal Policy*

**Enacted**

| | | |
|---|---|---|
| LD 1424 | An Act Requiring Long-range Budget Planning | PUBLIC 613 |

**Not Enacted**

| | | |
|---|---|---|
| LD 425 | An Act Regarding the Accounting Procedure for Certain State Programs | ONTP |
| LD 782 | An Act To Establish a New Method of Determining the State Budget | ONTP |
| LD 804 | An Act To Ensure Responsible Government Spending, Investment and Educational Efficiency | ONTP |
| 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 | ONTP |
| LD 1852 | An Act To Provide Taxpayer Relief | ONTP |
| LD 2226 | An Act To Amend the Laws Governing the State's Cash Investment Policies | DIED ON ADJOURNMENT |

## *Miscellaneous Funding and Other Requests*

**Enacted**

| | | |
|---|---|---|
| LD 63 | Resolve, To Study Ways To Increase Access to After-school Programs | RESOLVE 211 |
| LD 305 | Resolve, To Investigate the Possibility of Expanding Cellular Telephone Service in Certain Rural Areas | RESOLVE 212 |
| LD 1991 | Resolve, To Create a Working Group To Develop Options for Long-term Funding for the Northern New England Poison Center | RESOLVE 206 |
| LD 2231 | An Act To Reduce the Cost of Prescription Drugs Purchased by the State and Counties by Using Section 340B of the Federal Public Health Service Act | P & S 43 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 65 | An Act To Provide Funding for Mentoring Programs | ONTP |
| LD 120 | An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais | ONTP |
| LD 186 | An Act To Provide Funding to the St. Francis Water District for New Wells | ONTP |
| LD 189 | An Act To Invest in an Allied Health Center at Northern Maine Community College | ONTP |
| LD 314 | An Act To Restore Funding for the Reading Recovery Program | ONTP |
| LD 646 | An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs | ONTP |
| LD 721 | An Act To Restore Support for HIV and AIDS Treatment and Prevention | ONTP |
| LD 744 | An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine | ONTP |
| LD 793 | An Act To Provide Essential Library Resources to All Maine Communities | ONTP |
| LD 817 | An Act To Support the Maine Keeping Seniors Home Program | ONTP |
| LD 925 | An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities | ONTP |
| LD 1065 | Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers | ONTP |
| LD 1190 | An Act To Promote Economic Growth through Education for Androscoggin County | ONTP |
| LD 1268 | An Act To Fund the Nursing Education Loan Repayment Program and Fund | ONTP |
| LD 1848 | An Act To Promote Sustainable Prosperity | ONTP |

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|---|---|---|
| LD 2042 | An Act To Facilitate the Diversion of Persons with Mental Illness and Substance Abuse away from Incarceration through the Co-occurring Disorders Court | ONTP |
| LD 2077 | An Act To Increase the State Subsidy for Adult Education within the Department of Education | ONTP |
| LD 2098 | An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program | ACCEPTED ONTP REPORT |
| LD 2116 | An Act To Provide for the Construction of a Warehouse in Eastport | ONTP |
| LD 2208 | An Act To Provide Additional Funding for the Low-income Home Energy Assistance Program | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

May 2008


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**LD 270** **Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROBINSON<br>BROMLEY | ONTP | |

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.

**LD 790** **An Act To Strengthen Rural Community Investment** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | ONTP MAJ<br>OTP-AM MIN | |

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.

**LD 833** **An Act To Support the Maine Patent Program** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER<br>HOBBINS | OTP-AM | H-637 |

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.

**Committee Amendment "B" (H-637)**

This amendment replaces the appropriations and allocations section of the bill and makes a one-time General Fund appropriation of $250,000 in fiscal year 2008-09 for the University of Maine School of Law's Maine Patent Program.

**LD 1038** **Resolve, Directing the Department of Professional and Financial Regulation To Study the Issue of Residential Contractor Licensing** **RESOLVE 219**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HINCK | OTP-AM MAJ<br>ONTP MIN | H-978<br>H-997 SAMSON |

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.

**Committee Amendment "A" (H-978)**

This amendment establishes the Maine Residential Contractor Licensing Board as an affiliated board within the Department of Professional and Financial Regulation. Beginning January 1, 2012, the board will be responsible for issuing licenses to residential contractors in Maine in order to ensure that residential contractors build according to uniform building and energy standards, as well as to ensure that residential contractors comply with the home construction contract requirements of Title 10, chapter 219-A.

**House Amendment "A" (H-997)**

This amendment changes Committee Amendment "A" to create a resolve directing the Department of Professional and Financial Regulation to study the issue of residential contractor licensing. The department is required to report its recommendations for residential contractor licensing to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, which may submit legislation to the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 219 is a resolve directing the Department of Professional and Financial Regulation to study the issue of residential contractor licensing. The department is required to report its recommendations for residential contractor licensing to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, which may submit legislation to the Second Regular Session of the 124th Legislature.

**LD 1128** **An Act To Require Electronic Monitoring of Secondary Sales Transactions** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SMITH N<br>PERRY J | ONTP | |

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.

**LD 1210 An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | ONTP | |

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.

**LD 1215 An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | ONTP | |

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.

See LD 2320 for the committee bill reported out pursuant to S.P. 873 on this subject.

**LD 1937 An Act Regarding the Maine Regulatory Fairness Board** **PUBLIC 676 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SMITH N | OTP-AM | H-933<br>S-673 ROTUNDO |

This bill allows the members of the Maine Regulatory Fairness Board to be reimbursed for their expenses.

**Committee Amendment "A" (H-933)**

This amendment adds an appropriations and allocations section to the bill.

**Senate Amendment "A" (S-673)**

This amendment deappropriates $1,062 in fiscal year 2007-08 and $3,187 in fiscal year 2008-09 from the Maine Small Business Commission Program within the Department of Economic and Community Development and makes a corresponding appropriation to the Executive Department, State Planning Office to fund the cost of reimbursing members of the Maine Regulatory Fairness Board for expenses.

**Enacted Law Summary**

Public Law 2007, chapter 676 allows the members of the Maine Regulatory Fairness Board to be reimbursed for their expenses.

Public Law 2007, chapter 676 was enacted as an emergency measure effective April 23, 2008.

**LD 1963** **An Act Regarding the Training of Applicants for a Limited Radiographer License by Licensed Practitioners** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TURNER | ONTP | |

This bill amends the section of law governing medical radiation health and safety as they relate to the award of a limited radiographer license by the Radiologic Technology Board of Examiners to provide that an applicant may train in the use of fluoroscopic equipment if the applicant is under the direct supervision of a licensed practitioner.

**LD 1995** **An Act To Strengthen the Maine Small Business and Entrepreneurship Commission** **PUBLIC 585**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROMLEY | OTP-AM | S-477 |

This bill makes several changes to the law governing the Maine Small Business and Entrepreneurship Commission. Specifically, the bill does the following:

1. Under current law, the Commissioner of Economic and Community Development appoints 3 public members to the commission with expertise and knowledge in small business and entrepreneurship. Under this bill, the Governor appoints those members, subject to confirmation by the Senate, for 3-year staggered terms.

2. The bill provides that the chair of the commission is the Commissioner of Economic and Community Development or the commissioner's designee.

3. The bill requires the Department of Economic and Community Development to provide both professional and clerical staff to the commission.

4. The bill makes the commission the functional equivalent of a board of directors for the Small Business Development Center Program and requires the commission to adopt a set of governance procedures and submit funding recommendations to the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

5. The bill requires the chair of the commission to issue an annual report on small business economic development in the State.

**Committee Amendment "A" (S-477)**

This amendment replaces the bill. It removes the District Director of the United States Small Business Administration's Maine District Office as a member of the Small Business and Entrepreneurship Commission. The amendment also requires the commission to submit an annual report beginning January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters that includes the commission's proposed quarterly meeting schedule for the year, as well as a summary of the Small Business Development Center Program's activities in Maine that focuses on its collaborative efforts with other economic development programs in the State. It also establishes 3-year terms for public members appointed to the commission and requires the Commissioner of Economic and Community Development to establish staggered terms for the public members.

**Enacted Law Summary**

Public Law 2007, chapter 585 removes the District Director of the United States Small Business Administration's Maine District Office as a member of the Small Business and Entrepreneurship Commission. It also requires the commission to submit an annual report beginning January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters that includes the commission's proposed quarterly meeting schedule for the year, as well as a summary of the Small Business Development Center Program's activities in Maine that focuses on its collaborative efforts with other economic development programs in the State. It establishes 3-year terms for public members appointed to the commission and requires the Commissioner of Economic and Community Development to establish staggered terms for the public members.

**LD 2003** **An Act To Create the Southern York County Regional Development Authority** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | ONTP | |

This bill creates a regional development authority in southern York County. Initially, 6 named communities in southern York County are eligible to be part of the authority and have the opportunity to vote on whether to become participating members of that authority. This concept resulted from the regional effort of several communities located in southern York County and has been developed as a result of a regional development grant awarded to the Town of South Berwick by the Executive Department, State Planning Office.

The Southern York County Regional Development Authority would have broad legal authority to engage in activities to promote, facilitate and conduct economic development through the creation of jobs, educational programs and workforce housing and other related activities, which would all take place through a coordinated, cooperative regional effort among the communities that vote to become members of the regional development authority.

**LD 2024** **An Act To Clarify the Licensure of Advanced Practice Registered Nurses** **PUBLIC 498**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A | OTP-AM | H-694 |

This bill changes the language providing for authority to practice as an advanced practice registered nurse to provide a one-step licensing process rather than the two-step process currently in place.

**Committee Amendment "A" (H-694)**

This amendment adds an effective date of September 1, 2008 to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 498 provides for a streamlined, one-step licensing process for advanced practice registered nurses. The law has an effective date of September 1, 2008.

**LD 2078** **Resolve, To Determine Methods of Securing a Trained Laboratory Workforce for Maine** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PENDLETON | ONTP | |

This resolve directs the Department of Economic and Community Development, Maine Office of Innovation to administer a working group to study the current shortage of trained qualified laboratory technicians and to report back to the Legislature its findings as to how the educational systems of the State can help to relieve the shortage.

**LD 2120** **An Act To Require That Sellers of Scrap Metal Provide Identification** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MCFADDEN | ONTP | |

This bill requires sellers of scrap metal to provide written documentation of their identity to junk dealers. It requires a junk dealer to provide payment to a seller of scrap metal in the form of a check for which the dealer maintains a record of the payee, check number and name of the financial institution upon which the check is drawn.

**LD 2124** **An Act To Prevent the Theft of Certain Metals** **PUBLIC 549 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BERRY | OTP-AM | H-771 |

The purpose of this bill, which is based on Arkansas law, is to prevent the theft of certain metals. Specifically, this bill:

1. Requires that scrap metal recyclers doing business in the State maintain an accurate and legible record of each scrap metal purchase transaction in excess of 100 pounds or $50;

2. Requires that a seller of scrap metal provide to the purchaser identification and a signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal;

3. Restricts the sale and purchase of certain items without reasonable, written documentation that the seller is the owner of the scrap metal or is authorized to sell the scrap metal;

4. Provides that, if notice of a known or presumed theft of a product is given to a scrap metal recycler and, within 90 days after the notice, a product meeting the description in the notice is purchased by the scrap metal recycler or offered for sale to the scrap metal recycler, then the scrap metal recycler must notify a law enforcement agent; and

5. Prohibits the purchase of scrap metal from a minor without consent of the parent or guardian.

**Committee Amendment "A" (H-771)**

This amendment makes the following changes to the bill:

1. It adds an emergency preamble and emergency clause and strikes the municipal permit requirement.

2. It replaces all references to scrap metal recyclers with scrap metal processors and clarifies the definition of "scrap metal processor."

3. It changes the penalty for violation of this subchapter from a criminal to a civil penalty.

4. It adds platinum to the list of nonferrous metals and changes the record-keeping requirements to allow a scrap metal processor to provide payment to a seller only in the form of a check, and requires that a record be maintained of the payee, check number and name of the financial institution upon which the check is drawn.

5. It changes the record-keeping requirements by removing the birth date and identifying number and requiring only the name, address and gender of the seller, as long as the scrap metal processor requires the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification.

6. It changes the requirements for the purchase and sale of certain scrap metals to require a signed statement from the seller at the time of sale that the property subject to the transaction is not stolen property to the best of the seller's knowledge and that the seller is the owner or is otherwise authorized to sell the scrap metal.

7. It adds catalytic converters to the list of restricted scrap metals that may be sold and changes the definition of "scrap metal" to include stainless steel and recyclable metal products that are intact as well as those that are in bits and pieces and constituent parts.

8. It clarifies that the exemption from the requirements of this bill for beverage containers does not extend to beer kegs and strikes the mandatory law enforcement notification requirement on a scrap metal processor that requires the scrap metal processor to notify law enforcement that nonferrous metal products were purchased by or offered for sale to the scrap metal processor.

9. It strikes the provision that states that records and statements must be made available in any legal proceeding, as the law already provides a process for the discovery of this type of information during legal proceedings.

10. It clarifies that a scrap metal processor may not purchase scrap metal from a minor unless the minor is accompanied by the minor's parent or guardian and the parent or guardian provides a written statement to the scrap metal processor that the transaction is taking place with the parent's or guardian's full knowledge and consent.

**Enacted Law Summary**

Public Law 2007, chapter 549 establishes the following requirements and restrictions for the purchase and sale of scrap metal:

1. A scrap metal processor doing business in the State must maintain an accurate and legible record of each scrap metal purchase transaction in excess of 100 pounds or $50, must provide payment to a seller only in the form of a check and a record must be maintained of the payee, check number and name of the financial institution upon which the check is drawn;

2. The record of each scrap metal purchase transaction must contain the name, address and gender of the seller, and

the processor must require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photo identification. The record must also include the date and general description of the scrap metal, the weight, quantity or volume of the scrap metal, as well as a signed statement that the seller is the owner or is otherwise authorized to sell the scrap metal;

3. Restricts the sale and purchase of specific types of scrap metal to require a signed statement from the seller at the time of sale that the property subject to the transaction is not stolen property to the best of the seller's knowledge and that the seller is the owner or is otherwise authorized to sell the scrap metal;

4. Prohibits the purchase of scrap metal from a minor unless the minor is accompanied by a parent or guardian and the parent or guardian provides a written statement to the scrap metal processor that the transaction is taking place with the parent's or guardian's full knowledge and consent; and

5. Establishes a civil penalty for violation of this subchapter.

Public Law 2007, chapter 549 was enacted as an emergency measure effective April 3, 2008.

**LD 2143** **An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EATON | ONTP MAJ<br>OTP-AM MIN | |

This bill requires sellers of consumer goods who offer service contracts for sale to instruct their employees who deal with buyers of the requirements under the State's implied warranty laws. It also requires the Attorney General to publish a brochure on the State's implied warranty laws and to provide copies at no cost to sellers of consumer goods.

**Committee Amendment "A" (H-823)**

This amendment is the minority report of the committee. It replaces the requirement of a seller's informing its employees of the State's implied warranty laws with the requirement that, beginning November 1, 2008, a seller of consumer goods who also offers for sale service contracts, with the exception of new and used motor vehicles, post a notice for buyers of consumer goods that summarizes in plain language the consumer's implied warranty rights. It requires the notice to be posted in a prominent location where the consumer goods are sold, in boldface type and in nontechnical language that is understandable by the general public.

The amendment also requires the Attorney General to publish a brochure on the State's implied warranty laws by September 1, 2008 that summarizes in plain language the consumer's implied warranty rights under the State's implied warranty laws, as well as a model notice for sellers of consumer goods to post where consumer goods are sold, and provide both at no cost to sellers of consumer goods in the State.

**LD 2159** **An Act To Advance the Maine Economy** **PUBLIC 644**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP-AM | S-566 |

This bill creates and provides funding for the Maine Expansion Fund, to be administered by the Department of Economic and Community Development, Office of Innovation. The fund consists of ongoing appropriations and

will provide grants to municipalities, which must match the grants, to aid eligible businesses to locate or expand in the State.

The bill amends current law to enhance the development of green energy in Maine by transferring annually 20% of the money in the conservation program fund to the Renewable Resource Fund and annually 75% of that money to the Maine Technology Institute to support the development and commercialization of renewable energy resources.

The bill also requires the Department of Economic and Community Development, Office of Innovation and Office of Business Development to work with other entities to develop and implement a strategic action plan to align the State's business development support network with potential high-growth companies and to report to the Legislature on the progress of the plan by March 2, 2009.

The bill provides additional ongoing funds to the Maine Quality Centers in the Maine Community College System and to the Governor's Training Initiative Program in the Department of Labor.

**Committee Amendment "A" (S-566)**

This amendment strikes sections 1, 5, 6, 7, 9 and 10 of the bill. It reduces the annual distribution percentage of funds transferred to the Maine Technology Institute from the Renewable Resource Fund from 75% to 35%. It also adds the Maine Center for Enterprise Development to the list of entities working collaboratively with the Office of Innovation on the design of a leadership and entrepreneurial development program. This amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 644 provides support for the development of green energy in Maine by transferring annually 35% of the Renewable Resource Fund to the Maine Technology Institute to support the development and commercialization of renewable energy resources. The law also requires the Department of Economic and Community Development, Office of Innovation to work with the University of Maine's Student Innovation Center to develop a collaborative effort with the Technology Institute, the Small Business Development Centers, the Department of Economic and Community Development's business development specialists, the Maine Manufacturing Extension Partnership, the Target Technology Incubator, the Maine Center for Enterprise Development and the Small Enterprise Growth Fund to design a leadership and entrepreneurial development program.

The program must match up to 10 high-growth potential entrepreneurs per year with best-in-class training, resources and mentors. The program may seek outside funds from foundations, government or other sources to fund the program. The law requires the Office of Innovation to submit a report to the joint standing committee of the Legislature having jurisdiction over business and economic development matters on the program by March 1, 2009.

## LD 2179 An Act To Promote Residential and Commercial Energy Conservation — INDEF PP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | JT RULE 309 | |

This bill establishes a system for the regulation and inspection of building energy standards. It also creates a tax credit for homes certified as United States Environmental Protection Agency's Energy Star program qualified homes and creates a high-performance building standard incentive.

**LD 2185** **An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds** **P & S 41 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROMLEY | OTP-AM | S-473 |

This bill establishes the allocations of the state ceiling on the issuance of tax-exempt bonds for calendar years 2008 and 2009. Under federal law, a maximum of $262,095,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2008 and at least $262,095,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2009. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-473)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2007, chapter 41 establishes the allocations of the state ceiling on the issuance of tax-exempt bonds for calendar years 2008 and 2009. Under federal law, a maximum of $262,095,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2008 and at least $262,095,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2009. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2007, chapter 41 was enacted as an emergency measure effective April 1, 2008.

**LD 2186** **Resolve, Regarding the Operations of the Greater Portland Public Development Commission** **RESOLVE 224**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | ONTP MAJ<br>OTP-AM MIN | H-809<br>H-969 CLEARY |

This bill directs the disposition of funds and other assets of the Greater Portland Public Development Commission, which was created by the Legislature in 1945 to dispose of World War II South Portland shipyard assets and to promote economic development in the City of Portland and the City of South Portland.

This bill authorizes the permanent transfer or assignment of the commission's remaining funds and other assets to a nonprofit organization with a mission consistent with the commission's mission to continue the commission's economic development efforts in the City of Portland and the City of South Portland and provides for the subsequent termination of the commission's legal existence.

**Committee Amendment "A" (H-809)**

This amendment incorporates a fiscal note.

**House Amendment "A" (H-969)**

This amendment replaces the bill. Unlike the bill, which directed the disposition of funds and other assets of the Greater Portland Public Development Commission, this amendment instead directs the Greater Portland Public Development Commission to submit an audited financial statement to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2009, and authorizes

the joint standing committee to report out legislation regarding the operations of the commission. Pending final disposition of that legislation, this resolve prohibits the Greater Portland Public Development Commission from expending funds, incurring liabilities and taking on new business activity.

**Enacted Law Summary**

Resolve 2007, chapter 224 directs the Greater Portland Public Development Commission to submit an audited financial statement to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2009, and authorizes the joint standing committee to report out legislation regarding the operations of the commission. Pending final disposition of that legislation, this resolve prohibits the Greater Portland Public Development Commission from expending funds, incurring liabilities and taking on new business activity.

**LD 2250** **Resolve, Regarding Legislative Review of Portions of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office** **RESOLVE 205 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 220: Methodology for Identification of Regional Service Centers, a major substantive rule of the Executive Department, State Planning Office.

**Enacted Law Summary**

Resolve 2007, chapter 205 authorizes the final adoption of portions of Chapter 220: Methodology for Identification of Regional Service Centers, a provisionally adopted major substantive rule of the Executive Department, State Planning Office.

Resolve 2007, chapter 205 was enacted as an emergency measure effective April 15, 2008.

**LD 2253** **An Act To Provide Access to Certain Medications to Certified Midwives** **PUBLIC 669**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>OTP-AM MIN | H-936 |

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-935)**

This amendment is the majority report of the committee. The amendment replaces the bill and establishes a license for certified professional midwives under the Board of Complementary Health Care Providers. It adds 2 licensed midwives to the board. The amendment restricts the use of the title "licensed midwife" and the abbreviation "L.M." to licensed midwives who hold a current license to practice midwifery in this State. It authorizes licensed midwives to possess and administer a limited number of noncontrolled prescription drugs and substances in the course of the practice of midwifery, including oxygen; oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing agents for repair of lacerations. It requires midwives to report the use of the antihemorrhagic medication to the maternal and child health division of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

It also provides that a pharmacist, acting in good faith, is not prohibited from selling and dispensing any of those drugs and substances to a licensed midwife. A pharmacist, or person acting at the direction of a pharmacist, who in good faith sells and dispenses noncontrolled prescription drugs and substances to a licensed midwife is not liable for any adverse reactions caused by any method of use by the licensed midwife. A pharmacist, or person acting at the direction of a pharmacist, who makes a report to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information. It also establishes a rebuttable presumption of good faith for pharmacists.

**Committee Amendment "B" (H-936)**

This amendment is the minority report of the committee. The amendment replaces the bill and authorizes midwives certified by an international certification agency to possess and administer a limited number of noncontrolled prescription drugs and substances in the course of the practice of midwifery, including oxygen; oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing agents for repair of lacerations. It requires midwives to report the use of the antihemorrhagic medication to the maternal and child health division of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

It provides that a pharmacist, acting in good faith, is not prohibited from selling and dispensing any of those drugs and substances to a midwife. A pharmacist, or person acting at the direction of a pharmacist, who in good faith sells and dispenses noncontrolled prescription drugs and substances to a midwife is not liable for any adverse reactions caused by any method of use by the midwife. A pharmacist, or person acting at the direction of a pharmacist, who makes a report to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information. It also establishes a rebuttable presumption of good faith for pharmacists.

**Enacted Law Summary**

Public Law 2007, chapter 669 authorizes certified professional midwives to possess and administer a limited number of noncontrolled prescription drugs and substances in the course of the practice of midwifery, including oxygen; oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing agents for repair of lacerations. It requires midwives to report the use of the antihemorrhagic medication to the maternal and child health division of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

The law provides that a pharmacist, acting in good faith, is not prohibited from selling and dispensing any of those drugs and substances to a midwife. A pharmacist, or person acting at the direction of a pharmacist, who in good faith sells and dispenses noncontrolled prescription drugs and substances to a midwife is not liable for any adverse reactions caused by any method of use by the midwife. In addition, a pharmacist, or person acting at the direction of a pharmacist, who makes a report to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information. The law also establishes a rebuttable presumption of good faith for pharmacists.

**LD 2257 An Act To Establish a Uniform Building and Energy Code** **PUBLIC 699**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ | H-1005 SMITH N |
| | OTP-AM MIN | H-983 |

This bill defines a uniform statewide building and energy code, known as the Maine Uniform Building and Energy Code, that will replace all building and energy codes adopted by state agencies and municipalities. It establishes the Technical Building Codes and Standards Board in the Department of Public Safety, which will amend, update and adopt the code. The board will also identify and resolve conflicts between the code and other building-related codes, publish conflict resolutions on the Internet within 30 days, establish a process for considering amendments suggested by municipalities and citizens and ensure that training and certification for municipal building inspectors is readily available, affordable and accessible. The board may appoint technical advisory groups to make recommendations on specific code issues.

It also establishes the Division of Building Codes and Standards in the Department of Public Safety in the Office of the State Fire Marshal to provide administrative and technical support. The division will include a technical codes coordinator to provide technical support to the board, a training coordinator to establish a training program for building inspectors and an office specialist to provide administrative support for the board and division staff.
Enforcement of the code will be carried out by local building inspectors in municipalities of more than 2,000 residents, and these municipalities are considered the authority having jurisdiction over matters of local code enforcement. Enforcement of the code in municipalities with fewer than 2,000 residents is optional. Funding for the board, the division and training expenses for building inspectors will be provided from a surcharge on fire and life safety code plan review fees through the Office of State Fire Marshal and standards plan reviews for commercial and public buildings. All funding is to be deposited into a Department of Public Safety dedicated revenue fund called the Uniform Building Codes and Standards Fund.

**Committee Amendment "A" (H-983)**

This amendment is the majority report of the committee.

1. It amends the membership of the Technical Building Codes and Standards Board in the Department of Public Safety.

2. It provides the board with the authority to resolve conflicts only between the Maine Uniform Building and Energy Code and the fire and life safety codes.

3. It requires the board to adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties.

4. It requires the board on December 31st of each calendar year beginning in 2010 to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in the Maine Revised Statutes, Title 10, section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue.

5. It changes the establishment of the Division of Building Codes and Standards in the Department of Public Safety, instead establishing it as an independent bureau within the Department of Public Safety.

6. It amends the energy efficiency building standards laws to incorporate the standards of the Maine Uniform Building and Energy Code.

7. It provides that, beginning July 1, 2010, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 2,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 2,000 residents and that has not adopted any building code by August 1, 2008. It provides that the Maine Uniform Building and Energy Code be enforced through inspections that comply with the code through any of the following means: (A) municipally appointed building officials and local code enforcement officers; (B) interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant

to Title 10, section 9723; (C) contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and (D) reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in Title 25, section 2357 that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

8. It replaces the term "inspector of buildings" with "building official."

9. It adds a definition for "3rd-party inspector" and requires the board to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors.

10. It clarifies that the Executive Department, State Planning Office is responsible for implementing the training and certification program established by the board.

11. It adds an appropriations and allocations section.

**Committee Amendment "B" (H-984)**

This amendment is the minority report of the committee.

1. It establishes the Maine Uniform Building Code and removes references in the code to the International Energy Conservation Code and the Maine model radon standard for new residential construction set forth in the Maine Revised Statutes, Title 25, section 2466 and associated rules.

2. It amends the membership of the Technical Building Codes and Standards Board in the Department of Public Safety.

3. It provides the board with the authority to resolve conflicts only between the Maine Uniform Building Code and the fire and life safety codes.

4. It requires the board to adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties and sunsets the duties of the board in January 2012.

5. It requires the board on December 31st of each calendar year beginning in 2010 to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in Title 10, section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue.

6. It changes the establishment of the Division of Building Codes and Standards in the Department of Public Safety, instead establishing it as an independent bureau within the Department of Public Safety.

7. It removes mandatory enforcement of the Maine Uniform Building Code and provides that municipalities may choose to enforce the Maine Uniform Building Code through inspections that comply with the code through any of the following means: (A) building officials and local code enforcement officers; (B) interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; (C) contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and (D) reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

8. It sunsets the surcharge on plan review fees in January 2012.

9. It replaces the term "inspector of buildings" with "building official."

10. It adds a definition for "3rd-party inspector" and requires the board to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors.

11. It clarifies that the Executive Department, State Planning Office is responsible for implementing the training and certification program established by the board.

12. It adds an appropriations and allocations section.

13. It adds a report on local enforcement efforts from the board to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by December 1, 2013.

**House Amendment "A" (H-996)**

This amendment directs the Technical Building Codes and Standards Board, in adopting and amending the Maine Uniform Building and Energy Code, to ensure that nontraditional or experimental construction, including straw bale and earth berm construction, and building materials from sawmills and lumber yards are permissible under the code. This amendment also specifies that the requirements of the Maine Uniform Building and Energy Code do not apply to post and beam and timber frame construction.

**House Amendment "B" (H-1005)**

This amendment directs the Technical Building Codes and Standards Board, in adopting and amending the Maine Uniform Building and Energy Code, to ensure that nontraditional or experimental construction, including straw bale and earth berm construction, and building materials from local sawmills are permissible under the code. This amendment also specifies that the requirements of the Maine Uniform Building and Energy Code do not apply to post and beam and timber frame construction.

**Enacted Law Summary**

Public Law 2007, chapter 699 establishes a uniform statewide building and energy code, known as the Maine Uniform Building and Energy Code and provides express limitations on municipal home rule authority. It provides that, beginning July 1, 2010, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 2,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 2,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with the code through any of the following means: (A) municipally appointed building officials and local code enforcement officers; (B) interlocal agreements with other municipalities that share the use of building officials certified in building standards; (C) contractual agreements with county or regional authorities that share the use of building officials certified in building standards; and (D) reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in Title 25, section 2357 that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

The law establishes the Technical Building Codes and Standards Board in the Department of Public Safety. The board is responsible for amending, updating and adopting the code and resolving conflicts between the code and the fire and life safety codes. The board must establish a process for considering amendments to the code and adopt rules in accordance with the Administrative Procedures Act that are necessary to carry out its duties. The board is responsible for establishing training and certification program standards for municipal building officials, local code enforcement officers and 3rd-party inspectors. The State Planning Office is responsible for implementing the training and certification program established by the board.

Beginning in 2010, the board is required to provide an annual report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the following:

proposals for proposed conflict resolutions for codes and standards referenced in the Maine Revised Statutes, Title 10, section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue. The board, in adopting and amending the Maine Uniform Building and Energy Code, is required to ensure that nontraditional or experimental construction, including straw bale and earth berm construction, and building materials from local sawmills are permissible under the code. The requirements of the code do not apply to post and beam and timber frame construction, nor do they apply to log homes or manufactured housing.

The law also creates the Bureau of Building Codes and Standards as an independent bureau within the Department of Public Safety to provide administrative and technical support to the board. The bureau includes a technical codes coordinator to provide technical support to the board and an office specialist to provide administrative support for the bureau and board.

The law establishes the Uniform Building Codes and Standards Fund within the Department of Public Safety to provide funding for the board, bureau and the State Planning Office for training expenses. Revenue for the fund will be provided from a surcharge on fire and life safety code plan review fees through the Office of State Fire Marshal and standards plan reviews for commercial and public buildings.

**LD 2264** **An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review** **PUBLIC 645**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-1004 |

This bill provides the Maine State Housing Authority with the authority to encourage and provide incentives to individuals and entities that conserve energy; support and participate in markets that reward energy conservation and use the proceeds from this participation to support affordable housing programs under its jurisdiction; and create and administer programs that encourage individuals and entities to conserve energy.

**Committee Amendment "A" (H-1004)**

This amendment clarifies that, in carrying out its authority to support and participate in markets that reward energy conservation, the Maine State Housing Authority may use resources derived from any source except the conservation program fund established by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 5.

**Enacted Law Summary**

Public Law 2007, chapter 645 provides the Maine State Housing Authority with the following authority: (1) to encourage and provide incentives to individuals and entities that conserve energy; (2) to support and participate in markets that reward energy conservation and use the proceeds from this participation to support affordable housing programs under its jurisdiction; and (3) create and administer programs that encourage individuals and entities to conserve energy. The law clarifies that, in carrying out its authority to support and participate in markets that reward energy conservation, the Maine State Housing Authority may use resources derived from any source except the conservation program fund established by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 5.

**LD 2271** **An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority** **PUBLIC 562**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill makes the following changes to the laws governing the Maine State Housing Authority:

1. It eliminates the annual reporting requirement for the recommendations regarding housing for persons under 35 years of age.

2. It provides the Maine State Housing Authority with the ability to administer state and other funds for persons who are homeless.

3. It expands the records protected as confidential records pursuant to the freedom of access law to include the addresses of domestic violence shelters and living accommodations, as well as information collected by recipients of grants, mortgages and mortgage insurance from the authority.

4. It repeals the setting aside of funds within the Housing Opportunities for Maine Fund.

**Enacted Law Summary**

Public Law 2007, chapter 562 makes the following changes to the laws governing the Maine State Housing Authority:

1. It eliminates the annual reporting requirement for the recommendations regarding housing for persons under 35 years of age.

2. It provides the Maine State Housing Authority with the ability to administer state and other funds for persons who are homeless.

3. It expands the records protected as confidential records pursuant to the freedom of access law to include the addresses of domestic violence shelters and living accommodations, as well as information collected by recipients of grants, mortgages and mortgage insurance from the authority.

4. It repeals the setting aside of funds within the Housing Opportunities for Maine Fund.

**LD 2277** **An Act Regarding the Sunrise Review of Oral Health Care Issues** **PUBLIC 620**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-934 |

This bill creates the new license category of independent practice dental hygienist. An independent practice dental hygienist must meet the ordinary requirements for licensure as a dental hygienist and, in addition, must have an associate degree in dental hygiene with 3 years' experience or a bachelor's degree in dental hygiene with one year's experience. The bill authorizes an independent practice dental hygienist to perform specified procedures without supervision by a dentist, but requires an independent practice dental hygienist to provide a patient with a referral plan to a dentist for any necessary dental care. Under this bill an independent practice dental hygienist could be the proprietor of a business or could be an employee of a dentist, denturist, another independent practice dental

hygienist or a business owned by persons who are not dental professionals. The bill also provides the Subcommittee on Denturists with the authority to review applications for licensure and submissions relating to continuing education of denturists, as well as provides the subcommittee with rule-making authority. It also provides the Subcommittee on Dental Hygienist Submissions with rule-making authority.

**Committee Amendment "A" (H-934)**

This amendment provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. It removes all references to the rule-making authority provided to these subcommittees in the bill. It also requires that a proprietor of a business where independent practice dental hygiene is performed be a licensee of the Board of Dental Examiners.

**Enacted Law Summary**

Public Law 2007, chapter 620 creates the new license category of independent practice dental hygienist. An independent practice dental hygienist must meet the ordinary requirements for licensure as a dental hygienist and, in addition, must have an associate degree in dental hygiene with 3 years of experience or a bachelor's degree in dental hygiene with one year of experience. The law authorizes an independent practice dental hygienist to perform specified procedures without supervision by a dentist, but requires an independent practice dental hygienist to provide a patient with a referral plan to a dentist for any necessary dental care. The law provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. The law also allows any licensee of the Board of Dental Examiners to be a proprietor of a business where independent practice dental hygiene is performed.

**LD 2278** **An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation** **PUBLIC 621**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | H-967 SMITH N |

This bill clarifies the legal requirement that licensees report name, address or other material change information to the Department of Professional and Financial Regulation within 10 days of the change; reenacts provisions that permit 2 boards to enforce orders of correction; changes the configuration of certain licensing boards; corrects cross-references in certain board statutes; eliminates unnecessary documentation requirements; repeals the Maine Athletic Commission; and sunsets the "registered counselor" license category.

**House Amendment "A" (H-967)**

This amendment moves the statutory provision pertaining to the duty to require certain information from applicants and licensees from the general administrative authority of the Department of Professional and Financial Regulations, Office of Licensing and Registration to a new section of the Maine Revised Statutes, Title 10 to permit the office and the boards, commissions and regulatory function within the office to enforce this provision.

**Enacted Law Summary**

Public Law 2007, chapter 621 clarifies the legal requirement that licensees report name, address or other material change information to the Department of Professional and Financial Regulation, Office Licensing and Registration within 10 days of the change; reenacts provisions that permit 2 boards to enforce orders of correction; changes the configuration of certain licensing boards; corrects cross-references in certain board statutes; eliminates unnecessary documentation requirements; repeals the Maine Athletic Commission; and sunsets the "registered counselor" license category.

**LD 2317 An Act Regarding the Maine Economic Development Evaluation** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This bill implements the recommendations of the Department of Economic and Community Development relating to streamlining and improving the comprehensive economic development evaluation for the State's economic development programs and incentives. It also reduces duplicative statutory reporting requirements that will be included in the department's comprehensive evaluation process. The bill amends the definition for "economic development incentive."

This bill was reported out of committee pursuant to S.P. 926.

**LD 2320 An Act To Stimulate Capital Investment for Innovative Businesses in Maine** **HELD BY GOVERNOR**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | S-694 ROTUNDO |

This bill is modeled on statutes in Arkansas, Iowa, Michigan, Montana and Utah. It authorizes the establishment of the Maine Fund of Funds within the Small Enterprise Growth Board for the purpose of increasing the availability of venture capital to the Maine economy. The fund is managed by a director chosen by the Small Enterprise Growth Board, who may replace the director at will and has authority to close the fund if necessary to protect the State's interests. The board raises capital for the fund by offering as security refundable tax credits issued by the board, with the goal of attracting venture capital investment in the State's economy. The board maintains regulatory control over the fund. The bill requires annual audits and reports on the fund.

The goal of the fund is to create investments in the Maine economy, which is broadly described as including the development of intellectual capital as well as job creation. The director may invest outside of the State as necessary to maximize returns and reduce the likelihood that tax credits will be redeemed. The bill provides that net profits from the fund after payment of obligations must be remitted to the General Fund. It also provides the Maine Public Employees Retirement System a preference in becoming a lender of capital and a special provision that the Maine Public Employees Retirement System may be granted a piece of the profits as an additional inducement to becoming a capital lender. Tax credits may not be redeemed for defaults occurring later than 2030, and the bill restricts tax credit redemption to $10,000,000 per year.

This bill was reported out of committee pursuant to Joint Order S.P. 873.

**Senate Amendment "A" (S-694)**

This amendment strikes the appropriations and allocations section.

# *Joint Standing Committee on Business, Research and Economic*

## SUBJECT INDEX

### *Business Regulation*

**Enacted**

| | | |
|---|---|---|
| LD 2124 | An Act To Prevent the Theft of Certain Metals | PUBLIC 549 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2120 | An Act To Require That Sellers of Scrap Metal Provide Identification | ONTP |

### *Consumer Protection*

**Not Enacted**

| | | |
|---|---|---|
| LD 1210 | An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles | ONTP |
| LD 2143 | An Act To Require Retailers To Disclose the State's Implied Warranty Laws to Customers | DIED BETWEEN HOUSES |

### *Economic Development- Agencies*

**Enacted**

| | | |
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| LD 1937 | An Act Regarding the Maine Regulatory Fairness Board | PUBLIC 676 EMERGENCY |
| LD 1995 | An Act To Strengthen the Maine Small Business and Entrepreneurship Commission | PUBLIC 585 |
| LD 2186 | Resolve, Regarding the Operations of the Greater Portland Public Development Commission | RESOLVE 224 |
| LD 2250 | Resolve, Regarding Legislative Review of Portions of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office | RESOLVE 205 EMERGENCY |

**Not Enacted**

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|---|---|---|
| LD 2317 | An Act Regarding the Maine Economic Development Evaluation | DIED ON ADJOURNMENT |

### *Economic Development-Programs*

**Enacted**

| | | |
|---|---|---|
| LD 2159 | An Act To Advance the Maine Economy | PUBLIC 644 |

Not Enacted

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|---|---|---|
| LD 270 | Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation | ONTP |
| LD 790 | An Act To Strengthen Rural Community Investment | ACCEPTED ONTP REPORT |
| LD 833 | An Act To Support the Maine Patent Program | DIED ON ADJOURNMENT |
| LD 1215 | An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine | ONTP |
| LD 2003 | An Act To Create the Southern York County Regional Development Authority | ONTP |
| LD 2078 | Resolve, To Determine Methods of Securing a Trained Laboratory Workforce for Maine | ONTP |
| LD 2320 | An Act To Stimulate Capital Investment for Innovative Businesses in Maine | HELD BY GOVERNOR |

## *Housing*

Enacted

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|---|---|---|
| LD 2185 | An Act To Provide for the 2008 and 2009 Allocations of the State Ceiling on Private Activity Bonds | P & S 41 EMERGENCY |
| LD 2264 | An Act To Encourage Energy Conservation by the Maine State Housing Authority Pursuant to the State Government Evaluation Act Review | PUBLIC 645 |
| LD 2271 | An Act Regarding the State Government Evaluation Act Review of the Maine State Housing Authority | PUBLIC 562 |

## *Occupational and Professional Regulation*

Enacted

| | | |
|---|---|---|
| LD 1038 | Resolve, Directing the Department of Professional and Financial Regulation To Study the Issue of Residential Contractor Licensing | RESOLVE 219 |
| LD 2024 | An Act To Clarify the Licensure of Advanced Practice Registered Nurses | PUBLIC 498 |
| LD 2253 | An Act To Provide Access to Certain Medications to Certified Midwives | PUBLIC 669 |
| LD 2257 | An Act To Establish a Uniform Building and Energy Code | PUBLIC 699 |
| LD 2277 | An Act Regarding the Sunrise Review of Oral Health Care Issues | PUBLIC 620 |

| | | |
|---|---|---|
| LD 2278 | **An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation** | **PUBLIC 621** |

**Not Enacted**

| | | |
|---|---|---|
| LD 1128 | **An Act To Require Electronic Monitoring of Secondary Sales Transactions** | **ONTP** |
| LD 1963 | **An Act Regarding the Training of Applicants for a Limited Radiographer License by Licensed Practitioners** | **ONTP** |
| LD 2179 | **An Act To Promote Residential and Commercial Energy Conservation** | **INDEF PP** |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

May 2008


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REP. JOSEPH L. TIBBETTS

**LD 3** **An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SYKES | OTP-AM | H-646 |

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.

**Committee Amendment "B" (H-646)**

This amendment replaces the bill and is the same as Committee Amendment "A" (H-20). This amendment was never removed from the Special Appropriations Table and died on adjournment.

**LD 68** **An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HARLOW | OTP-AM | H-638 |

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.

**Committee Amendment "B" (H-638)**

This amendment replaces the bill and is the same as Committee Amendment "A" (H-123). Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 71** **An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SYKES | OTP-AM | H-639 |

This bill creates a new sentencing alternative and process by which a juvenile is ordered committed after being found not criminally responsible by reason of insanity. The Juvenile Court shall immediately order the juvenile immediately committed to the custody of the Department of Health and Human Services to be placed in an appropriate facility for those with mental illness or mental retardation for care and treatment until the juvenile is no longer a threat to the juvenile or to others or until the juvenile's 18th birthday, when the juvenile must be transferred to an adult facility or released. Six months prior to the juvenile's 18th birthday the State Forensic Service shall issue a report reviewing the appropriateness of continued institutionalization or release. A committed juvenile will continue to attend age-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.

**Committee Amendment "B" (H-639)**

This amendment replaces the bill and is the same as Committee Amendment "A" (H-248). Committee Amendment "B" was not removed from the Special Appropriations Table and died on adjournment.

**LD 149** **An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CROCKETT | OTP-AM | H-647 |

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.

**Committee Amendment "B" (H-647)**

This amendment replaces the bill and is the same as Committee Amendment "A" (H-508). Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 220** **An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GERZOFSKY<br>SHERMAN | OTP-AM | H-648 |

The bill clarifies and expands criminal laws relating to gross sexual assault, sexual abuse of minors and unlawful sexual contact 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 offender either is, or will be, a teacher, employee or other school employee where the victim is enrolled or is a law enforcement officer in the jurisdiction 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.

**Committee Amendment "B" (H-648)**

This amendment replaces the bill and is the same as Committee Amendment "A" (H-93). Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 239** **An Act To Provide a Felony Penalty for Assault on a Firefighter** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DUCHESNE | OTP-AM A<br>ONTP B<br>OTP-AM C | |

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.

**Committee Amendment "B" (H-657)**

This amendment strikes and replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment repeals the law that established the crime of committing assault on emergency medical care providers as a Class C crime. The repeal of this law means that assaults against emergency

medical care providers may be charged under the general assault statute under Title 17-A, section 207. Assault under Title 17-A, section 207 is a Class D crime, unless the victim is under 6 years of age. This amendment makes the penalty for committing an assault on an emergency medical care provider the same as the penalty for committing an assault on a firefighter. The amendment also replaces the title in order to reflect these changes. This amendment was not adopted.

**Committee Amendment "C" (H-658)**

This amendment is one of two minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The other minority report is ought not to pass. This amendment specifies that the provision that establishes assault on a firefighter as a Class C crime applies only when the firefighter is performing official duties at the scene of a fire or other emergency. This amendment was not adopted.

**LD 280** **An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM | S-397 |

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.

**Committee Amendment "B" (S-397)**

This amendment is the same as Committee Amendment "A" (S-98). Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 372** **An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims** **PUBLIC 474**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | OTP-AM | S-398 |

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.

**Committee Amendment "B" (S-398)**

This amendment clarifies that the definition of "furnish" is the same as that currently in the Maine Criminal Code.

**Enacted Law Summary**

Public Law 2007, chapter 474 improves the ability to prosecute certain gross sexual assaults by amending the crime of gross sexual assault to add 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. Public Law 2007, chapter 474 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.

## LD 423 An Act To Ensure the Safety of the Public and of Victims of Sexual Assault — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACOBSEN | ONTP | |

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 — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLEARY | ONTP | |

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 446 An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness

**HELD BY GOVERNOR**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM MAJ | S-594 |
| | OTP-AM MIN | S-669 ROTUNDO |

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.

**Committee Amendment "A" (S-594)**

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety.

Part A of the amendment makes the following changes to the Maine Criminal Code.

1. It amends the crime of prohibited contact with a minor by repealing the element that the person has a duty to register under the Sex Offender Registration and Notification Act of 1999 and by making the law applicable only to those persons convicted on or after June 30, 1992.

2. It repeals from the sentencing provisions the directive that a court order a person convicted of a sex offense or a sexually violent offense to satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. This change clarifies that the Legislature determines that a duty to register exists based on the conviction and that the court's duty is only to notify the person of that duty.

3. It repeals from the probation provisions the directive that a court attach as a condition of probation that a person convicted of a sex offense or a sexually violent offense satisfy all requirements of the Sex Offender Registration and Notification Act of 1999. The court has discretion to order any condition of probation reasonably related to the rehabilitation of the convicted person or the public safety or security, including satisfying registration requirements if appropriate.

Part B of the amendment makes the following changes to the Sex Offender Registration and Notification Act of 1999.

1. It repeals and replaces the application section to specify that those persons sentenced in Maine as an adult or as a juvenile sentenced as an adult for a sex offense or sexually violent offense on or after January 1, 1982 but before June 30, 1992 must continue to register if they remained in execution of their sentence on September 1, 1998; if they have more than one conviction for a Class A sex offense or Class A sexually violent offense whether or not the convictions were on the same date; if, at the time of offense, they had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; or if, at the time of offense, they had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense. The application section continues to require all persons sentenced on or after June 30, 1992 for a sex offense or a sexually violent offense to comply with the registration requirements.

2. It repeals and replaces the application section to specify that those persons sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult on or after January 1, 1982 but before June 30, 1992 must register for an offense that contains the essential elements of a sex offense or sexually violent offense if that person remained in execution of that sentence on September 1, 1998; if that person has more than one conviction for a Class A sex offense or sexually violent offense whether or not the conviction was on the same date; if, at the time of offense, they had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense; or if, at the time of offense, they had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense. The application section continues to require persons to register for a conviction, regardless of the date, if registration is required in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or would have been required pursuant to those laws had the person remained there. The statute continues to require registration for those convicted on or after June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense. The amendment also clarifies that a person must register if the person was sentenced for a specified military, tribal or federal offense.

3. It defines the term "offender" as a person to whom the Sex Offender Registration and Notification Act of 1999 applies.

4. For purposes of establishing a standard for residence and for establishing that the name and birth of the person notified of the duty to register are the same as those of a person convicted of an offense requiring registration, it identifies when specified instances of proof give rise to permissible inferences under the Maine Rules of Evidence, Rule 303.

5. It amends the definition of "sex offense" by removing criminal restraint and all forms of kidnapping except kidnapping for which the actor knowingly restrains another person with the intent to inflict bodily injury upon the other person or subject the other person to sexual assaults prohibited pursuant to Title 17-A, chapter 11.

6. It amends the definition of "lifetime registrant" that pertains to persons classified as lifetime registrants because of having multiple convictions for sex offenses to clarify that the changes made by Public Law 2005, chapter 423 operate prospectively. For persons convicted and sentenced on or after September 17, 2005, the definition remains unchanged except for technical drafting changes. As used in that definition, the term "another conviction" includes a conviction that occurred at any time. Convictions that occur on the same day may be counted as other offenses for the purposes of classifying a person as a lifetime registrant if there is more than one victim or the convictions are for offenses based on different conduct or arising from different criminal episodes. Multiple convictions that result from or are connected with the same act or that result from offenses committed at the same time against one person are considered one conviction. For persons convicted and sentenced before September 17, 2005, the amendment changes the definition of "another conviction" to mean an offense for which sentence was imposed prior to the occurrence of the new offense.

7. It clarifies that a duty to register is not triggered by a court determination, but by and upon notification by a court, the Department of Corrections, the State Bureau of Identification or a law enforcement agency that a person has a duty to register under the Sex Offender Registration and Notification Act of 1999. In response to State v. Johnson, 2005 ME 46, the amendment also specifies that the State Bureau of Identification may correct the term of a registration erroneously assigned to an offender or registrant, as registration is not part of a criminal sentence. In such instances, the bureau shall notify the offender or registrant, the district attorney and court in the jurisdiction where the conviction occurred and the law enforcement agency having jurisdiction where the offender or registrant is domiciled, resides, is employed or attends college or school, if applicable.

8. It clarifies that an affirmative defense provided in the Sex Offender Registration and Notification Act of 1999 may be raised for just cause, which may include that the offender was not aware of the duty to register.

9. It clarifies that a certification made by the record custodian also may be made by the record custodian's designee.

10. It makes these proposed changes retroactive to January 1, 1982.

Part C adds a one-time appropriation for technology services.

**Committee Amendment "B" (S-595)**

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment makes the same changes to the Maine Criminal Code in Part A as the majority report, except that it also amends the Maine Revised Statutes, Title 17-A, section 261 to specify that the law applies to persons who were convicted on or after January 1, 1982 of a Class B, C, D or E offense and without restriction as to time of conviction for persons convicted of a Class A offense.

Part B of this amendment also makes many of the same changes to the Sex Offender Registration and Notification Act of 1999 as the majority report, except for the following. Instead of removing registrants from the sex offender registry altogether, the amendment removes those persons identified in the majority report who would be eligible for removal from the registry and maintains those registrants' information in a manner that may be accessed only by law enforcement. The amendment prohibits the State Bureau of Identification from posting the names of these registrants on the Internet and from providing specific registration information about these registrants upon receiving a written request from a member of the public. Specifically, this means that notwithstanding Title 34-A, section 11221, subsection 9, paragraph A the State Bureau of Identification may not post a registrant's information on the Internet for public inspection and, notwithstanding subsection 9, paragraph B, the bureau may not provide a registrant's information upon receiving a written request for a registrant unless that registrant is sentenced in this

State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense on or after June 30, 1992; on or after January 1, 1982 and prior to June 30, 1992, if that person remained in execution of that sentence on September 1, 1998 or has more than one conviction in this State for a Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or sexually violent offense whether or not the convictions occurred on the same date and at the time of offense, the person had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense and at the time of offense, the person had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense or unless the registrant is sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult at any time for an offense that requires registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws or that would have required registration had the person remained there; on or after June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense; on or after January 1, 1982 and prior to June 30, 1992 for an offense that contains the essential elements of a sex offense or sexually violent offense if that person remained in execution of that sentence on September 1, 1998, has more than one conviction in this State for a Class A sex offense or sexually violent offense or more than one conviction in another jurisdiction for an offense that contains the essential elements of a Class A sex offense or Class A sexually violent offense whether or not the convictions occurred on the same date, at the time of offense had been previously sentenced in this State as an adult or as a juvenile sentenced as an adult for a sex offense or a sexually violent offense or at the time of offense had been previously sentenced in another jurisdiction as an adult or as a juvenile sentenced as an adult for an offense that contains the essential elements of a sex offense or a sexually violent offense; or at any time for a military, tribal or federal offense requiring registration.

Part C of this amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**Senate Amendment "A" (S-669)**

This amendment removes the appropriations and allocations section.

**LD 856 An Act To Reduce Drunk Driving** **PUBLIC 531**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROMLEY | OTP-AM | S-446 |

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.

**Committee Amendment "A" (S-446)**

This amendment replaces the bill. The amendment increases license suspension periods for OUI offenses. The amendment allows the Secretary of State to reinstate the license of a person with 2 OUI offenses after 9 months of the 3-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 2 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. The amendment also allows the Secretary of State to reinstate the license of a

person with 3 OUI offenses after 3 years of the 6-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 3 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. A person with 4 or more OUI offenses must have an ignition interlock device installed on the motor vehicle the person operates for a period of 4 years after the full period of license suspension has expired and must also satisfy all other requirements for license reinstatement imposed by the Secretary of State in order to have a license reinstated.

As in the bill, the amendment defines an ignition interlock device as 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.

The amendment specifies that a person whose license is reinstated contingent upon installation of an ignition interlock device and who operates a motor vehicle without an ignition interlock device or tampers with, disconnects or disables an ignition interlock device or circumvents the operation of an ignition interlock device commits a Class E crime, which is a strict liability crime as defined in the Maine Revised Statutes, Title 17-A, section 34, subsection 4-A. The sentence for this crime must include a period of incarceration of not less than 7 days and a fine of not less than $500. These penalties may not be suspended. All other violations involving ignition interlock devices are traffic infractions.

The amendment removes from the bill the proposed increased motor vehicle liability insurance requirement for persons seeking early reinstatement of a driver's license by participating in the ignition interlock device program.
The amendment increases the license reinstatement fee from $35 to $50 for persons whose suspension is for OUI or failure to submit to a test.

The amendment provides that a person may be classified as an habitual offender if the person's license is reinstated contingent on use of an ignition interlock device and that person operates a motor vehicle without an ignition interlock device; tampers with or circumvents the operation of an ignition interlock device; or requests or solicits another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle.

The amendment adds an application section, which specifies that this Act applies only to OUI offenses occurring after August 31, 2008. The amendment also adds an effective date of September 1, 2008, which gives the Secretary of State time to contract with an ignition interlock device vendor and prepare to administer and enforce the new program. The amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 531 allows the Secretary of State to reinstate the license of a person with 2 OUI offenses after 9 months of the 3-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 2 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. Public Law 2007, chapter 531 also allows the Secretary of State to reinstate the license of a person with 3 OUI offenses after 3 years of the 6-year suspension period has run if the person installs an ignition interlock device on the motor vehicle the person operates for a period of 3 years and the person also satisfies all other requirements for license reinstatement imposed by the Secretary of State. A person with 4 or more OUI offenses must have an ignition interlock device installed on the motor vehicle the person operates for a period of 4 years after the full period of license suspension has expired and must also satisfy all other requirements for license reinstatement imposed by the Secretary of State in order to have a license reinstated.

Public Law 2007, chapter 531 specifies that a person whose license is reinstated contingent upon installation of an ignition interlock device and who operates a motor vehicle without an ignition interlock device or tampers with, disconnects or disables an ignition interlock device or circumvents the operation of an ignition interlock device commits a Class E crime, which is a strict liability crime as defined in the Maine Revised Statutes, Title 17-A,

section 34, subsection 4-A. The sentence for this crime must include a period of incarceration of not less than 7 days and a fine of not less than $500. These penalties may not be suspended. All other violations involving ignition interlock devices are traffic infractions.

Public Law 2007, chapter 531 increases the license reinstatement fee from $35 to $50 for persons whose suspension is for OUI or failure to submit to a test.

Public Law 2007, chapter 531 provides that a person may be classified as an habitual offender if the person's license is reinstated contingent on use of an ignition interlock device and that person operates a motor vehicle without an ignition interlock device; tampers with or circumvents the operation of an ignition interlock device; or requests or solicits another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle.

Public Law 2007, chapter 531 applies only to OUI offenses occurring after August 31, 2008.

**LD 1240** **An Act To Implement the Recommendations of the Criminal Law Advisory Commission** **PUBLIC 475**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-651 |

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.

**Committee Amendment "B" (H-651)**

This amendment strikes from the bill a correction of an outdated reference to Rule 42 of the Maine Rules of Criminal Procedure, as this correction was made in Public Law 2007, chapter 196, section 6. The amendment strikes from the bill language that elevates the crime of theft by extortion to a Class B crime if the value of the property stolen is more than $10,000. The amendment also strikes from the bill the 2 new aggravated forms of home repair fraud.

The amendment also corrects a conflict created when Public Law 2007, chapter 340 and chapter 344 both affected the same provision of law.

**Enacted Law Summary**

Public Law 2007, chapter 475 amends provisions dealing with court procedure by repealing Title 14, section 3141, subsection 2, since mandatory notice at the time of a defendant's initial appearance has proven ineffective in securing fine payment in full at the time of sentence imposition and by adding 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.

Public 2007, chapter 475 enacts a provision that 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.

Public 2007, chapter 475 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 crimes involving sexual exploitation of minors to those triggering notice to law enforcement officers and it corrects a reference in the victim notification provision.

Public 2007, chapter 475 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 and 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.

Public 2007, chapter 475 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."

Public 2007, chapter 475 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.

Public 2007, chapter 475 clarifies the requirement that a victim's address be kept confidential. It provides a general rule of confidentiality, which 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. Public 2007, chapter 475 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.

Public 2007, chapter 475 allows 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.

Public 2007, chapter 475 also amends the Juvenile Code by adding 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.

**LD 1241** **An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code** **PUBLIC 476**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-649 |

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. This amendment was not adopted.

**Committee Amendment "B" (H-649)**

This amendment removes and replaces a bill section to reflect a change to the law made in the First Regular Session of the 123rd Legislature.

**Enacted Law Summary**

Public Law 2007, chapter 476 amends the Criminal Code to ensure uniform treatment of prior convictions.

Public Law 2007, chapter 476 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.

Without modifying either the number of prior convictions currently required or the currently qualifying Maine convictions, Public Law 2007, chapter 476 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.

Public Law 2007, chapter 476 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. Public Law 2007, chapter 476 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 1512** **An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM MAJ<br>ONTP MIN | S-433 |

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.

**Committee Amendment "B" (S-433)**

This amendment is the majority report of the committee. The amendment extends the statute of limitations to 10 years instead of 12 years as proposed in the bill for crimes in which the victim was under 16 years of age, the juvenile crime was unlawful sexual contact that involved penetration or gross sexual assault and the accused juvenile was under 16 years of age at the time of the crime, regardless of whether 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 Act and to juvenile crimes the prosecution of which has not yet been barred by the previous statute of limitations in force on the effective date of the Act.

Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 1674** **An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM | S-399 |

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.

**Committee Amendment "B" (S-399)**

This amendment is the same as Committee Amendment "A" (S-83). Committee Amendment "B" was never removed from the Special Appropriations Table and died on adjournment.

**LD 1873 An Act To Amend the Laws Governing Stalking** **PUBLIC 685**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-400 |
| | | S-672 ROTUNDO |

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.

**Committee Amendment "B" (S-400)**

This amendment is the same as Committee Amendment "A" (S-199).

**Senate Amendment "A" (S-672)**

This amendment strikes from the bill provisions that expanded the prohibited conduct that could be used as aggravating factors to elevate a stalking offense from a Class D crime to a Class C crime. Specifically, the amendment states that a person is guilty of Class C stalking if that person violates the Maine Revised Statutes, Title 17-A, section 210-A, subsection 1, paragraph A and has 2 or more prior convictions in this State or in another jurisdiction. The amendment also adds convictions for a violation of Title 22, section 4036 to the definition of "prior conviction." The amendment also strikes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 685 amends the stalking laws by expanding the course of conduct that defines stalking 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 remain Class D crimes, and the provision requiring a mandatory sentence of imprisonment for these crimes is repealed. Public Law 2007, chapter 685 also expands the stalking laws by specifying that a person is guilty of Class C stalking if that person violates the Maine Revised Statutes, Title 17-A, section 210-A, subsection 1, paragraph A and has 2 or more prior convictions in this State or in another jurisdiction. Public Law 2007, chapter 685 also repeals the provision requiring a mandatory sentence of imprisonment for Class C stalking crimes and adds convictions for a violation of Title 22, section 4036 to the definition of "prior conviction" for purposes of defining Class C stalking.

## LD 1897 An Act To Allow Blended Sentencing for Certain Juveniles — PUBLIC 686

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM | S-415 |

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.

**Committee Amendment "A" (S-277)**

This amendment makes technical changes to account for recently enacted law.

**Committee Amendment "B" (S-415)**

This amendment is the same as Committee Amendment "A" (S-277).

**Enacted Law Summary**

Public Law 2007, chapter 686 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 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** **PUBLIC 670**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FAIRCLOTH<br>NUTTING J | OTP-AM | H-1007 GERZOFSKY<br>H-941 |

This bill establishes a procedure to prevent a person from purchasing or possessing a firearm if that person has been found to be a danger to self or to others.

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 federally licensed 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.

The bill provides a process for restoration of the right to possess a firearm (black powder rifle). 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 black powder rifle 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).

**Committee Amendment "B" (H-941)**

This amendment replaces the bill. Legislative Document 1902 was carried over from the First Regular Session of the 123rd Legislature because the Joint Standing Committee on Criminal Justice and Public Safety learned that the Federal Government was considering legislation that would require states to amend their reporting requirements for persons prohibited from possessing firearms.

Pursuant to Executive Order Number 02 FY 08/09, the Governor created a task force to review and enhance the State's reporting of information to the Federal Bureau of Investigation, National Instant Criminal Background Check System. This amendment includes recommendations of that task force and the committee. Subsequent to the task force report, the federal bill was enacted. Specifically this amendment:

1. Authorizes the development and implementation of a data system to transmit records of involuntary commitment rulings, after a judicial hearing, at which the patient has been represented by counsel;

2. Directs the court both prior to the commencement of a hearing and after a hearing in which a person is committed involuntarily to inform the person that when an order of involuntary commitment is entered, that person is a prohibited person and may not own, possess or have under that person's control a firearm pursuant to the Maine Revised Statutes, Title 15, section 393, subsection 1;

3. Creates a relief from disability procedure that allows persons subject to the federal prohibition against possession of firearms pursuant to 18 United States Code, Section 922(g)(4) as a result of being adjudicated a mental defective or committed to any psychiatric hospital pursuant to Title 34-B, section 3863 and who has not been committed to a psychiatric hospital pursuant to an order of the District Court pursuant to Title 34-B, section 3864, after the expiration of 5 years from the final discharge from commitment, to apply to the Commissioner of Public Safety for relief from the disability. This is intended to provide a mechanism for relief for persons who have been committed pursuant to the emergency so-called "blue-paper" process under Title 34-B, section 3863 but not to those persons committed after a judicial hearing;

4. Permits the court to transmit the final ruling of involuntary commitment, without transmitting the record, mental health records or notes or testimony, to the Department of Public Safety, State Bureau of Identification for the sole purpose of transmitting the finding to the Federal Bureau of Investigation, National Instant Criminal Background Check System and to duly authorized law enforcement agencies pursuant to Title 34-B, section 3864;

5. Permits authorized criminal justice agencies to use the data transmitted for law enforcement purposes, including processing of concealed firearms permit applications, enforcement of bail conditions and protection from abuse orders, and for enforcement of state and federal laws concerning the prohibition against possession of firearms by prohibited persons;

6. Provides accurate and timely information to the Federal Bureau of Investigation, National Instant Criminal Background Check System, which will assist federally licensed firearms dealers in Maine and across the country to properly carry out their duties and obligations under federal firearms laws; and

7. Using the Department of Public Safety's current web services, provides interfacing with the Administrative Office

of the Courts to exchange and share mental health adjudication data.

The amendment also adds an appropriations and allocations section.

**House Amendment "A" (H-1007)**

This amendment provides an effective date of July 31, 2009 for the provisions that provide a mechanism for relief for persons who have been committed pursuant to the emergency so-called "blue-paper" process under the Maine Revised Statutes, Title 34-B, section 3863. It also provides that notwithstanding the Maine Revised Statutes, Title 25, section 1541, subsection 3, paragraph C and Title 34-B, section 3864, subsection 12, a court is not required to transmit to the Department of Public Safety, State Bureau of Identification an abstract of any order for involuntary commitment issued by the court and the commanding officer of the State Bureau of Identification is not required to report to the Federal Bureau of Investigation, National Instant Criminal Background Check System any court's finding described in Title 25, section 1541, subsection 3, paragraph C until the judicial branch and the Department of Public Safety receive sufficient funding for the implementation of Title 25, section 1541, subsection 3, paragraph C and Title 34-B, section 3864, subsection 12. This amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 670 enhances the State's reporting of information to the Federal Bureau of Investigation, National Instant Criminal Background Check System. Pursuant to Executive Order Number 02 FY 08/09, the Governor created a task force to review and enhance the State's reporting of information to the Federal Bureau of Investigation, National Instant Criminal Background Check System. Public Law 2007, chapter 670 includes recommendations of that task force and the Joint Standing Committee on Criminal Justice and Public Safety. Specifically Public Law 2007, chapter 670:

1. Authorizes the development and implementation of a data system to transmit records of involuntary commitment rulings, after a judicial hearing, at which the patient has been represented by counsel;

2. Directs the court both prior to the commencement of a hearing and after a hearing in which a person is committed involuntarily to inform the person that when an order of involuntary commitment is entered, that person is a prohibited person and may not own, possess or have under that person's control a firearm pursuant to the Maine Revised Statutes, Title 15, section 393, subsection 1;

3. Creates a relief from disability procedure, effective July 31, 2009, for relief for persons who have been committed pursuant to the emergency so-called "blue-paper" process under the Maine Revised Statutes, Title 34-B, section 3863. A person subject to the federal prohibition against possession of firearms pursuant to 18 United States Code, Section 922(g)(4) as a result of being adjudicated a mental defective or committed to any psychiatric hospital pursuant to Title 34-B, section 3863 and who has not been committed to a psychiatric hospital pursuant to an order of the District Court pursuant to Title 34-B, section 3864, after the expiration of 5 years from the final discharge from commitment, may apply to the Commissioner of Public Safety for relief from the disability. This is intended to provide a mechanism for relief for persons who have been committed pursuant to the emergency so-called "blue-paper" process under Title 34-B, section 3863 but not to those persons committed after a judicial hearing;

4. Permits the court to transmit the final ruling of involuntary commitment, without transmitting the record, mental health records or notes or testimony, to the Department of Public Safety, State Bureau of Identification for the sole purpose of transmitting the finding to the Federal Bureau of Investigation, National Instant Criminal Background Check System and to duly authorized law enforcement agencies pursuant to Title 34-B, section 3864; however, notwithstanding the Maine Revised Statutes, Title 25, section 1541, subsection 3, paragraph C and Title 34-B, section 3864, subsection 12, a court is not required to transmit to the Department of Public Safety, State Bureau of Identification an abstract of any order for involuntary commitment issued by the court and the commanding officer of the State Bureau of Identification is not required to report to the Federal Bureau of Investigation, National Instant Criminal Background Check System any court's finding described in Title 25, section 1541, subsection 3, paragraph C until the judicial branch and the Department of Public Safety receive sufficient funding for the implementation of

Title 25, section 1541, subsection 3, paragraph C and Title 34-B, section 3864, subsection 12;

5. Permits authorized criminal justice agencies to use the data transmitted for law enforcement purposes, including processing of concealed firearms permit applications, enforcement of bail conditions and protection from abuse orders, and for enforcement of state and federal laws concerning the prohibition against possession of firearms by prohibited persons;

6. Provides accurate and timely information to the Federal Bureau of Investigation, National Instant Criminal Background Check System, which will assist federally licensed firearms dealers in Maine and across the country to properly carry out their duties and obligations under federal firearms laws; and

7. Using the Department of Public Safety's current web services, provides interfacing with the Administrative Office of the Courts to exchange and share mental health adjudication data.

**LD 1938 An Act To Allow Community Service in Lieu of Fines** **PUBLIC 517**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLEARY | OTP-AM | H-736 |

Current law allows a court to require a defendant who defaults on payment of a fine that was part of a sentence to serve one day in a county jail for each $5 of the fine, up to a maximum of the unpaid fine or 6 months in jail, whichever is shorter. A court does not have any authority to reduce the amount of the fine even when a defendant petitions the court prior to default. This bill allows the court, in cases when the court finds the default was not excusable, to order:

1. Commitment of the offender to incarceration in a county jail for one day for every $5 of unpaid fine or 6 months, whichever is shorter;

2. The offender to perform a specified number of hours of community service work; or

3. Submission of the unpaid fine to a collection agency. If the fine is submitted to a collection agency, the court may order an additional amount of no more than 33% of the original fine to be added to the fine. This additional amount may be retained by the collection agency.

If the court finds that the default was excusable, it may provide the defendant with additional time to pay the fine, reduce the amount of each installment or order the defendant to perform community service work. This bill also allows a court, when it reasonably finds that the fine is uncollectible due to the death or disability of the defendant, to reduce or discharge completely the unpaid balance of the fine.

**Committee Amendment "A" (H-736)**

This amendment strikes provisions in the bill that allow courts to change sentencing alternatives upon a default of a fine payment. Instead the amendment specifies that if the court finds that a default was unexcused, in addition to the option of committing the offender to the custody of the sheriff until all or a specified part of the fine is paid as provided by current law, the court may instead, if the unexcused default relates to a fine imposed for a Class D or Class E crime, order the offender to perform community service work until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and may not exceed 8 hours for every $25 of unpaid fine or one hundred 8-hour days, whichever is shorter. An offender ordered to perform community service work is given credit toward the payment of the fine for each 8-hour day of community service work performed at the rate specified in the court's order. The offender is also given credit toward the payment of the fine for each day that the offender is detained as a result of an arrest warrant issued in connection with a default, at a

rate specified in the court's order that is not less than $5 of unpaid fine per day of confinement. An offender is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed. A default on the remaining fine is also governed by this provision.

**Enacted Law Summary**

Public Law 2007, chapter 517 specifies that if the court finds that a default in payment of a fine was unexcused, in addition to the option of committing the offender to the custody of the sheriff until all or a specified part of the fine is paid as provided by current law, the court may instead, if the unexcused default relates to a fine imposed for a Class D or Class E crime, order the offender to perform community service work until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and may not exceed 8 hours for every $25 of unpaid fine or one hundred 8-hour days, whichever is shorter. An offender ordered to perform community service work is given credit toward the payment of the fine for each 8-hour day of community service work performed at the rate specified in the court's order. The offender is also given credit toward the payment of the fine for each day that the offender is detained as a result of an arrest warrant issued in connection with a default, at a rate specified in the court's order that is not less than $5 of unpaid fine per day of confinement. An offender is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed.

## LD 1953 An Act To Amend the Laws Relating to the Department of Corrections — PUBLIC 536

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PLUMMER | OTP-AM | H-769 |

This bill makes several changes to laws relating to the Department of Corrections. The bill adds assaults on corrections officers and other staff of a correctional institution in which the person is being held in custody as categories of assault that may not be resolved by accord and satisfaction. "Accord and satisfaction" means a method of discharging a claim; parties agree to give and accept something in settlement of the claim and perform the agreement.

The bill specifies the maximum period of confinement if a juvenile is found in contempt of a court when a remedial or punitive sanction is imposed. It clarifies that if a person who has attained 18 years of age is to serve time in confinement in a juvenile facility as a punitive or remedial sanction for contempt under the Maine Juvenile Code, that time is limited to 30 days for each type of sanction, just as it is for a person who has not attained 18 years of age. This clarifies that there is a time limit if a court does not exercise its option under the Maine Revised Statutes, Title 15, section 3205, subsection 2 for a person who has attained 18 years of age but not 21 years of age for ordering time in confinement for contempt to be served at a county jail.

The bill permits the Commissioner of Corrections to waive the work or education requirement for a prisoner who is participating in a full-time treatment program while on supervised community confinement. The bill also repeals the current funeral and deathbed visit provisions and replaces them a simpler process and adds domestic partner to the list of persons to whom a prisoner may make deathbed visits or whose funerals a prisoner may attend. The bill also permits the Commissioner of Corrections to allow attendance at a funeral of or a deathbed visit to a person other than one specifically listed under the definition of family member.

The bill prohibits the incarceration in a juvenile facility of a person who is more appropriately a subject of intensive out-of-home treatment services provided by the Department of Health and Human Services, whether those services are temporary or not. The term "temporary" is removed from the out of home treatment provision, because longer placements for some juveniles may be necessary. The bill also repeals a number of provisions related to juvenile services that are either outdated or repetitive.

**Committee Amendment "A" (H-769)**

This amendment rewrites the Maine Revised Statutes, Title 15, section 891, which deals with accord and satisfaction, to clarify the purpose of the statute and to repeal archaic language and references. It also clarifies the intent of the bill, which is to preclude the use of the accord and satisfaction provision on corrections employees. The amendment also clarifies the roles of the Commissioner of Corrections, the Commissioner of Health and Human Services and the courts in the placement of juveniles who are more appropriately the subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services, instead of placement in the Department of Corrections.

**Enacted Law Summary**

Public Law 2007, chapter 536 clarifies the purpose of the accord and satisfaction statute and repeals archaic language and references within that statute. It also precludes the use of the accord and satisfaction provision on corrections employees.

Public Law 2007, chapter 536 specifies the maximum period of confinement if a juvenile is found in contempt of a court when a remedial or punitive sanction is imposed. It clarifies that if a person who has attained 18 years of age is to serve time in confinement in a juvenile facility as a punitive or remedial sanction for contempt under the Maine Juvenile Code, that time is limited to 30 days for each type of sanction, just as it is for a person who has not attained 18 years of age. This clarifies that there is a time limit if a court does not exercise its option under the Maine Revised Statutes, Title 15, section 3205, subsection 2 for a person who has attained 18 years of age but not 21 years of age for ordering time in confinement for contempt to be served at a county jail.

Public Law 2007, chapter 536 permits the Commissioner of Corrections to waive the work or education requirement for a prisoner who is participating in a full-time treatment program while on supervised community confinement. Public Law 2007, chapter 536 also simplifies the funeral and deathbed visit provisions and adds domestic partner to the list of persons to whom a prisoner may make deathbed visits or whose funerals a prisoner may attend.

Public Law 2007, chapter 536 clarifies the roles of the Commissioner of Corrections, the Commissioner of Health and Human Services and the courts in the placement of juveniles who are more appropriately the subject for intensive treatment services that are available and provided by or through the Department of Health and Human Services, instead of placement in the Department of Corrections.

## LD 1981 An Act To Ensure Legislative Review of Fire Sprinkler Rules — PUBLIC 632

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-471 |
| | | S-592 MARTIN |

LD 1981 exempts nonresidential buildings in existence on January 1, 2007 from more stringent fire sprinkler requirements than those in effect on January 1, 2007. It also requires the Commissioner of Public Safety to make copies of the requirements in effect on January 1, 2007 available to the public.

**Committee Amendment "A" (S-471)**

The amendment replaces the bill. It requires that rules pertaining to the fire safety of certain buildings and of mass gatherings are routine technical rules, but that those relating to fire sprinklers are major substantive rules subject to legislative review.

**Senate Amendment "A" (S-592)**

This amendment provides that rules and policies pertaining to fire sprinklers that implement the National Fire Protection Association 2006 Life Safety Code adopted by the State Fire Marshal on or after September 1, 2007 are major substantive rules and specifies that this provision applies retroactively to September 1, 2007.

**Enacted Law Summary**

Public Law 2007, chapter 632 provides that rules and policies pertaining to fire sprinklers that implement the National Fire Protection Association 2006 Life Safety Code adopted by the State Fire Marshal are major substantive rules subject to legislative review. This provision applies retroactively to September 1, 2007.

**LD 1990** **Resolve, To Prevent Domestic Violence and Protect Our Citizens** **RESOLVE 196 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SULLIVAN | OTP-AM | S-525 |

This resolve directs the Domestic Abuse Homicide Review Panel, established in the Maine Revised Statutes, Title 19-A, section 4013, subsection 4, to undertake a comprehensive review of the measures currently in place to support and protect victims and potential victims of domestic violence. In addition, the panel is directed to review the provisions of the criminal code related to domestic violence. The panel is authorized to submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

**Committee Amendment "A" (S-525)**

This amendment replaces the resolve with an emergency resolve and directs the Department of Public Safety to undertake a review of the measures currently in place to support and protect victims and potential victims of domestic violence and to determine how to increase and develop strategies for the protection of victims of domestic violence and for improvement of the criminal justice system response and how to find and access services. The Department of Public Safety is also directed to review the effectiveness of provisions of the Maine Criminal Code related to domestic violence.

The Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which may submit legislation upon receiving the report. The resolve also directs the Department of Public Safety to endeavor to secure outside funding to undertake this review and to limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund.

**Enacted Law Summary**

Resolve 2007, chapter 196 directs the Department of Public Safety to undertake a review of the measures currently in place to support and protect victims and potential victims of domestic violence and to determine how to increase and develop strategies for the protection of victims of domestic violence and for improvement of the criminal justice system response and how to find and access services. The Department of Public Safety is also directed to review the effectiveness of provisions of the Maine Criminal Code related to domestic violence.

The Department of Public Safety shall submit a report of its findings, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, which may submit legislation upon receiving the report. The resolve also directs the Department of Public Safety to endeavor to secure outside funding to undertake this review and to limit its work to that which can be accomplished from sources other than appropriations from the General Fund or Highway Fund.

Resolve 2007, chapter 196 was an emergency measure effective April 11, 2008.

**LD 1999** **An Act To Amend Criminal Laws against Domestic Violence To Ensure Appropriate Recognition of Prior Convictions** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

Public Law 2007, chapter 436 created the crimes of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. A violation of one of these domestic violence crimes is a Class D crime, and a person who commits one of these domestic violence crimes more than once is guilty of a Class C crime.

This bill is an emergency bill that clarifies that the enhanced Class C penalty based on prior convictions also applies if the person commits a domestic violence crime after being convicted of any crime of assault, criminal threatening, terrorizing or reckless conduct that is committed against a family or household member, which would include those prior offenses that were committed in Maine.

**LD 2011** **An Act To Establish a Bracelet Monitoring Program for Persons Convicted of Minor Crimes** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CARTER | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to create a state bracelet program similar to the one now in the counties. The state program would also be able to accept qualified inmates from county jails that do not live in the county where incarcerated. This bill would also require that a prisoner participate in the New Horizons Academy program.

**LD 2029** **An Act To Reduce Property Taxes, Eliminate Duplication and Streamline Government by Unifying the State Prisons and County Jails** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GERZOFSKY | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to merge the administration of county jails and state prisons under one unified state agency.

See also LD 2080, now Public Law 2007, chapter 653.

**LD 2030** **An Act To Allow Nondangerous Drivers To Obtain a Work-restricted License** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | ONTP | |

LD 2030 is a concept draft pursuant to Joint Rule 208. This bill proposes to expand the availability of a "work-restricted license," which currently allows a person whose driver's license has been revoked due to conviction as a habitual offender to obtain a limited license to operate a motor vehicle between the person's residence and place

of employment. This bill would make work-restricted licenses available to persons who have been convicted of driving to endanger or operating after suspension.

**LD 2051** **An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent** **PUBLIC 512**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GERZOFSKY | OTP-AM | H-695 |

This bill creates the Class D crime of prohibiting a person from selling a long gun to a person 16 or 17 years of age. It is an affirmative defense that the sale was approved by a parent, foster parent or guardian or that the seller reasonably believed the person was 18 years of age. Current Maine law prohibits federally licensed firearms dealers from transferring long guns to persons under 18. (Federal law does not restrict unlicensed sellers from transferring long guns and sets no minimum age for buyers of long guns.) This bill addresses private sales by unlicensed persons.

The bill 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 the State. The Commissioner of Public Safety shall report the study's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009. Upon receiving the report, the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-695)**

This amendment prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. For purposes of this prohibition, "firearm" means a firearm other than a handgun as defined in the Maine Revised Statutes, Title 17-A, section 554-B, subsection 1, paragraph A. The amendment provides an exception for a sale by a parent, foster parent or guardian or a sale approved by a parent, foster parent or guardian. The amendment makes the first offense of unlawfully selling a firearm other than a handgun to person 16 years of age or older and under 18 years of age a civil violation for which a fine of no more than $500 may be imposed. A second or subsequent violation is a Class D crime.

**Enacted Law Summary**

Public Law 2007, chapter 512 prohibits the sale of a firearm to a person 16 years of age or older and under 18 years of age. For purposes of this prohibition, "firearm" means a firearm other than a handgun as defined in the Maine Revised Statutes, Title 17-A, section 554-B, subsection 1, paragraph A. Public Law 2007, chapter 512 provides an exception for a sale by a parent, foster parent or guardian or a sale approved by a parent, foster parent or guardian. Public Law 2007, chapter 512 makes the first offense of unlawfully selling a firearm other than a handgun to person 16 years of age or older and under 18 years of age a civil violation for which a fine of no more than $500 may be imposed. A second or subsequent violation is a Class D crime.

**LD 2079** **An Act To Strengthen the Crime of Visual Sexual Aggression against a Child** **PUBLIC 688**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HILL | OTP-AM | H-690 |

This bill amends the crime of visual sexual aggression against a child to clarify that the crime applies when the exposure occurs in either a public or private place.

**Committee Amendment "A" (H-690)**

This amendment replaces the bill. The amendment removes the requirement that visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person occur in a private place to be a crime. Instead, the amendment specifies that a person who, for the purpose of arousing or gratifying sexual desire, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person is guilty of visual sexual aggression regardless of where the surveillance occurs. Surveillance may occur either in a public or private place.

The amendment also clarifies the definition of "private place" in the Maine Revised Statutes, Title 17-A, section 511.

**Enacted Law Summary**

Public Law 2007, chapter 688 removes from the crime visual sexual aggression against a child the requirement that visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person occur in a private place. Instead, Public Law 2007, chapter 688 specifies that a person who, for the purpose of arousing or gratifying sexual desire, intentionally engages in visual surveillance, aided or unaided by mechanical or electronic equipment, of the uncovered breasts, buttocks, genitals, anus or pubic area of another person is guilty of visual sexual aggression regardless of where the surveillance occurs. Surveillance may occur either in a public or private place. Public Law 2007, chapter 688 also clarifies the definition of "private place" in the Maine Revised Statutes, Title 17-A, section 511.

**LD 2080** **An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services** **PUBLIC 653 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CROCKETT | OTP-AM MAJ | H-989 |
| | OTP-AM MIN | S-658 ROTUNDO |

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

This bill seeks to establish the Maine Jail and Community Corrections Authority. The membership of the authority consists of state, county and municipal officials and representatives of those involved in the criminal justice system. A majority of the members of the authority are representatives of county government.
The authority is established for the following purposes:

1. To coordinate and oversee a cost-efficient system within the State for the operation and maintenance of county and regional jails and community corrections facilities, programs and services;

2. To facilitate the implementation and delivery of corrections programs and services for pretrial defendants and convicted offenders, consistent with best correctional and evidence-based practices and the protection of public safety;

3. To develop and implement plans for the renovation, improvement and redevelopment of existing jail facilities and for the design and construction of new jail facilities through a certificate of need process to better serve the incarcerated and detained populations and the citizens of the State. The authority may issue bonds and enter into agreements with the counties and the Department of Corrections for these purposes; and

4. To provide a consolidated body representing county and regional jails and community corrections facilities to coordinate with the Department of Corrections on corrections matters, including but not limited to the coordination of jail bed space.

The authority shall manage the county and regional jails and community correctional facilities and programs and services to efficiently allocate human and financial resources, establish uniform criteria for the construction and expansion of jail facilities and develop and implement methods by which the purposes of the authority are best served. Specifically, the authority shall:

1. Create and implement standards of care and operation reflective of best correctional practice for jail facilities;

2. Approve purpose and rated capacities for each jail facility, which may include specialized units, based upon established standards and system need and demand;

3. Conduct inspections of and accredit jail facilities;

4. Coordinate bed space availability and utilization among jails and between the Department of Corrections and jails as needed, considering established criteria, inmate classification, gender, pre-conviction and post-conviction status and special needs including mental health and substance abuse;

5. Establish per diem board rates using a predetermined formula;

6. Establish and operate an intercounty jail inmate transportation system consistent with security interests in order to reduce the overall cost of jail inmate transportation;

7. Establish data collection requirements necessary to monitor the status of county and regional jail populations, to project future capacity needs and to develop recommendations for new or expanded facilities, programs and services. The authority shall review and approve or deny requests for construction of new, expanded or renovated jail facilities using a certificate of need process;

8. Develop, implement and fund community corrections programs and services reflective of evidence- based practices and make them available to all counties. These services must be coordinated in collaboration with the criminal justice planning committees established pursuant to the Maine Revised Statutes, Title 30-A, section 1671;

9. Evaluate implementation of pretrial services for desired outcomes. Pretrial services must be funded using money formerly provided through the Community Corrections Fund and County Jail Prisoner Support Fund under Title 34-A, section 1210-B;

10. Monitor county and regional criminal justice system operations to identify system practices that adversely affect jail populations or operating costs, propose improvements in efficiency and effectiveness, and evaluate implementation of the improvements; and

11. Provide information and assistance to jail officials regarding best correctional and evidence-based practices and provide a forum for sharing information on best correctional and evidence-based practices in use within the State.

**Committee Amendment "A" (H-989)**

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 preamble and clause and creates the State Board of Corrections whose purpose is to develop and implement a unified correctional system.

The State Board of Corrections is directed to work with the counties, the Department of Corrections, the Legislature and other stakeholders and interested parties in the criminal justice system to coordinate and oversee a cost-efficient correctional system within the State that promotes and supports the use of evidence-based practices. The board is directed to develop benchmarks for performance in recidivism reduction, pretrial diversion and the rate of incarceration. The board is also charged with managing the cost of corrections by developing a plan to achieve systemic cost savings and cost avoidance throughout the unified correctional system with the goal of operating

efficient correctional services, evaluating and determining correctional facility use and purpose, adopting treatment standards and policies and reviewing and approving any future public or private construction projects after establishing a certificate of need process governed by the Legislature's major substantive rule process. In its work, the board shall consult with the existing entities, including the State Sentencing and Corrections Practices Coordinating Council, and use recent research and reports, including those issued by the Corrections Alternative Advisory Committee.

The board shall assist correctional facilities and county jails where appropriate to establish, achieve and maintain professional correctional accreditation standards; administer the County Jail Prisoner Support and Community Corrections Fund established in the Maine Revised Statutes, Title 34-A, section 1806 and the State Board of Corrections Investment Fund established in Title 34-A, section 1805. The board may allocate available funds from the State Board of Corrections Investment Fund to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or jail. The board may make allocations for these purposes only upon written request of the Commissioner of Corrections or a county.

The board shall prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution. The board shall also propose in its budget an appropriation to the State Board of Corrections Investment Fund of an amount equal to the difference between the 2007-08 fiscal year's county jail debt and the amount of that year's debt payment.

The board receives and reviews recommendations submitted by the Commissioner of Corrections, counties, the corrections working group or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services and other recommendations with respect to the delivery of state and county corrections services. The board shall consult with and seek input from prosecutors; defense attorneys; judges; advocates for victims; providers and advocates who work with persons with mental illness; and other interested parties.

The board does not have authority to exercise jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, or any aspect of the operation of juvenile facilities or the administration of juvenile community corrections services. If a county or the Department of Corrections is aggrieved by a final decision of the board, the county or the department is entitled to judicial review pursuant to Title 5, section 11001, and any review must be limited to errors of law.

The board shall make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the unified correctional system or the board. The joint standing committee shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.

In addition to establishing the State Board of Corrections, the amendment directs the sheriffs, the county commissioners and the Commissioner of Corrections to work together and in support of the State Board of Corrections by communicating to manage jail and prison capacity and offender placement and by recommending uniform policies and procedures. The Commissioner of Corrections is responsible for the daily management of inmate bed space throughout the unified correctional system and shall develop a process for information sharing between the state correctional facilities and the county jails.

The amendment separates noncorrectional services from correctional services for purposes of preparation of the county budgets. The amendment sets a cap on tax assessments for correctional services for each county, so that the

assessment to municipalities within each county may not be greater than the fiscal year 2007-08 county assessment for correctional-related expenditures. The amendment also directs the counties to collect taxes from municipalities for the purpose of retiring the county jail debt in existence as of July 1, 2008 until the debt is finally retired. The counties may not collect taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008, nor may the State pay for future correctional services debt or other correctional services with revenue sources dedicated to the municipalities.

At least 6 months before the beginning of each fiscal year, the State Board of Corrections shall set a growth limitation for the correctional services expenditures in the new fiscal year for each county budget. The county commissioners shall submit itemized correctional services budgets to the board in a format and by a date to be determined annually by the board. The board shall review each county correctional services budget and if the county correctional services budget submitted to the board does not exceed the growth limitation established by the board and is consistent with board directives under Title 34-A, section 1803, the board shall accept the county commissioners' approval of the county's correctional services budget. If the county correctional services budget submitted exceeds the growth limitation established by the board or is inconsistent with board directives, the board shall further review, amend and adopt a correctional services budget for the county.

If a county correctional services budget submitted to the board exceeds the growth limitation established or is inconsistent with a directive of the board, the board shall further review the proposed budget together with any supplementary material prepared by the county commissioners, county correctional services administrators, the Department of Corrections or any other person or entity from whom the board chooses to receive supplementary material. The board may hold a hearing and shall hold a hearing if the county requests a hearing. For a county correctional services budget submitted to the board, the board may amend or accept the proposed budget provided that the total estimated revenues, together with the amount of county tax to be levied pursuant to Title 30-A, section 701, subsections 2-A and 2-B, equal the total estimated expenditures. After review of a county correctional services budget submitted to the board, a hearing, if necessary, and the adjustment process, the board shall adopt a final correctional services budget for the county and transmit that budget to the county commissioners.
The property tax assessment for county correctional services expenditures as defined in Title 30-A, section 701, subsection 2-A, and the county jail debt assessment established in Title 30-A, section 701, subsection 2-B, approved by the board processes, are the final authorization for the assessment of county taxes. The budget must be sent to the county commissioners and the county tax authorized, apportioned and collected.

The amendment also provides counties an opportunity for one-time borrowing, if a county chooses to amend its fiscal year. County commissioners in a county that is changing from a January to December fiscal year to a July to June fiscal year are authorized to borrow money for the purpose of a transitional budget by issuing bonds or notes in anticipation of taxes. The tax anticipation note covers the 6-month period of January 1st to June 30th prior to the first year of a fiscal year beginning on July 1st. County commissioners may borrow an amount that does not exceed the taxes anticipated from the transitional budgets and the period of borrowing may not exceed 5 years.

The amendment requires that the County Jail Prisoner Support and Community Corrections Fund pursuant to Title 34-A, section 1210-A be distributed to the counties using the existing process for fiscal year 2008-09. The appropriation may be no less than the appropriation for fiscal year 2007-08. Beginning July 1, 2009, the board shall administer the County Jail Prisoner Support and Community Corrections Fund, using the current distribution schedule and procedures described in Title 34-A, section 1210-A.

The amendment also creates the State Board of Corrections Investment Fund, which is an enterprise fund that may be expended only to compensate county governments and the Department of Corrections for costs approved by the board and the Legislature. The State Controller shall credit to the fund any net county assessment revenue pursuant to Title 30-A, section 701, subsection 2-A in excess of county jail appropriations in counties where jails or correctional services have been closed or downsized; any net county assessment revenue in excess of county jail expenditures in counties where changes in jail operations pursuant to board directives have reduced jail expenses; funds appropriated by the Legislature; money from any other source, whether public or private, designated into or

credited to the fund; and interest earned or other investment income on balances in the fund. Any unencumbered balance remaining at the end of any fiscal year does not lapse but is carried forward to be expended for the purposes specified in this section and may not be made available for any other purpose.

The amendment establishes a corrections working group consisting of representatives of the department, sheriffs and county commissioners. The commissioner shall name 2 cochairs to convene and lead the working group. One chair must represent the department and one chair must represent county government. The cochairs shall select the remaining members of the working group based on criteria established by the parties in a memorandum of understanding. The working group shall meet as needed and as requested by either one or both cochairs to engage in information sharing and to discuss and resolve any issues or problems experienced in daily operation of the unified correctional system, including the placement of inmates. The group shall advise and assist the board in the ongoing improvement of the unified correctional system. In carrying out this function, the working group may consult with experts and stakeholders, including but not limited to prosecutors, defense attorneys, judges, victim advocates, providers and advocates for persons with mental illness and other interested parties. If an issue arises that cannot be responded to by the working group, the board shall meet to review the issue. The working group shall report to the board.

The amendment establishes temporary boarding rates for state prisoners in county jails. The boarding rate charged to the Department of Corrections for housing state prisoners in the following county jails for the fiscal year 2008-09 may not be greater on a daily basis than $20 in Cumberland County jail; $21.16 in York County jail; and $21.16 in Somerset County jail. The Commissioner of Corrections may also negotiate agreements with other counties to board state prisoners at other county jails at marginal rates as agreed upon with those counties. The temporary boarding rates are repealed July 1, 2009.

The amendment specifies that nothing in the legislation may be construed to confer to the State ownership, either now or in the future, of any real or personal property owned by a county. Any correctional facility or county jail downsized or closed pursuant to Title 34-A, section 1803, subsection 2, paragraph C remains the property of the State or county, respectively.

The amendment also establishes an operating reserve account within the State Board of Corrections Investment Fund for county jail budget growth during the counties' 2009-10 fiscal year. The Commissioner of Corrections shall submit a plan to the Governor and Commissioner of Administrative and Financial Services for the inclusion of a $1,500,000 appropriation to the operating reserve account of the State Board of Corrections Investment Fund in a supplemental or biennial budget bill authorizing appropriations and allocations for the 2009-10 fiscal year.

The amendment also corrects cross-references and adds an appropriations and allocations section.

**Committee Amendment "B" (H-990)**

This amendment, which is the minority report, is the same as the majority report, except that it includes a provision that ensures that if the Legislature appropriates in any biennial or supplemental budget an amount for the County Jail Prisoner Support and Community Corrections Fund established in the Maine Revised Statutes, Title 34-A, section 1806 that is less than the amount appropriated for the County Jail Prisoner Support and Community Corrections Fund under Title 34-A, section 1210-A in fiscal year 2007-08, then the Legislature shall allocate funds to the State Board of Corrections Investment Fund established in Title 34-A, section 1805 sufficient to make up the difference from the Fund for a Healthy Maine, notwithstanding the provisions of Title 22, section 1511, subsection 6.

This amendment was not adopted.

**House Amendment "A" (H-1003)**

This amendment requires the State Board of Corrections to determine a proportionate share of annual debt service for those counties that have county jail debt on July 1, 2008.

This amendment was not adopted.

**Senate Amendment "A" (S-658)**

This amendment funds the provisions in Committee Amendment "A". Specifically, the amendment:

1. Increases from $1,117,799 to $1,317,826 the amount transferred from the Accident, Sickness and Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund;

2. Increases from $185,196 to $244,944 the amount transferred from the Retiree Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund; and

3. Repeals that Part of Public Law 2007, chapter 539 that requires the Commissioner of Administrative and Financial Services to review vacant positions throughout State Government and identify positions to be eliminated to achieve a minimum savings of $1,000,000 in the General Fund and replaces it with similar language that increases from 20 to 25 the positions to be identified.

**Enacted Law Summary**

Public Law 2007, chapter 653 creates a plan for a unified correctional system that coordinates services and resources of the county jails and the state correctional facilities.

Public Law 2007, chapter 653 establishes the State Board of Corrections whose purpose is to develop and implement a unified correctional system. The State Board of Corrections is directed to work with the counties, the Department of Corrections, the Legislature and other stakeholders and interested parties in the criminal justice system to coordinate and oversee a cost-efficient correctional system within the State that promotes and supports the use of evidence-based practices. The board is directed to develop benchmarks for performance in recidivism reduction, pretrial diversion and the rate of incarceration. The board is also charged with managing the cost of corrections by developing a plan to achieve systemic cost savings and cost avoidance throughout the unified correctional system with the goal of operating efficient correctional services, evaluating and determining correctional facility use and purpose, adopting treatment standards and policies and reviewing and approving any future public or private construction projects after establishing a certificate of need process governed by the Legislature's major substantive rule process.

Public Law 2007, chapter 653 directs the board to identify opportunities for and approve cost-saving agreements and efficiencies and report those opportunities identified to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The board shall assist correctional facilities and county jails where appropriate to establish, achieve and maintain professional correctional accreditation standards; administer the County Jail Prisoner Support and Community Corrections Fund established and the State Board of Corrections Investment Fund. The board may allocate available funds from the State Board of Corrections Investment Fund to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or jail. The board may make allocations for these purposes only upon written request of the Commissioner of Corrections or a county.

Public Law 2007, chapter 653 directs the board to prepare and submit to the Governor a budget for the State Board of Corrections Investment Fund biennially that clearly identifies the financial contribution required by the State to support the actual costs of corrections in addition to the capped property tax contribution. The board shall also propose in its budget an appropriation to the State Board of Corrections Investment Fund of an amount equal to the difference between the 2007-08 fiscal year's county jail debt and the amount of that year's debt payment.

Pursuant to Public Law 2007, chapter 653, the board receives and reviews recommendations submitted by the Commissioner of Corrections, counties, the corrections working group or other interested parties concerning development of downsizing plans and reinvestment strategies, uniform practices for pretrial, inmate classification, revocation and reentry services and other recommendations with respect to the delivery of state and county

corrections services. The board shall consult with and seek input from prosecutors; defense attorneys; judges; advocates for victims; providers and advocates who work with persons with mental illness; and other interested parties.

Public Law 2007, chapter 653 prohibits the board from exercising jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, or any aspect of the operation of juvenile facilities or the administration of juvenile community corrections services. If a county or the Department of Corrections is aggrieved by a final decision of the board, the county or the department is entitled to judicial review, and any review must be limited to errors of law.

Public Law 2007, chapter 653 requires the board to make initial reports to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009 and by April 1, 2009. Thereafter, the board shall report at least annually, beginning January 15, 2010, and as requested. Reports must include any recommendations for amending laws relating to the unified correctional system or the board. The joint standing committee shall conduct an initial review by April 1, 2009 and annually by January 15th thereafter to analyze the effectiveness of the board in fulfilling its purposes, including but not limited to a review of the board's identification of opportunities for and agreements regarding cost savings and efficiencies in purchasing, training, transportation and technology. The committee has authority to report out legislation upon completing its review each year.

In addition to establishing the State Board of Corrections, Public Law 2007, chapter 653 directs the sheriffs, the county commissioners and the Commissioner of Corrections to work together and in support of the State Board of Corrections by communicating to manage jail and prison capacity and offender placement and by recommending uniform policies and procedures. The Commissioner of Corrections is responsible for the daily management of inmate bed space throughout the unified correctional system and shall develop a process for information sharing between the state correctional facilities and the county jails.

Public Law 2007, chapter 653 separates noncorrectional services from correctional services for purposes of preparation of the county budgets and sets a cap on tax assessments for correctional services for each county, so that the assessment to municipalities within each county may not be greater than the fiscal year 2007-08 county assessment for correctional-related expenditures. The amendment also directs the counties to collect taxes from municipalities for the purpose of retiring the county jail debt in existence as of July 1, 2008 until the debt is finally retired. The counties may not collect taxes from the municipalities for the purpose of retiring any correctional services debt issued after July 1, 2008, nor may the State pay for future correctional services debt or other correctional services with revenue sources dedicated to the municipalities.

At least 6 months before the beginning of each fiscal year, the State Board of Corrections shall set a growth limitation for the correctional services expenditures in the new fiscal year for each county budget. The county commissioners shall submit itemized correctional services budgets to the board in a format and by a date to be determined annually by the board. The board shall review each county correctional services budget and if the county correctional services budget submitted to the board does not exceed the growth limitation established by the board and is consistent with board directives, the board shall accept the county commissioners' approval of the county's correctional services budget. If the county correctional services budget submitted exceeds the growth limitation established by the board or is inconsistent with board directives, the board shall further review, amend and adopt a correctional services budget for the county.

If a county correctional services budget submitted to the board exceeds the growth limitation established or is inconsistent with a directive of the board, the board shall further review the proposed budget together with any supplementary material prepared by the county commissioners, county correctional services administrators, the Department of Corrections or any other person or entity from whom the board chooses to receive supplementary material. The board may hold a hearing and shall hold a hearing if the county requests a hearing. For a county correctional services budget submitted to the board, the board may amend or accept the proposed budget provided

that the total estimated revenues, together with the amount of county tax to be levied pursuant to Title 30-A, section 701, subsections 2-A and 2-B, equal the total estimated expenditures. After review of a county correctional services budget submitted to the board, a hearing, if necessary, and the adjustment process, the board shall adopt a final correctional services budget for the county and transmit that budget to the county commissioners.
The property tax assessment for county correctional services expenditures as defined in Title 30-A, section 701, subsection 2-A, and the county jail debt assessment established in Title 30-A, section 701, subsection 2-B, approved by the board processes, are the final authorization for the assessment of county taxes. The budget must be sent to the county commissioners and the county tax authorized, apportioned and collected.

Public Law 2007, chapter 653 also provides counties an opportunity for one-time borrowing, if a county chooses to amend its fiscal year. County commissioners in a county that is changing from a January to December fiscal year to a July to June fiscal year are authorized to borrow money for the purpose of a transitional budget by issuing bonds or notes in anticipation of taxes. The tax anticipation note covers the 6-month period of January 1st to June 30th prior to the first year of a fiscal year beginning on July 1st. County commissioners may borrow an amount that does not exceed the taxes anticipated from the transitional budgets and the period of borrowing may not exceed 5 years.

Public Law 2007, chapter 653 requires that the County Jail Prisoner Support and Community Corrections Fund pursuant to Title 34-A, section 1210-A be distributed to the counties using the existing process for fiscal year 2008-09. The appropriation may be no less than the appropriation for fiscal year 2007-08. Beginning July 1, 2009, the board shall administer the County Jail Prisoner Support and Community Corrections Fund, using the current distribution schedule and procedures described in Title 34-A, section 1210-A.

Public Law 2007, chapter 653 also creates the State Board of Corrections Investment Fund, which is an enterprise fund that may be expended only to compensate county governments and the Department of Corrections for costs approved by the board and the Legislature. The State Controller shall credit to the fund any net county assessment revenue pursuant to Title 30-A, section 701, subsection 2-A in excess of county jail appropriations in counties where jails or correctional services have been closed or downsized; any net county assessment revenue in excess of county jail expenditures in counties where changes in jail operations pursuant to board directives have reduced jail expenses; funds appropriated by the Legislature; money from any other source, whether public or private, designated into or credited to the fund; and interest earned or other investment income on balances in the fund. Any unencumbered balance remaining at the end of any fiscal year does not lapse but is carried forward to be expended for the purposes specified in this section and may not be made available for any other purpose.

Public Law 2007, chapter 653 establishes a corrections working group consisting of representatives of the department, sheriffs and county commissioners. The working group shall meet as needed and as requested by either one or both cochairs to engage in information sharing and to discuss and resolve any issues or problems experienced in daily operation of the unified correctional system, including the placement of inmates. The group shall advise and assist the board in the ongoing improvement of the unified correctional system. In carrying out this function, the working group may consult with experts and stakeholders, including but not limited to prosecutors, defense attorneys, judges, victim advocates, providers and advocates for persons with mental illness and other interested parties. If an issue arises that cannot be responded to by the working group, the board shall meet to review the issue. The working group shall report to the board.

Public Law 2007, chapter 653 establishes temporary boarding rates for state prisoners in county jails. The boarding rate charged to the Department of Corrections for housing state prisoners in the following county jails for the fiscal year 2008-09 may not be greater on a daily basis than $20 in Cumberland County jail; $21.16 in York County jail; and $21.16 in Somerset County jail. The Commissioner of Corrections may also negotiate agreements with other counties to board state prisoners at other county jails at marginal rates as agreed upon with those counties. The temporary boarding rates are repealed July 1, 2009.

Public Law 2007, chapter 653 specifies that nothing in the legislation may be construed to confer to the State ownership, either now or in the future, of any real or personal property owned by a county. Any correctional facility

or county jail downsized or closed pursuant to Title 34-A, section 1803, subsection 2, paragraph C remains the property of the State or county, respectively.

Public Law 2007, chapter 653 also establishes an operating reserve account within the State Board of Corrections Investment Fund for county jail budget growth during the counties' 2009-10 fiscal year. The Commissioner of Corrections shall submit a plan to the Governor and Commissioner of Administrative and Financial Services for the inclusion of a $1,500,000 appropriation to the operating reserve account of the State Board of Corrections Investment Fund in a supplemental or biennial budget bill authorizing appropriations and allocations for the 2009-10 fiscal year.

Public Law 2007, chapter 653 was enacted as an emergency measure effective April 18, 2008.

**LD 2081** **An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters** **PUBLIC 510 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SYKES | OTP-AM | H-704 |

LD 2081 prohibits a person from selling or distributing for retail sale in Maine novelty lighters, which are lighters that are designed to appear to be a toy, feature a flashing light or make musical sounds. Violation is a civil infraction.

**Committee Amendment "A" (H-704)**

This amendment clarifies that a novelty lighter does not include a lighter incapable of being fueled. The bill stated that a lighter lacking fuel was not a novelty lighter, which allowed for the possibility that such a lighter and a device to light it could be sold separately. The amendment also clarifies that a novelty lighter does not include a device that is primarily used to light a fireplace or grill. The amendment adds language to prohibit stocking the product on retail shelves and on offering a novelty lighter as a promotion with another retail product.

**Enacted Law Summary**

Public Law 2007, chapter 510 prohibits a person from selling, stocking or distributing for retail sale in Maine novelty lighters, which are lighters that are designed to appear to be a toy, feature a flashing light or make musical sounds. The prohibition does not apply to a lighter incapable of being fueled or a device that is primarily used to light a fireplace or grill. A novelty lighter may not be offered as a promotion with another retail product. Violation is a civil infraction.

Public Law 2007, chapter 510 was enacted as an emergency measure effective March 24, 2008.

**LD 2113** **An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program** **PUBLIC 503 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-705 |

LD 2113 creates the Prison Industries Advisory Council to help the Department of Corrections develop new marketing strategies and more diversified product lines and to identify methods to enhance programs and improve efficiency of operations throughout the prison industries system. It is the recommendation of the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334.

**Committee Amendment "A" (H-705)**

This amendment adds to the duties of the Prison Industries Advisory Council the duty to review the cost-benefit ratio of the prison industries programs.

**Enacted Law Summary**

Public Law 2007, chapter 503 creates the Prison Industries Advisory Council to help the Department of Corrections develop new marketing strategies and more diversified product lines, identify methods to enhance programs and improve efficiency of operations throughout the prison industries system, and review the cost-benefit ratio of the prison industries programs. It is the recommendation of the Committee To Study the Prison Industries Program pursuant to Joint Order 2007, H.P. 1334.

Public Law 2007, chapter 503 was enacted as an emergency measure effective March 19, 2008.

**LD 2168** **Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections** **RESOLVE 167 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The rule revises the procedures and standards governing the certification and monitoring of Batterer Intervention Programs.

**Enacted Law Summary**

Resolve 2007, chapter 167 provides for legislative review of portions of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The rule revises the procedures and standards governing the certification and monitoring of Batterer Intervention Programs.

Resolve 2007, chapter 167 was enacted as an emergency measure effective March 26, 2008.

**LD 2187** **An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations** **PUBLIC 633**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TARDY | OTP-AM | H-949 |

The current law enforcement solicitation law prohibits law enforcement agencies, law enforcement associations and law enforcement officers from soliciting from the general public when the property or any part of that property in any way tangibly benefits or is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. The most recent substantive change in the solicitation law was made to allow persons who are not law enforcement officers and who have no financial interest at stake to solicit property from the general public for the tangible benefit of law enforcement officers, agencies and associations. Law enforcement officers, agencies and associations, as well as paid solicitors and solicitors who reimburse their expenses from the proceeds of soliciting are prohibited from soliciting for the benefit of law enforcement officers. The change to allow solicitation by private persons was scheduled to sunset in 2004, and the sunset was repealed after the Attorney general reported to the Legislature that there were no reports that this change in the solicitation law impeded the State's ability and compelling interest to prevent inherently coercive solicitations.

This bill repeals the current law enforcement solicitation law that prohibits a law enforcement agency, law

enforcement association, law enforcement officer or a solicitation agent from soliciting property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association.

Specifically, the bill proposes to allow a law enforcement association to solicit donations of property from the general public only when the property or any part of the property in any way tangibly benefits or is intended to tangibly benefit or is represented to be for the tangible benefit of a law enforcement officer. In order to solicit as authorized here, all of the following must occur.

1. The law enforcement association may solicit donations only for an officer suffering from a catastrophic illness.

2. The association seeking to solicit donations under this section must obtain the approval of the governing body of the municipality in which the solicitation will occur. (If the solicitation is intended to encompass a county, the approval of the county commissioners of that county is also required. If the solicitation is intended to take place in the unorganized territory, approval of the Land Use Regulation Commission is required. Approval must also be obtained from the manager of the municipality in which the solicitation will occur, if there is such a manager.)

3. The association seeking to solicit donations under this section must also obtain the written and notarized approval of the Attorney General. The Attorney General may grant permission for the solicitation only if the Attorney General is satisfied that the association has obtained the approval from the local governing body, the solicitation is for an officer with a catastrophic illness and the funds solicited and collected are properly held in escrow.

4. Any funds collected pursuant to this section must be held in an escrow account that is separate from accounts of the association and maintained solely for the benefit of the ill officer or the officer's heirs if that officer dies.

The bill also requires the Attorney General to adopt routine technical rules regarding the administration of this section. Any violation of this solicitation process continues to be a violation of the Maine Unfair Trade Practices Act.

**Committee Amendment "A" (H-949)**

This amendment replaces the bill and creates a narrowly tailored exception to the law enforcement solicitation law by allowing only specific fundraising events and solicitations in which law enforcement is removed from direct contact with the potential donors. Specifically, the amendment does the following.

1. It defines "catastrophic illness," "designated public benefit corporation" and "immediate family member" for purposes of the amendment.

2. It provides that a law enforcement agency or law enforcement association may solicit property from the general public for the tangible benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness in 2 specific ways. First, a law enforcement agency or association may post advertisements in a public setting for a fundraising event, the tickets for which are available for purchase only from a designated public benefit corporation. Second, a law enforcement agency or association may make a public plea for donations through advertisements provided that all donations are sent directly to a designated public benefit corporation. Solicitations may not be sent directly to potential donors. Every solicitation must contain a notice identifying the designated public benefit corporation, its address and the law enforcement officer or the officer's immediate family member for whom the solicitation is made. The notice must also specify that any questions about the solicitation may be directed to the Office of the Attorney General.

3. It requires a law enforcement agency or law enforcement association and a designated public benefit corporation to sign a written agreement prior to engaging in any solicitation activity. The Office of the Attorney General shall provide a standardized written agreement that must be used.

4. It specifies that a designated public benefit corporation that engages in solicitation pursuant to the Maine Revised Statutes, Title 25, section 3702-C may not disclose the names of any donors to any person, except to the Attorney General.

5. It permits a law enforcement agency or law enforcement association to reimburse a designated public benefit corporation only for its printing costs and prohibits any other payment to the designated public benefit corporation for its services.

6. It requires that the parties to the written agreement comply with all requirements for reporting to, and registration with, the Department of Professional and Financial Regulation as a charitable organization, or as a charitable organization that is exempt from registration, pursuant to the Charitable Solicitations Act. It also requires the parties to comply with all other requirements related to the event or solicitation.

7. It requires that all funds collected by the designated public benefit corporation under this section be held in an escrow account that is separate from any other accounts. Checks, drafts and money orders from donors may be made payable only to the bank or trust company. Funds deposited in the escrow account are not subject to any liens or charges by the escrow agent or judgments, garnishments or creditor's claims against the designated public benefit corporation or beneficiary of the solicitations.

8. It specifies that the funds may be paid only to the beneficiary, or to the heirs of the beneficiary if the beneficiary dies, within 30 days of the conclusion of the event or written solicitation.

9. It requires that, upon request, a designated public benefit corporation provide an accounting of the funds received from the event or written solicitation and any documents related to the fundraising event or solicitation, including the names of the donors, only to the Attorney General, who is vested with authority to enforce due application of funds given, or appropriated, to public charities and to prevent breaches of trust in their administration.

**Enacted Law Summary**

Public Law 2007, chapter 633 creates a narrowly tailored exception to the law enforcement solicitation law by allowing only specific fundraising events and solicitations in which law enforcement is removed from direct contact with the potential donors. Public Law 2007, chapter 633 provides that a law enforcement agency or law enforcement association may solicit property from the general public for the tangible benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness in 2 specific ways. First, a law enforcement agency or association may post advertisements in a public setting for a fundraising event, the tickets for which are available for purchase only from a designated public benefit corporation. Second, a law enforcement agency or association may make a public plea for donations through advertisements provided that all donations are sent directly to a designated public benefit corporation. Solicitations may not be sent directly to potential donors. Every solicitation must contain a notice identifying the designated public benefit corporation, its address and the law enforcement officer or the officer's immediate family member for whom the solicitation is made. The notice must also specify that any questions about the solicitation may be directed to the Office of the Attorney General.

Public Law 2007, chapter 633 requires a law enforcement agency or law enforcement association and a designated public benefit corporation to sign a written agreement prior to engaging in any solicitation activity. The Office of the Attorney General shall provide a standardized written agreement that must be used. Public Law 2007, chapter 633 specifies that a designated public benefit corporation that engages in solicitation pursuant to the Maine Revised Statutes, Title 25, section 3702-C may not disclose the names of any donors to any person, except to the Attorney General.

Public Law 2007, chapter 633 permits a law enforcement agency or law enforcement association to reimburse a designated public benefit corporation only for its printing costs and prohibits any other payment to the designated

public benefit corporation for its services. It requires that the parties to the written agreement comply with all requirements for reporting to, and registration with, the Department of Professional and Financial Regulation as a charitable organization, or as a charitable organization that is exempt from registration, pursuant to the Charitable Solicitations Act. It also requires the parties to comply with all other requirements related to the event or solicitation.

Public Law 2007, chapter 633 requires that all funds collected by the designated public benefit corporation be held in an escrow account that is separate from any other accounts. Checks, drafts and money orders from donors may be made payable only to the bank or trust company. Funds deposited in the escrow account are not subject to any liens or charges by the escrow agent or judgments, garnishments or creditor's claims against the designated public benefit corporation or beneficiary of the solicitations. It also specifies that the funds may be paid only to the beneficiary, or to the heirs of the beneficiary if the beneficiary dies, within 30 days of the conclusion of the event or written solicitation.

Finally, Public Law 2007, chapter 633 requires that, upon request, a designated public benefit corporation provide an accounting of the funds received from the event or written solicitation and any documents related to the fundraising event or solicitation, including the names of the donors, only to the Attorney General, who is vested with authority to enforce due application of funds given, or appropriated, to public charities and to prevent breaches of trust in their administration.

**LD 2240** **An Act Containing the Recommendations of the Criminal Law Advisory Commission** **PUBLIC 518**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-735 |

This bill is proposed by the Criminal Law Advisory Commission and does the following.

The bill amends the Maine Revised Statutes, Title 4, section 51 to conform the language with Rule 12(a) of the Maine Rules of Appellate Procedure.

The bill deletes the first sentence of Title 15, section 1026, subsection 3 as amended by Public Law 2007, chapter 377, corrects a conflict created when Public Law 2007, chapter 374 amended the same section of law and adds a new introductory sentence that more accurately identifies the purpose of subsection 3.

The bill adds to subparagraph 12 of Title 15, section 1026, subsection 3, paragraph A language that was unintentionally omitted when that paragraph was amended by Public Law 2007, chapter 374, section 6.

The bill modifies Title 17-A, section 15, subsection 1, paragraph A by adding a new subparagraph 5-B to reflect the new domestic violence crimes recently added to chapter 9 of the Maine Criminal Code and by adding subparagraphs 15, 16 and 17, allowing 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 by the attorney for the State, of a condition of supervised release for sex offenders when requested by a probation officer and of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State.

The bill strikes the current references in Title 17-A, section 16, subsection 2 to section 255 and section 501, subsection 2, as each has been repealed. It also adds in Title 17-A, section 16, subsection 2 a reference to current section 255-A, the section that replaced former section 255.

The bill deletes the word "any" in Title 17-A, section 261, subsection 2, paragraph C, which is unnecessary and

inconsistent with the parallel paragraph C of section 261, subsection 1.

The bill amends Title 17-A, section 1205, subsection 4, paragraph A by changing the current directive as to where a probable cause hearing should take place. Current law provides that the hearing must be held as near to the place where the new violation is alleged to have taken place as is reasonable. This change would create the general rule that the hearing be held in the court where the person was placed on probation, thus facilitating participation at the hearing by the prosecutorial office that prosecuted the underlying criminal case in the first instance rather than an office wholly unfamiliar with the case. A court would be free to order that the hearing be held elsewhere, on request of the State, the defendant or the court, if it is reasonable under the circumstances to hold the hearing in a court other than the court that sentenced the person, based on the availability of resources and familiarity with the defendant, the underlying case, the alleged violation and the person's conduct while under supervision.

The bill eliminates in Title 17-A, section 1304, subsection 3 the necessity of a court bringing a motion to enforce payment of a fine and providing notification to the offender if at the time of sentence imposition the court's order to pay the fine and accompanying warnings to the offender comply with Title 14, section 3141, subsection 3 or 4. In that event, if the offender fails to appear as directed by the court's fine order, the court may issue a bench warrant.

The bill amends the definition of "family or household members" in Title 19-A, section 4002, subsection 4 by adding Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C and 211-A to the current list of Maine Criminal Code sections for which the definition includes "individuals presently or formerly living together and individuals who are or were sexual partners."

**Committee Amendment "A" (H-735)**

This amendment makes technical changes to the bill to incorporate changes made by Public Law 2007, chapter 475, section 8. The amendment also strikes from the bill the provision that changed the current directive as to where a probable cause hearing should take place for a probation violation by creating the general rule that the hearing be held in the court where the person was placed on probation. Striking this provision from the bill means that the current law is retained, which provides that the hearing must be held as near to the place where the new violation is alleged to have taken place as is reasonable.

**Enacted Law Summary**

Public Law 2007, chapter 518 makes a number of technical changes to the statutes regarding criminal procedure, bail and criminal law to reflect enactment of recent laws, to conform language with certain rules and to correct conflicts and omissions.

A substantive change in Public Law 2007, chapter 518 modifies Title 17-A, section 15, subsection 1, paragraph A by adding a new subparagraph 5-B to reflect the new domestic violence crimes recently added to chapter 9 of the Maine Criminal Code and by adding provisions allowing 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 by the attorney for the State, of a condition of supervised release for sex offenders when requested by a probation officer and of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State.

Public Law 2007, chapter 518 also eliminates in Title 17-A, section 1304, subsection 3 the necessity of a court bringing a motion to enforce payment of a fine and providing notification to the offender if at the time of sentence imposition the court's order to pay the fine and accompanying warnings to the offender comply with Title 14, section 3141, subsection 3 or 4. In that event, if the offender fails to appear as directed by the court's fine order, the court may issue a bench warrant.

Public Law 2007, chapter 518 also amends the definition of "family or household members" in Title 19-A, section 4002, subsection 4 by adding Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C and 211-A to the current list of Maine Criminal Code sections for which the definition includes "individuals presently or formerly living together

and individuals who are or were sexual partners."

**LD 2267** **An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States** **PUBLIC 555**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP MAJ<br>ONTP MIN | |

This bill is submitted by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Resolve 2007, chapter 84. That resolve directed the Commissioner of Public Safety and the Attorney General to review other states' concealed firearms laws to determine if any satisfy Maine's statutory standards for reciprocity. After review of all other states' concealed firearms laws, the reviewers identified several states that meet or exceed Maine's standards and could be approached as candidates for reciprocity. This bill repeals the limitation that the Chief of the State Police may enter into reciprocity with no more than 2 states. The bill authorizes the Chief of the State Police to enter into reciprocity agreements with any other states that meet or exceed the requirements of this State.

This bill is submitted by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Resolve 2007, chapter 84. That resolve directed the Commissioner of Public Safety and the Attorney General to review other states' concealed firearms laws to determine if any satisfy Maine's statutory standards for reciprocity. After review of all other states' concealed firearms laws, the reviewers identified several states that meet or exceed Maine's standards and could be approached as candidates for reciprocity. This bill repeals the limitation that the Chief of the State Police may enter into reciprocity with no more than 2 states. The bill authorizes the Chief of the State Police to enter into reciprocity agreements with any other states that meet or exceed the requirements of this State.

**Enacted Law Summary**

Public Law 2007, chapter 555 was submitted as LD 2267 by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Resolve 2007, chapter 84. That resolve directed the Commissioner of Public Safety and the Attorney General to review other states' concealed firearms laws to determine if any satisfy Maine's statutory standards for reciprocity. After review of all other states' concealed firearms laws, the reviewers identified several states that meet or exceed Maine's standards and could be approached as candidates for reciprocity. Public Law 2007, chapter 555 repeals the limitation that the Chief of the State Police may enter into reciprocity with no more than 2 states. Public Law 2007, chapter 555 authorizes the Chief of the State Police to enter into reciprocity agreements with any other states that meet or exceed the requirements of this State.

**LD 2312** **Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities** **RESOLVE 225 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP MAJ<br>ONTP MIN | S-660 ROTUNDO |

This resolve is submitted by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2008, S.P. 890.

Resolve 2005, chapter 101 established a guardian ad litem and advocate pilot project for juveniles committed to the Long Creek Youth Development Center and the Mountain View Youth Development Center. The pilot project is scheduled to terminate on April 1, 2008. This resolve extends the termination date for the pilot project to April 1, 2010. It also requires the Commissioner of Corrections to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a summary of the pilot project no later than January 15, 2010.

**Senate Amendment "A" (S-660)**

This amendment repeals from Resolve 2005, chapter 101 the language requiring that the chief advocate of the Department of Corrections select an advocate for the Mountain View Youth Development Center and instead requires the Commissioner of Corrections to appoint a selection committee to recommend an appropriate guardian ad litem for each juvenile committed to the Mountain View Youth Development Center. This amendment also strikes the appropriations and allocations section.

**Enacted Law Summary**

Resolve 2007, chapter 225 was submitted by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2008, S.P. 890. Resolve 2005, chapter 101 established a guardian ad litem and advocate pilot project for juveniles committed to the Long Creek Youth Development Center and the Mountain View Youth Development Center. The pilot project was scheduled to terminate on April 1, 2008. Resolve 2007, chapter 225 extends the termination date for the pilot project to April 1, 2010 and modifies the pilot by specifying that instead of requiring that the chief advocate of the Department of Corrections select an advocate for the Mountain View Youth Development Center, the Commissioner of Corrections must, within existing resources, appoint a selection committee to recommend an appropriate guardian ad litem for each juvenile committed to the Mountain View Youth Development Center who is chosen to participate in the pilot. It also requires the Commissioner of Corrections to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a summary of the pilot project no later than January 15, 2010.

Resolve 2007, chapter 225 was enacted as an emergency measure effective April 24, 2008.

# *Joint Standing Committee on Criminal Justice and Public Safety*

## SUBJECT INDEX

### *Corrections*

**Enacted**

| | | |
|---|---|---|
| LD 1953 | An Act To Amend the Laws Relating to the Department of Corrections | PUBLIC 536 |
| LD 2080 | An Act To Better Coordinate and Reduce the Cost of the Delivery of State and County Correctional Services | PUBLIC 653 EMERGENCY |
| LD 2113 | An Act To Implement the Recommendations of the Committee To Study the Prison Industries Program | PUBLIC 503 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2029 | An Act To Reduce Property Taxes, Eliminate Duplication and Streamline Government by Unifying the State Prisons and County Jails | ONTP |

### *Criminal Law*

**Enacted**

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|---|---|---|
| LD 1873 | An Act To Amend the Laws Governing Stalking | PUBLIC 685 |

### *Criminal Procedure/Bail/Sentencing*

**Enacted**

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|---|---|---|
| LD 1240 | An Act To Implement the Recommendations of the Criminal Law Advisory Commission | PUBLIC 475 |
| LD 1241 | An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code | PUBLIC 476 |
| LD 1938 | An Act To Allow Community Service in Lieu of Fines | PUBLIC 517 |
| LD 2240 | An Act Containing the Recommendations of the Criminal Law Advisory Commission | PUBLIC 518 |

**Not Enacted**

| | | |
|---|---|---|
| LD 2011 | An Act To Establish a Bracelet Monitoring Program for Persons Convicted of Minor Crimes | ONTP |

### *Domestic Violence*

**Enacted**

| | | |
|---|---|---|
| LD 1990 | Resolve, To Prevent Domestic Violence and Protect Our Citizens | RESOLVE 196 EMERGENCY |
| LD 2168 | Resolve, Regarding Legislative Review of Portions of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections | RESOLVE 167 EMERGENCY |

Not Enacted

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|---|---|---|
| LD 1999 | An Act To Amend Criminal Laws against Domestic Violence To Ensure Appropriate Recognition of Prior Convictions | ONTP |

## *Drugs*

Not Enacted

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|---|---|---|
| LD 424 | An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence | ONTP |

## *Juveniles*

Enacted

| | | |
|---|---|---|
| LD 1897 | An Act To Allow Blended Sentencing for Certain Juveniles | PUBLIC 686 |
| LD 2312 | Resolve, To Extend the Pilot Project at the Juvenile Correctional Facilities | RESOLVE 225 EMERGENCY |

Not Enacted

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|---|---|---|
| LD 71 | An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases | DIED ON ADJOURNMENT |
| LD 1512 | An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile | DIED ON ADJOURNMENT |

## *Law Enforcement*

Enacted

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| LD 2187 | An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations | PUBLIC 633 |

Not Enacted

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|---|---|---|
| LD 68 | An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer | DIED ON ADJOURNMENT |

## *OUI/OAS/Other MV Violations*

Enacted

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|---|---|---|
| LD 856 | An Act To Reduce Drunk Driving | PUBLIC 531 |

Not Enacted

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|---|---|---|
| LD 280 | An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime | DIED ON ADJOURNMENT |
| LD 1674 | An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws | DIED ON ADJOURNMENT |
| LD 2030 | An Act To Allow Nondangerous Drivers To Obtain a Work-restricted License | ONTP |

## *Public Safety/Fire Safety/EMS*

Enacted

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|---|---|---|
| LD 1981 | An Act To Ensure Legislative Review of Fire Sprinkler Rules | PUBLIC 632 |
| LD 2081 | An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters | PUBLIC 510 EMERGENCY |

Not Enacted

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|---|---|---|
| LD 239 | An Act To Provide a Felony Penalty for Assault on a Firefighter | DIED BETWEEN HOUSES |

## *Sex Offender Registration and Notification*

Not Enacted

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|---|---|---|
| LD 446 | An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness | HELD BY GOVERNOR |

## *Sex Offenses -- Criminal*

Enacted

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|---|---|---|
| LD 372 | An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims | PUBLIC 474 |
| LD 2079 | An Act To Strengthen the Crime of Visual Sexual Aggression against a Child | PUBLIC 688 |

Not Enacted

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|---|---|---|
| LD 3 | An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material | DIED ON ADJOURNMENT |

| | | |
|---|---|---|
| LD 149 | An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault | DIED ON ADJOURNMENT |
| LD 220 | An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault | DIED ON ADJOURNMENT |
| LD 423 | An Act To Ensure the Safety of the Public and of Victims of Sexual Assault | ONTP |

## *Weapons/Firearms/CWPs*

Enacted

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|---|---|---|
| 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 | PUBLIC 670 |
| LD 2051 | An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent | PUBLIC 512 |
| LD 2267 | An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States | PUBLIC 555 |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 2008


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**LD 123** **Resolve, To Support the Inclusion of Labor Education at Maine Public Institutions of Higher Education** **RESOLVE 210**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | OTP-AM MAJ<br>ONTP MIN | H-908<br>H-964 SUTHERLAND |

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.

**Committee Amendment "C" (H-908)**

This amendment, which is the majority report of the Joint Standing Committee on Education, removes the appropriation from the bill, changes the bill to a resolve and provides that the Legislature supports the endorsement of the Chancellor of the University of Maine System of the concept of the establishment of a labor center at the University of Southern Maine. This center would draw on knowledge from a number of different fields of study and offer labor education and policy development, including, but not limited to, courses in the history and role of working people and the labor movement and training and policy workshops on topics such as workers' compensation, unemployment insurance and labor law, to students and community organizations. The amendment also provides that the Legislature endorses the recommendation of the faculty of the University of Southern Maine that a labor center be established at the University of Southern Maine using existing budgeted resources of the University of Maine System.

**House Amendment "B" (H-964)**

This amendment strikes the provisions of Committee Amendment "C" that support the establishment of a labor center and instead expresses the support of the Legislature for the inclusion of labor education at Maine public institutions of higher education.

**Enacted Law Summary**

Resolve 2007, chapter 210 provides that the Legislature supports the inclusion of labor education as part of a comprehensive course offering at all Maine public institutions of higher education.

**LD 196** **An Act To Modify the Maine Learning Results System** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FINCH | ONTP | |

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.

**LD 672** **Resolve, To Study the Scientific Research Support Capability of the Maine State Museum** **RESOLVE 220**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP-AM | S-403<br>S-671 ROTUNDO |

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 "B" (S-403)**

This amendment changes the start date for funding for the Museum Specialist III position from October 1, 2007 to August 1, 2008 and changes the appropriations amounts accordingly.

**Senate Amendment "A" (S-671)**

This amendment strikes the bill and replaces it with a resolve that requires the Maine State Museum Commission to study economical methods for properly maintaining state-owned natural science collections in the future and to report the results of this study to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2009. This amendment also provides that the joint standing committee is authorized to introduce legislation to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 220 requires the Maine State Museum Commission to study economical methods for properly maintaining state-owned natural science collections in the future and to report the results of this study to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2009. The resolve also provides that the joint standing committee is authorized to introduce legislation to the First Regular Session of the 124th Legislature.

## LD 1041 An Act To Improve the Essential Programs and Services Funding Formula

**ACCEPTED**
**REPORT A (ONTP)**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FINCH<br>MARRACHE | ONTP A<br>OTP-AM B<br>OTP-AM C<br>OTP-AM D | |

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.

## LD 1152 An Act To Improve Public Education in Maine

**ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NORTON<br>BOWMAN | ONTP | |

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.

**LD 1426 An Act To Enhance the Prekindergarten Experience for Maine Children** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAIN | ONTP | |

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.

**LD 1932 An Act To Amend the Laws Regarding School Funding** **VETOED**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | OTP-AM MAJ | S-467 |
| | OTP-AM MIN | S-554 DAMON |

The bill amends the laws regarding school funding to address and correct school funding issues that present barriers to the implementation of school reorganization.

**Committee of Conference Amendment "A" (S-467)**

This unanimous committee of conference amendment replaces the bill and incorporates Committee Amendment "A" (S-410) as amended by House Amendment "F" to Committee Amendment "A" (H-718) and House Amendment "E" to Committee Amendment "A" (H-717) and House Amendment "E" (H-719) to the bill. This amendment differs from the listed amendments in 2 ways. It removes the delay of the budget referendum process included in Committee Amendment "A" and it further refines the population density factor exception in House Amendment "F" to Committee Amendment "A".

This amendment includes the following from Committee Amendment "A" (S-410).

1. It clarifies the authorization provided to regional planning committees to negotiate a cost-sharing agreement for those costs of a proposed regional school unit that are in addition to the local contribution required pursuant to the Maine Revised Statutes, Title 20-A, section 15690.

2. It repeals a cross-reference to the unit of law that is repealed in the bill regarding the requirement that each municipality that is a member of a new regional school unit contribute a minimum of 2 mills of the municipality's property fiscal capacity to the total cost of education of the new regional school unit.

3. It includes language inadvertently left out of the bill regarding the requirement that the reorganization plan include a process for amending the cost-sharing formula.

4. It clarifies the roles of the municipal officers and the school committee for municipal school units whose municipal charters give authority to approve the school budget to the municipal officers and establishes the requirements for calling a budget meeting and the procedures for the budget meeting.

5. It clarifies the relationship between a regional school unit board and a local school that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality. The amendment also removes 2 references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.

6. It permits the Commissioner of Education to authorize so-called "doughnut hole" school units that have 1,200 or fewer students and no other available reorganization partners to form a regional school unit that serves at least 1,000 students if these isolated, rural school units meet certain criteria.

7. It clarifies the assumption of existing debt that is transferred from an original education unit to a new regional school unit that is formed after July 1, 2008.

8. It provides regional school unit boards with the legal authority to receive and spend state and local funds, including funds for the election of regional school unit board members and to hire a superintendent prior to the operational date of the new regional school unit on July 1, 2009.

This amendment includes the following from House Amendment "E" to Committee Amendment "A" (H-717).

1. Part B of this amendment changes the deadline by which a referendum must be held to January 15, 2009 and changes dates that are linked to the referendum date by the same amount of time.

2. Part C of this amendment authorizes regional school unions as an alternative to the regional school unit method of school reorganization. A regional school union must perform certain core functions, which include employment of a superintendent, performance of all business functions, special education administration, transportation administration, adoption of a core curriculum and all state and federal reporting. A regional school union is formed in the same manner as a regional school unit by means of a reorganization plan prepared by a reorganization planning committee, with approval of the Commissioner of Education and approval at a referendum. Regional school unions are subject to the same requirements as regional school units with respect to minimum numbers of students, exceptions to minimum numbers of students, timelines for submission of reorganization plans, operational date and applicable penalties. School administrative units that form a regional school union become "local educational units" with no further responsibility for the administrative functions, which are taken over by the regional school union.

3. It also requires that a budget validation referendum be conducted to approve the budget for a regional school union.

This amendment includes the following from House Amendment "E" to the bill (H-719).

1. It enacts into law provisions regarding reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1403, 1405 and 1406 and allow the dissolution of regional school units, the withdrawal from a regional school unit by a municipality and the transfer by a municipality out of one regional school unit into another. The amendment includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education and to make rules concerning the reorganization of the regional school units.

2. It clarifies that the procedures set forth for withdrawal from a regional school unit are available to a municipality prior to the formation of the regional school unit.

3. It also makes technical corrections to align the employment and collective bargaining provisions of the bill, which apply in the event of dissolution of a regional school unit or withdrawal or transfer of a single municipality from a regional school unit, with the employment and collective bargaining provisions enacted in Public Law 2007, chapter 240, Part XXXX and codified in the Maine Revised Statutes, Title 20-A, sections 1463 and 1464.

This amendment includes the provision from House Amendment "F" to Committee Amendment "A" (H-718) that allows a state-approved unit of school administration that was responsible for operating public schools prior to the reorganization of school administrative units pursuant to the Maine Revised Statutes, Title 20-A, chapter 103-A to serve fewer than 1,200 students if the area it serves has fewer than 50 residents per square mile. This amendment differs from House Amendment "F" to Committee Amendment "A" by refining the population density exception to require the Commissioner of Education to lower the 1,200-student requirement when the commissioner determines that the number is impractical.

**Senate Amendment "D" (S-554)**

This amendment removes the emergency preamble and emergency clause.

## LD 1944 An Act Regarding the Application of Term Limits for the State Board of Education — PUBLIC 528

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FINCH | OTP-AM | H-745 |

This bill provides that if a person appointed to fill a vacancy on the State Board of Education serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed on board members. It also clarifies that the limitation on terms imposed on members of the State Board of Education applies to terms served by current board members except that if a current board member's service is in excess of that permitted by the limitation on terms, that member may finish the member's term.

**Committee Amendment "A" (H-745)**

This amendment clarifies that the term of office for a member of the State Board of Education begins when the member is sworn into office.

**Enacted Law Summary**

Public Law 2007, chapter 528 provides that if a person appointed to fill a vacancy on the State Board of Education serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed on board members. The law also clarifies that the limitation on terms imposed on members of the State Board of Education applies to terms served by current board members except that if a current board member's service is in excess of that permitted by the limitation on terms, that member may finish the member's term. The law further clarifies that the term of office for a member of the State Board of Education begins when the member is sworn into office.

**LD 1949** **Resolve, Regarding Special Education Evaluations** **RESOLVE 158 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | OTP-AM MAJ<br>ONTP MIN | H-699<br>H-722 NORTON |

This resolve directs the Department of Education to amend its rules governing special education to provide a deadline of 45 school days for the completion of an evaluation.

**Committee Amendment "A" (H-699)**

This amendment, which is the majority report, incorporates a fiscal note.

**House Amendment "A" (H-722)**

This amendment adds an emergency preamble and emergency clause to the resolve.

**Enacted Law Summary**

Resolve 2007, chapter 158 directs the Department of Education to amend its rules governing special education to provide a deadline of 45 school days for the completion of an evaluation.

Resolve 2007, chapter 158 was enacted as an emergency measure effective March 21, 2008.

**LD 1973** **An Act To Improve the Compliance and Accountability of the Child Development Services System** **PUBLIC 530**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | OTP MAJ<br>ONTP MIN | |

This bill requires the Department of Education to submit quarterly reports to 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. Under this bill, the Maine Advisory Council for the Education of Children with Disabilities may continue to serve as both the state interagency coordinating council and the state advisory panel.

**Enacted Law Summary**

Public Law 2007, chapter 530 requires the Department of Education to submit quarterly reports to 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. Under this law, the Maine Advisory Council for the Education of Children with Disabilities may continue to serve as both the state interagency coordinating council and the state advisory panel.

**LD 1993 Resolve, Regarding Enhancement of Maine's Cultural Assets** **RESOLVE 182**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-478 |

This resolve establishes the Commission To Review the Accountability of State Cultural Agencies and directs the commission to submit its report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by November 5, 2008.

**Committee Amendment "A" (S-478)**

This amendment replaces the resolve. It directs the Maine State Cultural Affairs Council to review its statutory charge and identify ways to strengthen the council's visibility, expand citizen participation and improve the delivery of services. The council is required to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than January 9, 2009.

**Enacted Law Summary**

Resolve 2007, chapter 182 directs the Maine State Cultural Affairs Council to review its statutory charge and identify ways to strengthen the council's visibility, expand citizen participation and improve the delivery of services. The council is required to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than January 9, 2009.

**LD 1997 An Act To Fully Fund School Breakfast from Kindergarten to Grade 12** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP-AM | S-491 |

This bill requires public schools to provide all children who are eligible for free and reduced-price meals under the National School Lunch Program with a meal that meets the requirements of the federal School Breakfast Program at no cost to the student and requires the State to provide the funding for the costs of the program that are not reimbursed by the Federal Government. This bill includes an allocation from the Fund for a Healthy Maine for the costs to the State in fiscal year 2008-09 and adds the school breakfast program to the health-related initiatives that are eligible to receive funds from the Fund for a Healthy Maine.

**Committee Amendment "A" (S-491)**

This amendment clarifies that the State pays the cost of breakfast now paid by students eligible for a reduced-price breakfast for those schools that choose to provide breakfast. It also replaces the appropriations and allocations section to reflect the intent of the bill.

While this bill died on adjournment, the provisions of the bill as amended by this committee amendment, were enacted as Part IIII of Public Law 2007, chapter 539, the supplemental budget bill.

**LD 1998** **An Act To Provide Accessible Higher Education Financial Assistance for Maine Families** **PUBLIC 520 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP-AM | S-447 |

This bill amends certain provisions of the Finance Authority of Maine's existing authority to finance education loans to ensure the ability of the Finance Authority of Maine to originate such loans.

**Committee Amendment "A" (S-447)**

This amendment allows the Finance Authority of Maine to purchase loans made by out-of-state lenders under the Federal Family Education Loan Program to Maine students.

**Enacted Law Summary**

Public Law 2007, chapter 520 amends certain provisions of the Finance Authority of Maine's existing authority to finance education loans to ensure the ability of the Finance Authority of Maine to originate such loans. The law also allows the Finance Authority of Maine to purchase loans made by out-of-state lenders under the Federal Family Education Loan Program to Maine students.

Public Law 2007, chapter 520 was enacted as an emergency measure effective March 27, 2008.

**LD 2025** **An Act To Provide Degree-granting Authority to the Landing School of Boatbuilding and Design** **P & S 40 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CONNOR | OTP-AM | H-759 |

This bill authorizes the Landing School of Boatbuilding and Design to confer the degree of Associate Degree in Applied Science upon students in accordance with the Maine Revised Statutes, Title 20-A, section 10704 based on the recommendation of the State Board of Education. The bill is an emergency because the school needs the authorization to initiate the national accreditation process with the United States Department of Education.

**Committee Amendment "A" (H-759)**

This amendment corrects an error in the emergency preamble of the bill.

**Enacted Law Summary**

Private and Special Law 2007, chapter 40 authorizes the Landing School of Boatbuilding and Design to confer the degree of Associate Degree in Applied Science upon students in accordance with the Maine Revised Statutes, Title 20-A, section 10704 based on the recommendation of the State Board of Education.

Private and Special Law 2007, chapter 40 was enacted as an emergency measure effective March 31, 2008.

**LD 2026** **Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error** **RESOLVE 217**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TREAT | OTP-AM | H-702 |
| | | S-677 ROTUNDO |

This resolve requires the Commissioner of Education to make a state subsidy adjustment to School Administrative District No. 11 for contributions to the Maine Public Employees Retirement System that should have been paid by the Department of Education from state funds but were instead paid in error by School Administrative District No. 11 from local funds.

**Committee Amendment "A" (H-702)**

This amendment specifies that the reimbursement to School Administrative District No. 11 for retirement contributions it made that should have been paid by the State must be made by the Commissioner of Administrative and Financial Services from an appropriation for that purpose, rather than by the Commissioner of Education through a subsidy adjustment as proposed in the resolve. This amendment also adds an appropriations and allocations section.

**Senate Amendment "A" (S-677)**

This amendment replaces the resolve and provides that the Governor must include in the biennial budget bill for the 2010-2011 biennial budget funding in the amount of $90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

**Enacted Law Summary**

Resolve 2007, chapter 217 provides that the Governor must include in the biennial budget bill, for the 2010-2011 biennial budget, funding in the amount of $90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

**LD 2027** **Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities** **RESOLVE 171**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FLOOD | OTP-AM | H-760 |

This bill creates an ombudsman program to provide services to children and families in the State regarding special education programs and special education services and to provide support to students with disabilities and their parents, guardians and educators.

**Committee Amendment "A" (H-760)**

This amendment strikes the bill and replaces it with a resolve that directs the Maine Developmental Disabilities Council to establish a work group to examine the information, training and support services that are currently available to the parents of children with disabilities regarding special education programs and services, including the extent to which ombudsman services would be beneficial to the parents of children with disabilities. The Maine Developmental Disabilities Council shall convene the work group and provide all staffing assistance and funding necessary to carry out the duties of the work group. The Maine Developmental Disabilities Council shall submit a

report no later than January 31, 2009 to the joint standing committee of the Legislature having jurisdiction over education matters, which may introduce a bill to the 124th Legislature on matters relating to the recommendations of the work group.

**Enacted Law Summary**

Resolve 2007, chapter 171 directs the Maine Developmental Disabilities Council to establish a work group to examine the information, training and support services that are currently available to the parents of children with disabilities regarding special education programs and services, including the extent to which ombudsman services would be beneficial to the parents of children with disabilities. The resolve provides that the Maine Developmental Disabilities Council shall convene the work group, shall provide all staffing assistance and funding necessary to carry out the duties of the work group, and shall submit a report no later than January 31, 2009 to the joint standing committee of the Legislature having jurisdiction over education matters, which may introduce a bill to the 124th Legislature on matters relating to the recommendations of the work group.

## LD 2028 An Act To Clarify the Authority of the Board of Directors of Regional School Unit No. 1

**P & S 42**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERCY | OTP-AM MAJ<br>ONTP MIN | H-912 |

This bill enacts a mechanism to equalize the tax burden for education across municipalities authorized to regionalize in the lower Kennebec River area pursuant to Private and Special Law 2007, chapter 25. The bill also authorizes limiting choice for students from municipalities that join the district after the initial date of consolidation.

**Committee Amendment "A" (H-912)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill to clarify the authority of the board of directors of Regional School Unit No. 1 to negotiate and enter into a tuition contract with the Georgetown School Committee for students from the Town of Arrowsic to continue to have the opportunity to attend the Georgetown Central School.

**Enacted Law Summary**

Private and Special Law 2007, chapter 42 clarifies the authority of the board of directors of Regional School Unit No. 1 to negotiate and enter into a tuition contract with the Georgetown School Committee for students from the Town of Arrowsic to continue to have the opportunity to attend the Georgetown Central School.

## LD 2043 An Act To Protect Student Athletes

**ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SIMPSON | ONTP | |

This bill, modeled after Texas legislation, requires the development and adoption of an extracurricular activity safety training course by the Department of Education to be used in all public and certain private schools in Maine. It requires certain school personnel to take the safety training course, which includes training in the recognition of potentially catastrophic injuries, emergency response and cardiopulmonary resuscitation. It also requires schools to provide to students participating in extracurricular athletic activities training related to recognizing the symptoms of certain injuries and the risks of using dietary supplements to enhance athletic performance.

**LD 2062** **An Act Regarding Education Laws** **PUBLIC 572**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NORTON | OTP-AM | H-780 |
| | | H-801 RINES |
| | | S-496 BOWMAN |

Part A of this bill accomplishes the following.

1. It amends the school transportation statutes to clarify that public preschool students are included in the group of elementary students for whom school administrative units are required to provide transportation.

2. It makes several changes in the postsecondary educational institution statutes, including adding the certification of advanced studies to the list of degrees that may be conferred by postsecondary educational institutions, updating references to "junior college" to "community college," adding the Maine Maritime Academy to the list of public institutions not included in the definition of "educational institution" and clarifying the postsecondary degree-granting approval process and the State Board of Education's role in that process.

3. It specifically authorizes the State Board of Education to advise the Commissioner of Education and the Legislature on matters pertaining to education in elementary and secondary schools and post-secondary educational institutions.

4. It repeals the statutory provisions relating to the Maine State Commission for Higher Education Facilities, whose duties were assumed by the Maine Health and Higher Educational Facilities Authority.

5. It clarifies that the school nurse consultant within the Department of Education is jointly supervised by the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and the Policy Director of Special Services within the Department of Education.

Part B of this bill eliminates the sunsets on the transition periods and makes the centralization of the fiscal, data and human resources of the Child Development Services System permanent to achieve a more efficient and effective Child Development Services System delivery and governance system.

**Committee Amendment "A" (H-780)**

This amendment provides that any adoption or amendment of a rule by the Department of Education that concerns the transportation of public preschool students is a major substantive rule and subject to legislative review.

**House Amendment "A" (H-801)**

This amendment is being presented on behalf of the Committee on Bills in the Second Reading to fix a technical error.

**Senate Amendment "A" (S-496)**

This amendment makes consistent language contained in the Maine Revised Statutes, Title 20-A and Title 29-A regarding the adoption of rules concerning the transportation of public preschool students.

**Enacted Law Summary**

Public Law 2007, chapter 572 accomplishes the following.

1. It amends the school transportation statutes to clarify that public preschool students are included in the group of elementary students for whom school administrative units are required to provide transportation.

2. It provides that any adoption or amendment of a rule by the Department of Education that concerns the transportation of public preschool students is a major substantive rule and subject to legislative review.

3. It makes several changes in the postsecondary educational institution statutes, including adding the certification of advanced studies to the list of degrees that may be conferred by postsecondary educational institutions, updating references to "junior college" to "community college," adding the Maine Maritime Academy to the list of public institutions not included in the definition of "educational institution" and clarifying the postsecondary degree-granting approval process and the State Board of Education's role in that process.

4. It specifically authorizes the State Board of Education to advise the Commissioner of Education and the Legislature on matters pertaining to education in elementary and secondary schools and post-secondary educational institutions.

5. It repeals the statutory provisions relating to the Maine State Commission for Higher Education Facilities, whose duties were assumed by the Maine Health and Higher Educational Facilities Authority.

6. It clarifies that the school nurse consultant within the Department of Education is jointly supervised by the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and the Policy Director of Special Services within the Department of Education.

7. It eliminates the sunsets on the transition periods and makes the centralization of the fiscal, data and human resources of the Child Development Services System permanent to achieve a more efficient and effective Child Development Services System delivery and governance system.

**LD 2082** **An Act To Preserve Successful Historic Neighborhood Schools** **PUBLIC 578**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HINCK | OTP-AM | H-816 |

This bill allows the Public Utilities Commission and the State Board of Education to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the renovation of historic school buildings. Under the bill, the Public Utilities Commission may grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that a proposed renovation of a historic school building is in substantial compliance with the energy efficiency standards or that it provides substantial energy efficiency, education, social or environmental benefits over alternative proposals. The State Board of Education may grant a waiver from its school energy efficiency standards rules to a local school authority that has obtained a waiver from the mandatory energy standards for commercial construction from the Public Utilities Commission. The bill also directs the State Board of Education to amend its rules governing school energy efficiency standards to allow for such a waiver.

**Committee Amendment "A" (H-816)**

This amendment strikes and replaces the bill to allow the State Board of Education, in consultation with the Public Utilities Commission and the Executive Director of the State Historic Preservation Commission, to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the substantial renovation of historic school buildings. Under the amendment, the State Board of Education shall grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that the renovation of the historic school building would not compromise existing public health and

safety requirements for school facilities and can demonstrate that 2 or more of the following circumstances exist:

1. The proposed renovation of the historic school building is in substantial compliance with the energy efficiency standards;

2. The proposed renovation of the historic school building provides substantial energy efficiency and also provides education, social or environmental benefits over alternative proposals; and

3. Adherence to the energy building standards would result in irreparable damage to the historic character of the historic school building.

The amendment also directs the State Board of Education to adopt or amend rules to allow for a waiver of the energy efficiency standards for the substantial renovation of a historic school building.

**Enacted Law Summary**

Public Law 2007, chapter 578 allows the State Board of Education, in consultation with the Public Utilities Commission and the Executive Director of the State Historic Preservation Commission, to grant waivers from mandatory energy efficiency standards for building construction and renovation on a case-by-case basis for the substantial renovation of historic school buildings. Under the law, the State Board of Education shall grant a waiver from the mandatory energy standards for commercial construction to a local school authority that can demonstrate that the renovation of the historic school building would not compromise existing public health and safety requirements for school facilities and can demonstrate that 2 or more of the following circumstances exist:

1. The proposed renovation of the historic school building is in substantial compliance with the energy efficiency standards;

2. The proposed renovation of the historic school building provides substantial energy efficiency and also provides education, social or environmental benefits over alternative proposals; and

3. Adherence to the energy building standards would result in irreparable damage to the historic character of the historic school building.

The law also directs the State Board of Education to adopt or amend rules to allow for a waiver of the energy efficiency standards for the substantial renovation of a historic school building.

Public Law 2007, chapter 578 was enacted as an amergency measure effective April 8, 2008.

**LD 2083** **Resolve, To Expand Access to Foreign Language Instruction in Maine Schools** **RESOLVE 162 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TREAT | OTP-AM | H-733 |

This bill allows teachers of modern and classical languages whose primary language is not English to retain certification while receiving support to pass the required Praxis test.

**Committee Amendment "A" (H-733)**

This amendment replaces the provision of the resolve concerning modern and classical language teachers. It requires the State Board of Education to adopt routine technical rules concerning testing and certification for world language teachers to allow an individual whose first language is the target language that the individual teaches to renew that individual's targeted need certificate annually upon meeting certain requirements and to specify there is

no limit on the number of times the certificate may be renewed under those conditions.

**Enacted Law Summary**

Resolve 2007, chapter 162 requires the State Board of Education to adopt routine technical rules concerning testing and certification for world language teachers to allow an individual whose first language is the target language that the individual teaches to renew that individual's targeted need certificate annually upon meeting certain requirements and to specify there is no limit on the number of times the certificate may be renewed under those conditions.

Resolve 2007, chapter 162 was enacted as an emergency measure effective March 24, 2008.

**LD 2114** **Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs** **RESOLVE 180**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WESTON | OTP-AM | S-448 |

This resolve requires the State, in its biannual survey of students, to use a survey of students in grades 6 to 12 that reliably and validly measures those risk and protective factors shown by research to predict adolescent health and behavior problems, including substance abuse and delinquency.

**Committee Amendment "A" (S-448)**

This amendment clarifies that the biannual survey of students referenced in the bill must reliably and validly measure the risk and protective measures specified in the bill at both the state and local level.

**Enacted Law Summary**

Resolve 2007, chapter 180 requires the State, in its biannual survey of students, to use a survey of students in grades 6 to 12 that reliably and validly measures those risk and protective factors shown by research to predict adolescent health and behavior problems, including substance abuse and delinquency, at both the state and local level.

**LD 2121** **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a Major Substantive Rule of the Department of Education and the State Board of Education** **RESOLVE 187 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>OTP-AM MIN | H-750 |

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education.

**Committee Amendment "A" (H-750)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment amends the provisionally adopted changes to Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II to remove a proposed certificate for financial services managers and to grandfather eligibility for the early childhood teaching endorsement for teachers employed in prekindergarten or kindergarten to 3rd grade programs in the State at any time between February 1, 2007 and February 1, 2008.

**Enacted Law Summary**

Resolve 2007, chapter 187 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, Parts I and II, a major substantive rule of the Department of Education and the State Board of Education, is authorized only if the following changes are made:

1. The proposed certificate for financial services managers is removed; and

2. The early childhood teaching endorsement is amended to establish eligibility for that endorsement for any person who was employed as a teacher in a prekindergarten or kindergarten to 3rd grade program in the State at any time between February 1, 2007 and February 1, 2008.

Resolve 2007, chapter 187 was enacted as an emergency measure effective April 8, 2008.

**LD 2122** **Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education**

**RESOLVE 174**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education.

**Enacted Law Summary**

Resolve 2007, chapter 174 provides that final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education, is authorized.

Resolve 2007, chapter 174 was enacted as an emergency measure effective March 31, 2008.

**LD 2123** **Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education**

**DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>OTP-AM MIN | H-869 |

This resolve provides for legislative review of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a major substantive rule of the Department of Education and the State Board of Education.

**Committee Amendment "B" (H-869)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that the provisionally adopted rule is authorized only if the rule is amended to include that, as a condition for approval for state funding, the applicant school administrative unit demonstrates that the proposed solution is equivalent to or better than other options after taking into consideration all resources and facilities within the region, including those that are reasonably available from other school administrative units.

**LD 2131** **An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters** **PUBLIC 679**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-1049 FARRINGTON |
| | | H-734 |

This bill allows the Legislative Youth Advisory Council to meet more than 6 times per year if those additional meetings are funded by outside funding sources approved by the Legislative Council and extends the biennial reporting date of the Legislative Youth Advisory Council from December 1st in each odd-numbered year to the first business day in February in each even-numbered year. The bill also amends the law governing the duties of school boards to allow, but not require, a school board to include a cocurricular honor contract as part of its districtwide code of conduct. The bill also directs the Commissioner of Education to adopt major substantive rules governing the minimum standards for cocurricular honor contracts if a school board chooses to include a cocurricular honor contract as part of the district's code of conduct.

**Committee Amendment "A" (H-734)**

This amendment allows the Legislative Youth Advisory Council to meet more than 6 times per year if the Executive Director of the Legislative Council determines that sufficient budgeted resources remain after paying all costs associated with the initial 6 meetings to pay any additional costs associated with any additional meetings. The amendment also strikes provisions in the bill requiring the Commissioner of Education to adopt rules establishing minimum standards for cocurricular honor contracts and replaces those provisions with more general guidelines for school boards regarding what may be included in cocurricular honor contracts should a school board decide to adopt such a contract.

**House Amendment "A" (H-1049)**

This amendment allows the Legislative Youth Advisory Council to meet up to an additional 3 times annually. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 679 allows the Legislative Youth Advisory Council to meet up to an additional 3 times annually. The law also provides that a school board may elect to adopt a cocurricular honor contract that specifies the behavior to be covered by the contract, the extent to which off-campus behavior is covered by the contract, the process for determining if behavior is in violation of the contract, and standards to ensure that the contract will be enforced consistently and fairly.

**LD 2136** **Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education** **RESOLVE 188 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ | H-763 |
| | OTP-AM MIN | H-808 MARLEY |

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education.

**Committee Amendment "A" (H-763)**

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:

1. Amending the proposed rule by deleting the part of the rule pertaining to the determination of adverse effect for children 3 to 20 years of age and incorporating a definition for the term "adverse effect on educational performance" that comports with the definition that was recommended by a majority of the stakeholder group convened pursuant to Resolve 2007, chapter 138 to examine the federal and state rules and laws pertaining to the determination of adverse effect for children from 3 to 20 years of age;

2. Amending the proposed rule by deleting the part of the rule designated "4. Needs special education and related services"; and

3. Amending the proposed rule to establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation.

The amendment also directs the Commissioner of Education to:

1. Provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, that explains the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability when making a determination of adverse effect on educational performance for children from 3 to 20 years of age; and

2. Provide guidance to school administrative units clarifying that the content of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

**House Amendment "A" (H-808)**

This amendment deletes the requirement that a definition for the term "adverse effect on educational performance" be added to the rule before the rule may be authorized.

**Enacted Law Summary**

Resolve 2007, chapter 188 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a major substantive rule of the Department of Education, is authorized contingent upon the Department of Education amending the proposed rule:

1. By deleting the part of the rule pertaining to the determination of adverse effect for children 3 to 20 years of age;

2. By deleting the part of the rule designated "4. Needs special education and related services"; and

3. To establish provisions that require that an initial evaluation or a reevaluation of a child be conducted within 45 school days of receiving parental consent for the evaluation.

The law also directs the Commissioner of Education to:

1. Provide administrative guidance to local educational agencies, including intermediate educational units and school administrative units, that explains the importance of using assessments that are appropriate to identify any area of educational performance that may be negatively influenced by the child's disability when making a determination of adverse effect on educational performance for children from 3 to 20 years of age; and

2. Provide guidance to school administrative units clarifying that the content of the written notice provided to parents must be equivalent to the detailed summary and descriptions required by the former Department of

Education Rule Chapter 101 provisions for the minutes of pupil evaluation team meetings.

Resolve 2007, chapter 188 was enacted as an emergency measure effective April 8, 2008.

**LD 2174** **Resolve, Regarding Curriculum Requirements and Standards for Awarding a High School Diploma** **RESOLVE 173**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NORTON | OTP-AM | H-761 |

This bill amends standards for student assessment; basic school approval; the elementary, middle and secondary courses of study; the comprehensive program of study for the high school diploma; and the Department of Education diploma in order to more fully implement Maine's system of learning results.

**Committee Amendment "A" (H-761)**

This amendment strikes the bill and replaces it with a resolve that directs the Commissioner of Education to establish a stakeholder group to examine the Maine Revised Statutes and Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The stakeholder group shall develop recommendations that demonstrate how students can meet graduation requirements using multiple pathways that include career and technical education programs.

The stakeholder group shall submit a report to the Commissioner of Education no later than November 28, 2008 that includes its findings, recommendations and any suggested changes to the Maine Revised Statutes or Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 30, 2009 on the report submitted by the stakeholder group and on the status of rulemaking for Department of Education Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units and Department of Education Rule Chapter 127: Instructional Program, Assessment and Diploma Requirements.

**Enacted Law Summary**

Resolve 2007, chapter 173 directs the Commissioner of Education to establish a stakeholder group to examine the Maine Revised Statutes and Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The resolve provides that the stakeholder group shall develop recommendations that demonstrate how students can meet graduation requirements using multiple pathways that include career and technical education programs.

The resolve also provides that the stakeholder group shall submit a report to the Commissioner of Education no later than November 28, 2008 that includes its findings, recommendations and any suggested changes to the Maine Revised Statutes or Department of Education rules that pertain to the curriculum requirements and standards for awarding a high school diploma. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 30, 2009 on the report submitted by the stakeholder group and on the status of rulemaking for Department of Education Rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units and Department of Education Rule Chapter 127: Instructional Program, Assessment and Diploma Requirements.

**LD 2175** **Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education** **RESOLVE 223**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RECTOR | OTP-AM | H-825 |

This resolve directs the Department of Education to recommend to the State Board of Education an innovative model of consolidated and integrated secondary and postsecondary education that includes facilities for:

1. A regional high school;

2. A fully integrated career and technical high school;

3. A higher education center that will provide courses and degrees from both the University of Maine System and the Maine Community College System; and

4. Centers of excellence that will provide industry-specific training.

It directs the State Board of Education to select a model by October 1, 2008 and directs the Department of Education to ensure that construction funding for the comprehensive high school and career and technical high school portions of the model is included in the next full round of new school construction funding.

**Committee Amendment "A" (H-825)**

This amendment to the resolve accomplishes the following.

1. It directs the State Board of Education to adopt emergency rules by October 31, 2008 and to file provisionally adopted rules by December 31, 2008 to amend State Board of Education Rules Chapter 61 to ensure that an innovative model can be implemented as soon as funds are made available.

2. It directs the Commissioner of Education to recommend an increase in the debt ceiling effective in fiscal year 2011-12 to create a pool of available funds for the innovative model based on the criteria set forth in the resolve. It also specifies that funds used for the innovative model selected pursuant to this resolve may not impact the funds that would normally be used for new school construction projects that are prioritized and selected under the current guidelines set forth in the State Board of Education Rules Chapter 61.

3. It requires that, by December 31, 2008, the Department of Education recommend, and the State Board of Education select, a qualified applicant to implement the innovative model.

**Enacted Law Summary**

Resolve 2007, chapter 223 directs the Department of Education to recommend to the State Board of Education an innovative model of consolidated and integrated secondary and postsecondary education that includes facilities for a regional high school, a fully integrated career and technical high school, a public higher education center and centers of excellence that will provide industry-specific training. The resolve also accomplishes the following.

1. It directs the State Board of Education to adopt emergency rules by October 31, 2008 and to file provisionally adopted rules by December 31, 2008 to ensure that an innovative model can be implemented as soon as funds are made available.

2. It directs the Commissioner of Education to recommend an increase in the debt ceiling effective in fiscal year 2011-12 to create a pool of available funds for the innovative model and specifies that funds used for the innovative

model selected may not impact the funds that would normally be used for new school construction projects that are prioritized and selected under the current guidelines for major capital school construction.

3. It requires that a qualified applicant be selected by December 31, 2008 to implement the innovative model.

**LD 2268** **An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule** **PUBLIC 560**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill is the report of the Joint Standing Committee on Education and Cultural Affairs authorized under Title 3, section 955, subsection 4. It establishes the next date for reports of the cultural affairs agencies under the Government Evaluation Act. It adds a provision to the duties of the Maine State Museum Commission specifically authorizing the commission to designate a private nonprofit support organization to organize and foster support for the museum and its programs.

**Enacted Law Summary**

Public Law 2007, chapter 560 implements the recommendations of the Joint Standing Committee on Education and Cultural Affairs regarding the review of the cultural affairs agencies pursuant to the Government Evaluation Act. It adds a provision to the duties of the Maine State Museum Commission specifically authorizing the commission to designate a private nonprofit support organization to organize and foster support for the museum and its programs. It also establishes the next date for reports of the cultural affairs agencies under the Government Evaluation Act.

**LD 2272** **An Act To Reduce the Percentage of the Cost of Local Schools Paid by the State from 55% to 49%** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JOY | ONTP | |

This bill reduces from 55% to 49% the level of the state share of the total cost of funding public education from kindergarten to grade 12. The bill also directs that the amount of savings resulting from this reduction be used to provide funding for the State's foster care program, long-term care services and home-based care services and the Maine Community College System.

**LD 2280** **An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP A<br>OTP-AM B<br>ONTP C | |

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill makes the following changes to clarify and improve the laws governing the formation of regional school units.

1. It provides that a kindergarten-to-grade-12 school administrative district that is reformulated as a regional school unit without dissolving the school administrative district may continue to use the same name and operate as the same legal entity; and it amends the definition of "school administrative unit" to clarify that community school districts and kindergarten-to-grade-8 school administrative districts that do not join a regional school unit may remain in operation after July 1, 2009. The current law reformulates all kindergarten-to-grade-12 school administrative districts as regional school units by July 1, 2009 but is silent on the ability of community school districts and kindergarten-to-grade-8 school administrative districts to remain operational after that date.

2. It changes the deadline by which a referendum must be held to January 30, 2009 and changes dates that are linked to the referendum date by the same amount of time. The current law governing the reorganization of school administrative units requires that a referendum must be held on a proposed reorganization on or before November 4, 2008.

3. It provides consistent language across the allocated and unallocated provisions in the law to clarify the budget referendum ballot question to be placed before the voters at a budget validation referendum vote.

4. It clarifies and amends the budget approval and validation process provisions to:

A. Increase the number of days from the legislative body meeting to the referendum validation from 10 days to 14 days;

B. Provide that absentee ballots may not be distributed until the day after the regional school unit budget meeting;

C. In the event that a regional school unit budget has not been approved and validated prior to the start of the fiscal year, authorize municipalities to levy taxes based on the most recent school budget approved at the regional school unit budget meeting until a budget is validated by voters; and

D. Eliminate the need for 2 separate ballot questions for the budget validation referendum vote and combine information on 2 votes into one document provided with the warrant for the referendum vote.

5. It clarifies the debt liability of the school administrative units that are members of a career and technical education region, including the disposition of debt incurred for a school construction or renovation project at a career and technical education region by the school administrative units that are members of the career and technical education region.

6. It clarifies the financial responsibility for the preservation of school choice in a new regional school unit when a member municipality continues to provide tuition for students to attend a school outside of the new regional school unit. The provision provides that the member municipality is responsible for providing appropriations for any additional expense above the sending regional school unit tuition rate for students who are educated outside of the regional school unit.

7. It clarifies the rights and obligations of regional school units concerning the reassignment of teachers and other employees of the regional school unit in the transitional period from the operational date of the regional school unit until the completion of negotiations for a regional school unit-wide collective bargaining agreement.

8. It replaces the so-called "53-86% penalty" for any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009 with a penalty that provides that the school administrative unit's full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A is increased by 2% for the purpose of calculating the school administrative unit's required contribution to meet the local share of education costs established pursuant to Title 20-A, section 15688, subsection 3-A.

9. It directs the Department of Education to conduct a review of the results of referenda votes on proposed reorganization plans and the status of the reorganization of school administrative units as regional school units consistent with the July 1, 2009 implementation timeline. It also directs the department to develop recommendations related to the circumstances and criteria under which the Commissioner of Education could grant a waiver to a school administrative unit that has not complied with the implementation timelines, including any necessary flexibility that would provide the commissioner with the authority to adjust the timelines for complying with the law, to waive penalties or to approve an alternative plan submitted by a reorganization planning committee. It further directs the department to clarify what happens if voters of an individual school administrative unit fail to approve a reorganization plan that results in the school administrative unit's not meeting the implementation timeline for reorganization.

**LD 2281** **An Act To Amend the Laws Governing the Reorganization of School Administrative Units** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP A<br>OTP B<br>OTP-AM C | |

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill makes the following changes to the laws governing the formation of regional school units.

1. It provides an exemption for those regional school units in which the regional school unit board has approved a budget that proposes to spend less than 5% above the level of funding outlined in the essential programs and services funding model from the budget validation referendum process until the regional school unit board proposes a budget that meets or exceeds that funding level.

2. It provides an exemption for municipal school units from the budget validation referendum vote in cases in which the municipal charter defines roles and a process for developing and approving the school budget.

3. It provides an exemption for those municipal school units in which the school committee has approved a budget that proposes to spend less than 5% above the level of funding outlined in the essential programs and services funding model from the budget validation referendum process until the school committee proposes a budget that meets or exceeds that funding level.

**LD 2291** **An Act To Amend Teacher Confidentiality Laws** **PUBLIC 666**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | OTP-AM MAJ<br>OTP-AM MIN | H-1024 |

This bill requires that the Department of Education report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification.

**Committee of Conference Amendment "A" (H-1024)**

This committee of conference amendment incorporates Committee Amendment "A", which corrects a cross-reference in the bill. The amendment also provides that, upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall review the laws in other states and jurisdictions related to the dissemination of

confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions. The Office of Policy and Legal Analysis shall also review the apparent conflict between the statutory provisions set forth in the Maine Revised Statutes, Title 20-A, section 6103 and Title 22, section 4011-A and submit a report to the Joint Standing Committee on Education and Cultural Affairs.

**Enacted Law Summary**

Public Law 2007, chapter 666 requires that the Department of Education report all denials, revocations, suspensions, surrenders and reinstatements of certification that are not under appeal or still subject to appeal to a national association of state directors of teacher education and certification. The law also provides that the Office of Policy and Legal Analysis conduct a review of the following:

1. The laws in other states and jurisdictions related to the dissemination of confidential information pertaining to denials, revocations, suspensions, surrenders and reinstatements of teaching certificates to applicants for teacher certification or recertification and for professional licenses or credentials for other comparable professions; and

2. The apparent conflict between the statutory provisions set forth in the Maine Revised Statutes, Title 20-A, section 6103 and Title 22, section 4011-A.

**LD 2299** **An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District** **PUBLIC 599 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This bill is introduced by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill makes the following changes to correct inconsistencies in the laws governing the reorganization of school administrative units.

1. It corrects inconsistencies in the laws pertaining to the authority of school administrative units to raise and appropriate funds for adult education programs.

2. It replaces provisions that were repealed pursuant to Public Law 2007, chapter 240, Part XXXX that are related to the closure of an elementary school within a school administrative district or a community school district and establishes that these provisions are retroactive to June 7, 2007.

**Enacted Law Summary**

Public Law 2007, chapter 599, makes the following changes to correct inconsistencies in the laws governing the reorganization of school administrative units.

1. It corrects inconsistencies in the laws pertaining to the authority of school administrative units to raise and appropriate funds for adult education programs.

2. It replaces provisions that were repealed pursuant to Public Law 2007, chapter 240, Part XXXX that are related to the closure of an elementary school within a school administrative district or a community school district and establishes that these provisions are retroactive to June 7, 2007.

Public Law 2007, chapter 599 was enacted as an emergency measure effective April 11, 2008.

**LD 2300** **An Act To Facilitate the Provision of Educational Loans for Maine Students and Families** **PUBLIC 665 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | OTP-AM | S-584 |
| | | S-662 ROTUNDO |

This bill allows the Finance Authority of Maine to issue student loan bonds for the origination or purchase of federally guaranteed student loans secured by a capital reserve fund.

**Committee Amendment "A" (S-584)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-662)**

This amendment provides that the Finance Authority of Maine may not create or establish any capital reserve fund under the provisions of the Maine Revised Statutes, Title 20-A, section 11496-A after June 30, 2009. This amendment also removes the provision that required the Governor to pay directly from the State Contingent Account to the capital reserve fund the amount certified by the authority as necessary to restore the reserve fund to the level required under section 11496-A, subsection 3.

**Enacted Law Summary**

Public Law 2007, chapter 665 allows the Finance Authority of Maine to issue student loan bonds for the origination or purchase of federally guaranteed student loans secured by a capital reserve fund. The law permits the authority to create or establish any capital reserve fund by June 30, 2009.

Public Law 2007, chapter 665 was enacted as an emergency measure effective April 18, 2008.

**LD 2303** **An Act To Implement the Recommendations of the Alternative Education Programs Committee** **PUBLIC 667**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | S-647 MARTIN |

This bill is the unanimous report of the Joint Standing Committee on Education and Cultural Affairs. It adds definitions for "alternative education program," "alternative learning" and "at-risk student" to the definitions section in the Maine Revised Statutes, Title 20-A. It amends sections of statute to consistently use defined terms. It also establishes the Commission to Study Alternative Education Programs with directives to continue the work of the committee established in Resolve 2007, chapter 124.

**Senate Amendment "A" (S-647)**

This amendment removes provisions to reestablish and direct the work of the Commission To Study Alternative Education Programs.

**Enacted Law Summary**

Public Law 2007, chapter 667 adds definitions for "alternative education program," "alternative learning" and "at-risk student" to the definitions section in the Maine Revised Statutes, Title 20-A. It amends sections of statute to consistently use the defined terms.

**LD 2314** **An Act To Amend School Funding Laws** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NORTON<br>ROTUNDO | | |

This bill amends the laws regarding school funding to address and correct school funding issues that present barriers to the implementation of school administration reorganization.

**LD 2323** **An Act To Remove Barriers to the Reorganization of School Administrative Units** **PUBLIC 668**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | | H-1041 FARRINGTON |

This bill makes the following changes to the laws governing the reorganization of school administrative units.

1. It corrects a cross-reference for the cost center summary budget format and the budget validation referendum process that school administrative districts and community school districts must comply with for budgets developed after January 1, 2008.

2. It articulates, without limitation, the core functions for which a regional school unit is responsible.

3. It provides regional school unit boards with the legal authority to receive and spend state and local funds, including funds for the election of regional school unit board members and to hire a superintendent prior to the operational date of the new regional school unit on July 1, 2009.

4. It clarifies the "Method B" apportionment process of weighted votes for regional school unit boards.

5. It provides for the election and staggered terms of the initial regional school unit board.

6. It replaces the law authorizing the formation of a local school committee for a member municipality and provides greater guidance in delegating functions and responsibilities to local school committees.

7. It clarifies the relationship between a regional school unit board and a local school committee that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality.

8. It clarifies the authorization provided to regional planning committees to negotiate a cost-sharing agreement for those costs of a proposed regional school unit that are in addition to the local contribution required pursuant to the Maine Revised Statutes, Title 20-A, section 15690.

9. It clarifies the roles of the municipal officers and the school committee for municipal school units whose municipal charters give authority to approve the school budget to the municipal officers.

10. It establishes the requirements for calling a budget meeting and the procedures for the budget meeting.

11. It clarifies the assumption of existing debt that is transferred from an original education unit to a new regional

school unit that is formed after July 1, 2008.

12. It removes references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.

13. It authorizes a municipal school committee to expand its membership from 5 members to as many as 7 members.

14. It clarifies the provisions governing tuition when there is no elementary school or no secondary school in a school administrative unit.

15. It clarifies the content and timing of the audit provisions.

16. It repeals a unit of law, and corrects a cross-reference to it, regarding the requirement that each municipality that is a member of a new regional school unit contribute a minimum of 2 mills of the municipality's property fiscal capacity to the total cost of education of the new regional school unit.

17. It grandfathers the special education adjustment for so-called minimum subsidy receivers.

18. It permits the Commissioner of Education to authorize so-called "doughnut hole" school units that have 1,200 or fewer students and no other available reorganization partners to form a regional school unit that serves at least 1,000 students if these isolated, rural school units meet certain criteria.

19. It authorizes the Commissioner of Education to approve plans for alternative organizational structures under the school reorganization law. To approve a plan for an alternative organizational structure, the commissioner must find that the plan will satisfy the purposes of the school reorganization law including: consolidation of system administration; consolidation of administration of special education, transportation and business functions; adoption of a core curriculum; and adoption of consistent school policies, school calendars and collective bargaining agreements.

**House Amendment "G" (H-1041)**

This amendment strikes the emergency preamble and emergency clause and incorporates the following changes to clarify and improve the laws governing the formation of regional school units or alternative organizational structures.

1. It provides that a kindergarten-to-grade-12 school administrative district that is reformulated as a regional school unit without dissolving the school administrative district may continue to use the same name and operate as the same legal entity; and it amends the definition of "school administrative unit" to clarify that community school districts and kindergarten-to-grade-8 school administrative districts that do not join a regional school unit may remain in operation after July 1, 2009. The current law reformulates all kindergarten-to-grade-12 school administrative districts as regional school units by July 1, 2009 but is silent on the ability of community school districts and kindergarten-to-grade-8 school administrative districts to remain operational after that date.

2. It changes the deadline by which a referendum must be held to January 30, 2009 and changes dates that are linked to the referendum date by the same amount of time. The current law governing the reorganization of school administrative units requires that a referendum must be held on a proposed reorganization on or before November 4, 2008.

3. It provides consistent language across the allocated and unallocated provisions in the law to clarify the budget referendum ballot question to be placed before the voters at a budget validation referendum vote.

4. It clarifies and amends the budget approval and validation process provisions to:

A. Increase the number of days from the legislative body meeting to the referendum validation from 10 days to 14 days;

B. Provide that absentee ballots may not be distributed until the day after the regional school unit budget meeting;

C. In the event that a regional school unit budget has not been approved and validated prior to the start of the fiscal year, authorize municipalities to levy taxes based on the most recent school budget approved at the regional school unit budget meeting until a budget is validated by voters; and

D. Eliminate the need for 2 separate ballot questions for the budget validation referendum vote and combine information on 2 votes into one document provided with the warrant for the referendum vote.

5. It clarifies the debt liability of the school administrative units that are members of a career and technical education region, including the disposition of debt incurred for a school construction or renovation project at a career and technical education region by the school administrative units that are members of the career and technical education region.

6. It clarifies the financial responsibility for the preservation of school choice in a new regional school unit when a member municipality continues to provide tuition for students to attend a school outside of the new regional school unit. The provision provides that the member municipality is responsible for providing appropriations for any additional expense above the sending regional school unit tuition rate for students who are educated outside of the regional school unit.

7. It clarifies the rights and obligations of regional school units concerning the reassignment of teachers and other employees of the regional school unit in the transitional period from the operational date of the regional school unit until the completion of negotiations for a regional school unit-wide collective bargaining agreement.

8. It replaces the so-called "53.86% penalty" for any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009 with a penalty that provides that the school administrative unit's full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A is increased by 2% for the purpose of calculating the school administrative unit's required contribution to meet the local share of education costs established pursuant to Title 20-A, section 15688, subsection 3-A.

9. It directs the Department of Education to conduct a review of the results of referenda votes on proposed reorganization plans and the status of the reorganization of school administrative units as regional school units consistent with the July 1, 2009 implementation timeline. It also directs the department to develop recommendations related to the circumstances and criteria under which the Commissioner of Education could grant a waiver to a school administrative unit that has not complied with the implementation timelines, including any necessary flexibility that would provide the commissioner with the authority to adjust the timelines for complying with the law, to waive penalties or to approve an alternative plan submitted by a reorganization planning committee. It further directs the department to clarify what happens if voters of an individual school administrative unit fail to approve a reorganization plan that results in the school administrative unit's not meeting the implementation timeline for reorganization.

10. It provides that the sections of the Act that amend the Maine Revised Statutes, Title 20-A, sections 1305-C, 1701-C and 2307 apply retroactively to January 1, 2008 as long as the retroactivity application does not affect the validity of a budget meeting or budget validation referendum called or conducted in accordance with prior law before the effective date of this Act.

**Enacted Law Summary**

Public Law 2007, chapter 668 incorporates the following changes to clarify and improve the laws governing the formation of regional school units.

1. It provides that, after July 1, 2009, the definition of "school administrative unit" may only include a regional school unit, a municipal school unit, an alternative organizational structure approved by the Commissioner of Education, a kindergarten-to-grade-8 school administrative district that has not reorganized as a regional school unit, a community school district that has not reorganized as a regional school unit, a municipal or quasi-municipal district responsible for operating public schools that has not reorganized as a regional school unit, and a municipal school unit, school administrative district, community school district or any other quasi-municipal district responsible for operating public schools that forms a part of an alternative organizational structure by the Commissioner of Education.

2. It corrects a cross-reference for the cost center summary budget format and the budget validation referendum process that school administrative districts and community school districts must comply with for budgets developed after January 1, 2008; and it further provides that these provisions apply retroactively to January 1, 2008 as long as the retroactivity application does not affect the validity of a budget meeting or budget validation referendum called or conducted in accordance with prior law before the effective date of this Act.

3. It articulates, without limitation, the core functions for which a regional school unit is responsible.

4. It provides consistent language across the allocated and unallocated provisions in the law to clarify the budget referendum ballot question to be placed before the voters at a budget validation referendum vote.

5. It provides regional school unit boards with the legal authority to receive and spend state and local funds, including funds for the election of regional school unit board members and to hire a superintendent prior to the operational date of the new regional school unit on July 1, 2009.

6. It clarifies the rights and obligations of regional school units concerning the reassignment of teachers and other employees of the regional school unit in the transitional period from the operational date of the regional school unit until the completion of negotiations for a regional school unit-wide collective bargaining agreement.

7. It clarifies the "Method B" apportionment process of weighted votes for regional school unit boards.

8. It provides for the election and staggered terms of the initial regional school unit board.

9. It replaces the law authorizing the formation of a local school committee for a member municipality, provides greater guidance in delegating functions and responsibilities to local school committees, and clarifies the relationship between a regional school unit board and a local school committee that seeks to raise additional funds for an elementary school or a secondary school that is owned or managed by the member municipality.

10. It clarifies the financial responsibility for the preservation of school choice in a new regional school unit when a member municipality continues to provide tuition for students to attend a school outside of the new regional school unit. The provision provides that the member municipality is responsible for providing appropriations for any additional expense above the sending regional school unit tuition rate for students who are educated outside of the regional school unit.

11. It clarifies the authorization provided to regional planning committees to negotiate a cost-sharing agreement for those costs of a proposed regional school unit that are in addition to the local contribution required pursuant to the Maine Revised Statutes, Title 20-A, section 15690.

12. It establishes the requirements for calling a budget meeting and the procedures for the budget meeting.

13. It clarifies and amends the budget approval and validation process provisions to:

A. Increase the number of days from the legislative body meeting to the referendum validation from 10 days to 14 days;

B. Provide that absentee ballots may not be distributed until the day after the regional school unit budget meeting;

C. In the event that a regional school unit budget has not been approved and validated prior to the start of the fiscal year, authorize municipalities to levy taxes based on the most recent school budget approved at the regional school unit budget meeting until a budget is validated by voters; and

D. Eliminate the need for 2 separate ballot questions for the budget validation referendum vote and combine information on 2 votes into one document provided with the warrant for the referendum vote.

14. It clarifies the assumption of existing debt that is transferred from an original education unit to a new regional school unit that is formed after July 1, 2008.

15. It clarifies the debt liability of the school administrative units that are members of a career and technical education region, including the disposition of debt incurred for a school construction or renovation project at a career and technical education region by the school administrative units that are members of the career and technical education region.

16. It removes references to "elementary" schools in the school closure provisions to clarify that secondary schools are also subject to these requirements.

17. It authorizes a municipal school committee to expand its membership from 5 members to as many as 7 members.

18. It clarifies the roles of the municipal officers and the school committee for municipal school units whose municipal charters give authority to approve the school budget to the municipal officers.

19. It clarifies the provisions governing tuition when there is no elementary school or no secondary school in a school administrative unit.

20. It clarifies the content and timing of the audit provisions.

21. It replaces the so-called "53.86% penalty" for any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009 with a penalty that provides that the school administrative unit's full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A is increased by 2% for the purpose of calculating the school administrative unit's required contribution to meet the local share of education costs established pursuant to Title 20-A, section 15688, subsection 3-A.

22. It repeals a unit of law, and corrects a cross-reference to it, regarding the requirement that each municipality that is a member of a new regional school unit contribute a minimum of 2 mills of the municipality's property fiscal capacity to the total cost of education of the new regional school unit.

23. It grandfathers the special education adjustment for so-called "minimum subsidy receivers."

24. It authorizes the Commissioner of Education to approve plans for alternative organizational structures under the school reorganization law. To approve a plan for an alternative organizational structure, the commissioner must find that the plan will satisfy the purposes of the school reorganization law including: consolidation of system

administration; consolidation of administration of special education, transportation and business functions; adoption of a core curriculum; and adoption of consistent school policies, school calendars and collective bargaining agreements.

25. It permits the Commissioner of Education to authorize so-called "doughnut hole" school units that have 1,200 or fewer students and no other available reorganization partners to form a regional school unit that serves at least 1,000 students if these isolated, rural school units meet certain criteria.

26. It changes the deadline by which a referendum must be held to January 30, 2009 and changes dates that are linked to the referendum date by the same amount of time. The current law governing the reorganization of school administrative units requires that a referendum must be held on a proposed reorganization on or before November 4, 2008.

27. It provides that a kindergarten-to-grade-12 school administrative district that is reformulated as a regional school unit without dissolving the school administrative district may continue to use the same name and operate as the same legal entity; and it amends the definition of "school administrative unit" to clarify that community school districts and kindergarten-to-grade-8 school administrative districts that do not join a regional school unit may remain in operation after July 1, 2009. The current law reformulates all kindergarten-to-grade-12 school administrative districts as regional school units by July 1, 2009 but is silent on the ability of community school districts and kindergarten-to-grade-8 school administrative districts to remain operational after that date.

28. It directs the Department of Education to conduct a review of the results of referenda votes on proposed reorganization plans and the status of the reorganization of school administrative units as regional school units consistent with the July 1, 2009 implementation timeline. It also directs the department to develop recommendations related to the circumstances and criteria under which the Commissioner of Education could grant a waiver to a school administrative unit that has not complied with the implementation timelines, including any necessary flexibility that would provide the commissioner with the authority to adjust the timelines for complying with the law, to waive penalties or to approve an alternative plan submitted by a reorganization planning committee. It further directs the department to clarify what happens if voters of an individual school administrative unit fail to approve a reorganization plan that results in the school administrative unit's not meeting the implementation timeline for reorganization.

# *Joint Standing Committee on Education and Cultural Affairs*

## SUBJECT INDEX

### *Administration, Department of Education, State Board, and School Governance*

Enacted

| | | |
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| LD 2026 | Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error | RESOLVE 217 |
| LD 2028 | An Act To Clarify the Authority of the Board of Directors of Regional School Unit No. 1 | P & S 42 |
| LD 2062 | An Act Regarding Education Laws | PUBLIC 572 |
| LD 2114 | Resolve, Requiring the State To Use Valid Risk and Preventive Factors for Youth Programs | RESOLVE 180 |
| LD 2291 | An Act To Amend Teacher Confidentiality Laws | PUBLIC 666 |
| LD 2323 | An Act To Remove Barriers to the Reorganization of School Administrative Units | PUBLIC 668 |

Not Enacted

| | | |
|---|---|---|
| LD 1932 | An Act To Amend the Laws Regarding School Funding | VETOED |
| LD 2043 | An Act To Protect Student Athletes | ONTP |
| LD 2280 | An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units | INDEF PP |
| LD 2281 | An Act To Amend the Laws Governing the Reorganization of School Administrative Units | INDEF PP |
| LD 2314 | An Act To Amend School Funding Laws | DIED ON ADJOURNMENT |

### *Adult Education*

Enacted

| | | |
|---|---|---|
| LD 2299 | An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District | PUBLIC 599 EMERGENCY |

### *Alternative Education, Charter Schools and School Choice*

Enacted

| | | |
|---|---|---|
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Enacted

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|---|---|---|
| LD 672 | Resolve, To Study the Scientific Research Support Capability of the Maine State Museum | RESOLVE 220 |
| LD 1993 | Resolve, Regarding Enhancement of Maine's Cultural Assets | RESOLVE 182 |
| LD 2268 | An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the Maine State Museum Commission under the Government Evaluation Act and To Revise the Review Schedule | PUBLIC 560 |

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Enacted

| | | |
|---|---|---|
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Not Enacted

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|---|---|---|
| LD 196 | An Act To Modify the Maine Learning Results System | ONTP |
| LD 1152 | An Act To Improve Public Education in Maine | ONTP |
| LD 1426 | An Act To Enhance the Prekindergarten Experience for Maine Children | ONTP |

## *Education - Other*

Not Enacted

| | | |
|---|---|---|
| LD 1997 | An Act To Fully Fund School Breakfast from Kindergarten to Grade 12 | DIED ON ADJOURNMENT |

## *Postsecondary Education Finance and Student Aid*

Enacted

| | | |
|---|---|---|
| LD 1998 | An Act To Provide Accessible Higher Education Financial Assistance for Maine Families | PUBLIC 520 EMERGENCY |
| LD 2300 | An Act To Facilitate the Provision of Educational Loans for Maine Students and Families | PUBLIC 665 EMERGENCY |

## *Postsecondary Education Governance and Coordination*

Enacted

| | | |
|---|---|---|
| LD 123 | Resolve, To Support the Inclusion of Labor Education at Maine Public Institutions of Higher Education | RESOLVE 210 |
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Enacted

| | | |
|---|---|---|
| LD 2131 | An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters | PUBLIC 679 |

## *School Construction, Facilities and Buses*

Enacted

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|---|---|---|
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| LD 2175 | Resolve, To Ensure Support for a Model of Consolidated and Integrated Secondary and Postsecondary Education | RESOLVE 223 |

Not Enacted

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|---|---|---|
| LD 2123 | Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education | DIED BETWEEN HOUSES |

## *School Finance*

Not Enacted

| | | |
|---|---|---|
| LD 1041 | An Act To Improve the Essential Programs and Services Funding Formula | ACCEPTED REPORT A (ONTP) |
| LD 2272 | An Act To Reduce the Percentage of the Cost of Local Schools Paid by the State from 55% to 49% | ONTP |

## *Special Education Programs and Finance*

Enacted

| | | |
|---|---|---|
| LD 1949 | Resolve, Regarding Special Education Evaluations | RESOLVE 158 |
| LD 1973 | An Act To Improve the Compliance and Accountability of the Child Development Services System | PUBLIC 530 |

| | | |
|---|---|---|
| LD 2027 | **Resolve, To Examine the Information, Training and Support Services Provided to Parents of Children with Disabilities** | **RESOLVE 171** |
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## *Teachers and Administrators*

**Enacted**

| | | |
|---|---|---|
| LD 2083 | **Resolve, To Expand Access to Foreign Language Instruction in Maine Schools** | **RESOLVE 162 EMERGENCY** |
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# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

May 2008

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**LD 405** **An Act Regarding MaineCare Pharmacy Professional Fees** **PUBLIC 590**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| LEWIN | OTP-AM | H-859 |

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.

**Committee Amendment "A" (H-859)**

This amendment replaces the bill. It provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

**Enacted Law Summary**

Public Law 2007, chapter 590 provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

**LD 519** **Resolve, Regarding Supplemental Services under the National Family Caregiver Support Program** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAMPBELL<br>BRANNIGAN | OTP-AM | H-665 |

This bill allows family members, friends or neighbors to receive payment for providing personal care and health maintenance services to persons who receive Medicaid.

**Committee Amendment "A" (H-665)**

This amendment changes the bill to a resolve and changes the title. The amendment directs the Department of Health and Human Services to initiate a demonstration project regarding the provision of supplemental services provided under the federal National Family Caregiver Support Program. The project will provide funding of $40,000 per Area Agency on Aging and will fund up to $1,000 per consumer.

**LD 652** **Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BEAUDOIN | ONTP MAJ<br>OTP-AM MIN | |

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.

**LD 1110 An Act To Create the Maine Council on Poverty and Economic Security** **PUBLIC 641**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-548 |

This bill creates the Maine Council on Poverty and Economic Security, which consists 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.

**Committee Amendment "A" (S-548)**

This amendment replaces the bill and creates the Maine Council on Poverty and Economic Security, with 21 members, supported by outside funding.

**Enacted Law Summary**

Public Law 2007, chapter 641 establishes the Maine Council on Poverty and economic Security to advise the Governor on ending poverty and providing economic security to disadvantaged citizens. There are 21 voting members and 5 nonvoting members. The council must be supported by outside funding. The council is required to report to the Governor and Legislature by February 15th each year.

**LD 1567 Resolve, To Continue the Work of Preventing the Onset of Severe Mental Illness in Youth** **RESOLVE 221**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EBERLE | OTP-AM | H-652 |
| | | S-670 ROTUNDO |

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 "B" (H-652)**

This amendment changes the title of the resolve. The amendment provides resources to the Portland Identification and Early Referral Program, or PIER, to continue to prevent new cases of psychosis and psychotic disorders in adolescents and young adults in the greater Portland area through a General Fund grant appropriation, an additional MaineCare appropriation and the matching federal allocation for some of the service costs of the project.

**Senate Amendment "A" (S-670)**

This amendment removes from the resolve the demonstration program and substitutes a review by the Department of Health and Human Services and a report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The amendment authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 221 directs the Department of Health and Human Services to review and report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the Portland Identification and Early Referral Program (PIER), a program that provides intervention to prevent new cases of psychosis and psychotic disorder. The resolve authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

## LD 1797 Resolve, To Advance Maine's HealthInfoNet Program — RESOLVE 198

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE | OTP-AM | H-900 |

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.

**Committee Amendment "A" (H-900)**

This amendment replaces the bill with a resolve. The resolve establishes a broadly representative stakeholder group to study and make recommendations regarding establishing and financing a quality improvement and technology fund.

**Enacted Law Summary**

Resolve 2007, chapter 198 establishes a broadly representative stakeholder group to study and make recommendations regarding establishing and financing a quality improvement and technology fund to support HealthInfoNet.

## LD 1843 Resolve, To Eliminate or Reduce the Health Care Data Collection Problems Associated with Global Claims — RESOLVE 155 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | OTP-AM | S-435 |

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.

**Committee Amendment "A" (S-435)**

This amendment changes the bill to a resolve, changes the title and inserts an emergency preamble and emergency clause. This amendment directs representatives of health insurance carriers licensed in the State, 3rd-party administrators, hospitals licensed in the State and representatives of the Maine Association of Health Plans, the

Maine Hospital Association and the Maine Health Data Organization to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. The amendment directs the work group to report the findings of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009.

**Enacted Law Summary**

Resolve 2007, chapter 155 directs representatives of health insurance carriers licensed in the State, 3rd-party administrators, hospitals licensed in the State and representatives of the Maine Association of Health Plans, the Maine Hospital Association and the Maine Health Data Organization to evaluate the Maine combined bill demonstration project, as proposed by the National Uniform Billing Committee. This resolve directs the work group to report the findings of the study to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009.

Resolve 2007, chapter 155 was enacted as an emergency measure effective March 18, 2008.

**LD 1939** **Resolve, To Establish a Method for Reporting the Statistics of Diseases** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RICHARDSON W | ONTP | |

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to establish a method for reporting the numbers of diseases or illnesses acquired in hospitals in the State compared to the total percentage of patients treated in the hospitals. It also requires that the Maine Center for Disease Control and Prevention make the information available to the citizens of Maine through the center in order to help the citizens of Maine to make better consumer decisions concerning their patient health care. The Committee voted the bill ONTP and submitted a Committee bill related to this. See LD 2297.

**LD 1943** **Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 163 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 11: Consumer Directed Personal Assistance Services, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

This resolve approves adoption of major substantive rules regarding consumer-directed personal assistance services in the state-funded program of the Department of Health and Human Services.

Resolve 2007, chapter 163 was enacted as an emergency measure effective March 25, 2008.

**LD 1951** **An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board** **PUBLIC 609**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BERRY | OTP-AM | H-950 |

This bill establishes the Mental Health Homicide Review Board to review homicides in which the victim or defendant had a mental illness. The board shall recommend to state and local agencies methods of preventing homicides involving persons with mental illness. The board shall collect and compile data related to homicides involving persons with mental illness and shall report biennially to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

**Committee Amendment "A" (H-950)**

This amendment provides a new title for the bill and names the review board the Mental Health Homicide, Suicide and Aggravated Assault Review Board. It clarifies that the board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It retains the same number of members on the board but changes the groups of persons represented or the reference to the groups. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions. It requires demands for the production of information or records to the board to be in writing and to an interested party. With regard to the restriction on releasing information, data or records, it extends that restriction beyond the board to members of the board and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

**Enacted Law Summary**

Public Law 2007, chapter 609 establishes the Mental Health Homicide, Suicide and Aggravated Assault Review Board. The board has jurisdiction to review homicides, suicides and aggravated assaults involving persons with severe and persistent mental illness. It requires the board to ensure that its data collection and work do not interfere with criminal investigations or prosecutions and that demands for the production of information or records to the board are in writing and to an interested party. It restricts the release of information and data and makes dissemination in violation of the law a Class E crime. It requires disseminated conclusions and recommendations of the board to be disclosed in a manner that does not identify parties, victims or witnesses. It requires the biennial report of the board to be reviewed by the joint standing committee of the Legislature having jurisdiction over health and human services matters at a public meeting at which members of the public have an opportunity to address the committee. It amends the general confidentiality law that applies to the Department of Health and Human Services with regard to mental health information, exempts meetings and records of the board from the laws governing freedom of access in order to guard confidentiality and allows release of information of the work of the board.

**LD 1956** **Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT B | ONTP MAJ<br>OTP-AM MIN | |

This resolve directs the Maine Center for Disease Control and Prevention to expand the case definition of Lyme disease that it uses to prepare the Lyme Disease Surveillance Report to include instances of physician-diagnosed Lyme disease in the absence of erythema migrans or laboratory confirmation of infection.

**LD 1961** **An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff** **PUBLIC 487 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRANNIGAN | OTP-AM | S-423 |

This bill repeals the prohibition on the sale, furnishing or gifting of hard snuff.

**Committee Amendment "A" (S-423)**

This amendment clarifies language in the emergency preamble.

**Enacted Law Summary**

Public Law 2008, chapter 487 repeals the prohibition on the sale, furnishing or gifting of hard snuff.

Public Law 2008, chapter 487 was enacted as an emergency measure effective March 6, 2008.

**LD 1967** **An Act To Establish a Consumer Council System of Maine** **PUBLIC 592**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRANNIGAN | OTP-AM | S-547 |

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

This bill proposes to establish a statewide consumer council consistent with the State's comprehensive mental health plan and the Augusta Mental Health Institute Consent Decree Plan, which calls for the creation of such a council in order to influence public policy and address community issues affecting the lives of consumers of mental health services.

**Committee Amendment "A" (S-547)**

This amendment establishes the Consumer Council System of Maine, consisting of the Statewide Consumer Council and local councils, to provide an effective, independent consumer voice in an advisory capacity in the development of public policy and resource allocation for delivery of adult mental health services in the State.

**Enacted Law Summary**

Pubic Law 2007, chapter 592 establishes the Consumer Council System of Maine, consisting of the Statewide

Consumer Council and local councils, to provide an effective, independent consumer voice in an advisory capacity in the development of public policy and resource allocation for delivery of adult mental health services in the State.

**LD 1975** **Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake an education initiative regarding Parkinson's disease that provides training to a wide variety of health care, public service and law enforcement personnel. The Health and Human Services Committee requested by letter that Department of Health and Human Services, Maine Center for Disease Control and Prevention include training at appropriate conferences within existing resource and to involve the program manager for Maine's Parkinson's Information and Referral Center and the legislative liaison for the American Parkinson's Disease Association.

**LD 1977** **Resolve, To Establish a Statewide Protocol for the Early Detection and Treatment of Autism** **RESOLVE 200**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | OTP-AM | S-565 |

This resolve requires the Department of Health and Human Services and the Department of Education, working together and within existing resources, to develop and implement a uniform statewide protocol for the screening of all children between 18 and 30 months of age for signs of autism. The departments are further required to implement through rulemaking a program of intensive treatment for children who are diagnosed with autism through the Child Development Services System.

**Committee Amendment "A" (S-565)**

This amendment replaces the resolve. It requires the Department of Education and the Department of Health and Human Services to convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening young children for signs of autism. The work group is also directed to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System and to examine the interdepartmental system for capacity and service availability. The work group is directed to report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 15, 2009.

**Enacted Law Summary**

Resolve 2007, chapter 200 directs the Department of Education and the Department of Health and Human Services to convene an interdepartmental work group to develop and establish a uniform statewide protocol for screening young children for signs of autism. The work group is also directed to examine models that meet criteria for evidence-based clinical trials to support individual young children with the diagnosis of autism served through the Child Development Services System and to examine the interdepartmental system for capacity and service availability. The work group is directed to report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 15, 2009.

**LD 1986** **An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment** **PUBLIC 472 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | OTP-AM | S-396 |

Under the changes made by Public Law 2007, chapter 446, scheduled to take effect January 1, 2008, one of the examiners, either a licensed physician or clinical psychologist, in cases of involuntary treatment of mental health patients, must be licensed to provide medications for the patient's care. Since clinical psychologists are not licensed to prescribe medication, the effect of this change is to require at least one of the two examiners to be a licensed physician. This requirement seriously limits the pool of professionals who qualify to perform examinations.

This bill alleviates the shortage by adding to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners, advanced practice registered nurses and registered physician assistants.

**Committee Amendment "A" (S-396)**

This amendment removes from the bill the broad category of advanced practice registered nurses as persons who may perform mental health examinations for involuntary treatment orders at the time of a court proceeding on involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The amendment retains as examiners licensed physicians, licensed clinical psychologists, certified nurse practitioners and registered physician assistants. The amendment adds a deappropriation section.

**Enacted Law Summary**

Public Law 2008, chapter 472 adds to the list of professionals qualified to perform mental health examinations for purposes of involuntary treatment applications certified nurse practitioners and registered physician assistants.

Public Law 2008, chapter 472 was enacted as an emergency measure effective January 10, 2008.

**LD 2000** **An Act To Authorize the Department of Health and Human Services To Investigate Suspicious Deaths of Children** **PUBLIC 586**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HASTINGS | OTP-AM | S-552 |

This bill authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths.

**Committee Amendment "A" (S-552)**

This amendment clarifies that Department of Health and Human Services investigations of suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

**Enacted Law Summary**

PL 2007, chapter 586 authorizes the Department of Health and Human Services to investigate suspicious child deaths in the same manner as suspected child abuse or neglect. It requires the mandatory reporters of child abuse and neglect to also report any suspicious child deaths. Department of Health and Human Services investigations of

suspicious child deaths are subject to and may not interfere with the authority and responsibility of the Attorney General to investigate and prosecute homicides pursuant to the Maine Revised Statutes, Title 5, section 200-A.

**LD 2004** **An Act To Establish the Department of Substance Abuse Services** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | ONTP | |

This bill makes the Office of Substance Abuse into the Department of Substance Abuse Services, a cabinet-level agency, in order to address the substance abuse problem in this State. Part A of the bill enacts a new Title 22-B in the Maine Revised Statutes to establish the Department of Substance Abuse Services. Part A also amends or repeals existing law to avoid some potential conflicts or ambiguity. Part B provides a series of transition provisions to ensure the appropriate and orderly transfer of functions, duties and responsibilities to the new department. Part C places the State Board of Alcohol and Drug Counselors under the jurisdiction of the new Department of Substance Abuse Services instead of the Department of Professional and Financial Regulation.

**LD 2012** **An Act To Protect Children in Vehicles from Secondhand Smoke** **PUBLIC 591**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DUPREY | OTP-AM MAJ<br>ONTP MIN | H-785 |

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a $50 fine or, at the discretion of the law enforcement officer present, a written warning.

**Committee Amendment "A" (H-785)**

This amendment lowers the age of the minors who are protected from secondhand smoke in a motor vehicle from under 18 years of age to under 16 years of age. The amendment states that the violation is not a moving violation. The amendment prohibits searches based solely on a violation of the provision, limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and retains a violation after that time as a civil violation, for which a fine of $50 may be assessed or a warning given in the discretion of the law enforcement officer. This amendment provides an effective date of September 1, 2008.

**Enacted Law Summary**

Public Law 2007, chapter 591 protects minors under age 16 from secondhand smoke in a motor vehicle. The law states that a violation is not a moving violation for motor vehicle purposes and prohibits searches based solely on a violation of the provision. The law limits the penalty for violating the provision in the first 12 months of its taking effect to a warning and designates a violation after that time as a civil violation, for which a fine of $50 may be assessed or a warning given at the discretion of the law enforcement officer. Public Law 2007, chapter 591 takes effect September 1, 2008.

**LD 2014** **Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace** **RESOLVE 149 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLER | OTP | |

This resolve gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

**Enacted Law Summary**

Resolve 2007, chapter 149 gives the Department of Health and Human Services additional time in which to adopt changes to Chapter 250: Rules Relating to Smoking in the Workplace, changes to which were authorized in the First Regular Session of the 123rd Legislature in Resolve 2007, chapter 4.

Resolve 2007, chapter 149 was enacted as an emergency measure effective February 20, 2008.

## LD 2032 An Act To Implement a Consent Judgment Regarding OxyContin Abuse — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A | ONTP | |

The State of Maine through its Attorney General has received funds from Purdue Pharma, Inc., Purdue Pharma L.P. and the Purdue Frederick Company, Inc. pursuant to a consent judgment entered by the Kennebec County Superior Court in Docket No. CV-07-143. This judgment settled a civil action regarding Purdue's promotional and marketing practices for the prescription drug OxyContin. The consent judgment directed these funds to programs for prescription drug abuse prevention. The funds received by the Attorney General were transferred to the General Fund without designation for any purpose. This bill directs that those funds be directed to the Department of Health and Human Services, Office of Substance Abuse for the purpose of funding prescription drug abuse prevention or monitoring programs. This bill was not enacted as the Health and Human Services Committee learned that the funds had been allocated in the biennial budget.

## LD 2033 Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing Water Activities Offered by Licensed Child Care Facilities — RESOLVE 199 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SAVIELLO | OTP-AM MAJ<br>ONTP MIN | H-890<br>H-975 DRISCOLL |

This resolve directs the Department of Health and Human Services to adopt rules governing the use of lakes and ponds by licensed child care facilities.

**Committee Amendment "A" (H-890)**

This amendment requires the department to adopt rules to allow licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The requirements include: written permission from a parent or guardian, a written water safety plan and meeting all of the other water safety rules for use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. The amendment also requires that the rules be in effect no later than June 1, 2008.

**House Amendment "A" (H-975)**

This amendment requires the Department of Health and Human Services, in its rulemaking, to require a licensed child care facility and certified family child care provider that offers water activities without a lifeguard on duty to notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty.

**Enacted Law Summary**

Resolve 2007, chapter 199 directs the Department of Health and Human Services to adopt routine technical rules allowing licensed child care facilities and certified family child care providers to use lakes and ponds for water activities without a lifeguard on duty as long as the provider meets certain safety requirements. The provider must have written permission from a parent or guardian, a written water safety plan and meet all of the other water safety rules required for the use of swimming pools by child care providers. The written water safety plan must include provisions for adequate staffing ratios, the presence of a water safety attendant, a barrier to keep children in water no deeper than 4 feet and the use of life jackets for children up to 8 years old as well as for older children who have not had swimming lessons. Providers that offer water activities without a lifeguard on duty must notify in writing the parent or guardian of every child who participates in water activities that there will not be a lifeguard on duty. The law requires that the rules be in effect no later than June 1, 2008.

Resolve 2007, chapter 199 was enacted as an emergency measure effective April 14, 2008.

**LD 2034** **An Act To Prohibit the Sale of Energy Drinks to Minors** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | ONTP | |

This bill prohibits the sale of energy drinks to minors. An energy drink is a soft drink specifically designed to provide energy and must contain 80 or more milligrams of caffeine per 8 fluid ounces.

**LD 2035** **An Act To Clarify the Laws Governing the Inspection of Medical Facilities** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | ONTP | |

This bill clarifies that state inspections of medical facilities and survey visits are not required unless there is a documented complaint regarding a specific problem.

**LD 2044** **An Act To Prohibit Health Care Facilities from Charging for Treatment To Correct Mistakes or Preventable Adverse Events** **PUBLIC 605**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CROCKETT | OTP-AM MAJ<br>ONTP MIN | H-873<br>H-907 PERRY A |

This bill prohibits a health care facility from charging a patient or the patient's insurer for a mistake made by that health care facility for a preventable adverse event that occurs while the patient is in the care of a health care facility or for the care provided by that health care facility to correct its mistakes or rectify the preventable adverse event. A list of 27 such mistakes or preventable adverse events provided in the bill is taken verbatim from the recommendations of the National Quality Forum in 2002.

**Committee Amendment "A" (H-873)**

This amendment changes the title and replaces the bill. It prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct mistakes or preventable adverse events, which are specifically defined in the bill and based on the National Quality Forum's most recent list of 28 preventable adverse events. The amendment clarifies that, in the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. It requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

**House Amendment "A" (H-907)**

This amendment corrects Committee Amendment "A" by adding a term to the definition section regarding artificial insemination, which is one of 28 mistakes or preventable adverse events for which health care facilities are prohibited from charging. It also adds language to the definition regarding maternal death and serious disability. These items were inadvertently omitted from the Committee amendment.

**Enacted Law Summary**

Public Law 2007, chapter 605 prohibits a health care facility from knowingly charging a patient or insurer for treatment to correct any of 28 mistakes or preventable adverse events, which are based on the standards of the National Quality Forum and specifically defined in the law. In the case of a patient's death or disability, the mistake or preventable adverse event must be the cause of the patient's death or disability. The law requires health care facilities to inform patients of the prohibition on payment for health care facility mistakes or preventable adverse events.

**LD 2052** **Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care** **RESOLVE 209 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CRAVEN | OTP-AM | H-795 |
| | | S-649 MARTIN |

This resolve creates the Blue Ribbon Commission To Study Long-term Home-based and Community-based Care to develop choices to meet unmet needs and financing options of long-term home-based and community-based care. The commission shall create a blueprint to ensure the sustainability of long-term home-based and community-based care options.

**Committee Amendment "A" (H-795)**

This amendment ensures that Legislators who are members of the 2 major political parties serve on the commission and requires outside funding. The amendment also adds an appropriations and allocations section.

**Senate Amendment "B" (S-649)**

This amendment makes the following changes to the resolve to ensure compliance with the requirements of Joint Rule 353.

1. It adds an additional legislative member to the commission.

2. It makes technical changes to the language governing outside funding.

3. It changes the reporting date to November 5, 2008.

**Enacted Law Summary**

Resolve 2007, chapter 209 establishes the Blue Ribbon Commission to Study the Future of Home-based and Community-based Care. The resolve provides for an 11-member commission and charges it with developing choices to meet unmet needs and financing options for long-term home and community-based care. The resolve requires a report to the 124th Legislature by November 5, 2008.

Resolve 2007, chapter 209 was enacted as an emergency measure effective April 17, 2008.

## LD 2053 An Act To Ensure That Children's Toys and Products Are Free of Lead — PUBLIC 604

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CONOVER | OTP-AM | H-930 |
| | | H-955 CONOVER |

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to use 10% of the funds in the Lead Poisoning Prevention Fund to test the lead content of products that are customarily used by children. If the sample contains lead or is coated with lead in a concentration that constitutes or potentially constitutes a health hazard, the center shall take measures to inform the general public of the test results and request that stores in the State that carry that children's product remove the product from their shelves.

**Committee Amendment "A" (H-930)**

This amendment replaces the bill. It restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides an exception for consumer electronic products in which the lead-containing component is inaccessible to children. It states that a first violation by a manufacturer that is a small employer is enforced through a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The amendment requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. It provides an effective date of July 1, 2009.

**House Amendment "A" (H-955)**

This amendment expands the exceptions to the restrictions on lead in children's products to include products that comply with a directive of the European Parliament and the Council of the European Union.

**Enacted Law Summary**

Public Law 2007, chapter 604 restricts the manufacture and knowing sale and distribution of lead-containing children's products through use of the federal performance standard for paintings and coatings and a content lead level established at .009% of the total weight or the federal standard if state law is preempted by federal law. It provides exceptions for consumer electronic products in which the lead-containing component is inaccessible to children and consumer electronic products exempt in the European Union. It designates a first violation by a manufacturer that is a small employer as a warning. It provides for enforcement by the Attorney General and penalties that are to be paid to the Lead Poisoning Prevention Fund. The law requires a report on children's lead poisoning from toys and products by January 15, 2010 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit a bill to the Second Regular Session of the 124th Legislature. The law provides an effective date of July 1, 2009.

**LD 2054** **An Act To Encourage Access to Respite Care Services for Maine Families with Behavioral Health Needs** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CRAVEN | ONTP | |

This bill removes respite care services from the Department of Health and Human Services' rules that require families to pay a portion of the cost for services based on a sliding fee scale methodology for state-grant-funded children's services.

**LD 2063** **Resolve, To Preserve Access to Assisted Living Services for Maine's Elderly and Disabled Citizens** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CAMPBELL | OTP-AM | H-922 |

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for 7 tax credit assisted living projects to provide a 3% rate increase and to reimburse for service-hold days, beginning October 1, 2008. The rules are designated routine technical rules. The 7 tax credit assisted living projects are Freese's Assisted Living Program, Stearns Assisted Living, Merry Gardens Estates, Wardwell Assisted Living Services, Mayflower Place, The Inn at Augusta City Hall and Iris Park Apartments.

**Committee Amendment "A" (H-922)**

This amendment replaces the 3% increase in the reimbursement rate for tax credit assisted living projects proposed in the resolve with an increase of $205,000 per year. The amendment removes the section of the resolve pertaining to service-hold days. The amendment adds an appropriations and allocations section.

**LD 2064** **An Act To Amend the Provisions of the Homeless Youth Program** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A | ONTP | |

This bill changes the age of the persons served by the Homeless Youth Program from under 15 years of age to those 16 years of age or older and under 22 years of age. This bill repeals the requirements that the Department of Health and Human Services annually report to the Joint Standing Committee on Health and Human Services and repeals the data collection requirement concerning youth who refuse services from the program.

**LD 2084** **An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens** **PUBLIC 588 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLER | OTP-AM | H-796 |

This bill requires a municipality operating a recreational program to ensure that the personnel supervising the recreational program are trained to administer medication, including, but not limited to, an asthma inhaler or an

epinephrine pen, to any child in that municipality's care who requires that medication. The bill allows municipal personnel who have received the training to administer medication.

**Committee Amendment "A" (H-796)**

This amendment changes the title and replaces the bill. It allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

**Enacted Law Summary**

Public Law 2007, chapter 588 allows municipal employees and volunteers that operate or assist in any municipal recreational program or camp to receive training on how to administer asthma inhalers and epinephrine pens. It allows them to possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

Public Law 2007, chapter 588 was enacted as an emergency measure effective April 9, 2008.

## LD 2085 An Act To Protect Children from Secondhand Smoke — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLANCHETTE | ONTP | |

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a $50 fine or, at the discretion of the law enforcement officer present, a written warning. See LD 2012.

## LD 2086 Resolve, To Require the Department of Health and Human Services To Provide Appropriate Cost-of-living Adjustments for Certain Assisted Housing and Medical and Remedial Private Nonmedical Institutions — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT M | ONTP | |

This bill requires the Department of Health and Human Services to provide certain medical and remedial private nonmedical and assisted housing institutions with a 2% cost-of-living adjustment in fiscal year 2008-09.

## LD 2105 An Act To Change the Timing of the Health Care Occupations Report and To Add and Clarify Definitions Relating to Swimming Pools and Spas — PUBLIC 631

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DRISCOLL | OTP-AM | H-874 |
| | | S-574 WESTON |

This bill requires the Department of Labor, in conjunction with the Department of Health and Human Services, to complete and present the health care occupations report to the health workforce forum established in Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.

The bill also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." The bill updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute.

**Committee Amendment "A" (H-874)**

This amendment repeals the Maine Revised Statutes, Title 22, section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa.

**Senate Amendment "A" (S-574)**

This amendment requires the Department of Health and Human Services to apply the American Standards Institute and the Association of Pool and Spa Professionals design criteria to all pool and spa plans subject to the department's approval, not just "public" pool and spa plans. It also requires the Department of Health and Human Services to publish the standards on its publicly accessible website annually. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3, the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations."

**Enacted Law Summary**

Public Law 2007, chapter 631 requires the Department of Labor, in conjunction with the Department of Health and Human Services, to complete and present the health care occupations report to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257 by September 15, 2009 and every 4th year thereafter. It removes the requirement of an annual report.

Public Law 2007, chapter 631 also makes changes to the Maine Revised Statutes, Title 22, chapter 602, which governs public pools and spas. It adds a definition for a "medical facility pool or spa," defines the term "pool" and broadens the definition of "spa" to include therapeutic uses. It changes the term "private" pool or spa to "residential" pool or spa, updates terminology and clarifies the difference between "residential" pools or spas and "public" pools or spas. It defines a pool on the premises of a licensed child care facility as a "public pool" and a pool on the premises of a certified family child care provider as a "residential pool." It updates the provision governing the submission of construction plans for pools and spa regulated by the Department of Health and Human Services to require the department to use in its review of the plans the American Standards Institute and the Association of Pool and Spa Professionals design criteria rather the standards of its predecessor organization, the National Swimming Pool Institute. The law requires the department use this design criteria as the minimum standards in the approval of all pools and spas subject to the department's review and to publish the standards on its publicly accessible website. Related to pool supervision in the Maine Revised Statutes, Title 22, section 2666, subsection 3 the amendment replaces the term "capable individual" with a "person as defined by standards of the American Standards Institute and the Association of Pool and Spa Professionals or successor organizations." The law also repeals section 2666, subsection 1, which prohibits a person having a communicable disease from working at a public pool or spa. This issue is already covered by other areas of communicable disease law.

**LD 2106** **An Act To Enhance the Newborn Hearing Program** **PUBLIC 508**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MAKAS | OTP | |

This bill gives the Department of Health and Human Services the authority to participate in a national or regional database or both for tracking information about newborns and children who are deaf or hard-of-hearing so as to plan more effectively for developmentally appropriate services to further the goals of the Newborn Hearing Program.

**Enacted Law Summary**

Public Law 2008, chapter 508 gives the Department of Health and Human Services the authority to participate in a national or regional database or both for tracking information about newborns and children who are deaf or hard-of-hearing so as to plan more effectively for developmentally appropriate services to further the goals of the Newborn Hearing Program.

**LD 2107** **An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HASKELL | ONTP | |

This bill establishes a forensic case review panel whose members are appointed by the Commissioner of Health and Human Services. The purpose of the panel is to study certain cases in which a current or former consumer of mental health services in this State caused serious injury or death to another while in this State and to report to the Department of Health and Human Services and the Legislature on factors contributing to the deaths and injuries reviewed and the strengths and weaknesses of the current mental health care delivery system and include recommendations to decrease the rate of death and serious injury directly caused by current or former consumers of mental health services in this State.

**LD 2108** **Resolve, To Adopt Respectful Language in Programs Affecting Developmental Services** **RESOLVE 172**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WEBSTER | OTP | |

This resolve directs the Department of Health and Human Services to change the name of its programs for persons with mental retardation or autism to "developmental services programs" and to be guided by the working group convened by the Maine Developmental Disabilities Council pursuant to Resolve 2007, chapter 62 in making any changes to rules and other publications to reflect the change in terminology.

**Enacted Law Summary**

Resolve 2007, chapter 172 directs the Department of Health and Human Services to change the name of its programs for persons with mental retardation or autism to "developmental services programs" and to be guided by the working group convened by the Maine Developmental Disabilities Council pursuant to Resolve 2007, chapter 62 in making any changes to rules and other publications to reflect the change in terminology.

**LD 2138** **An Act To Amend the Requirements for Approval of the Use of Physical Restraints** **PUBLIC 573**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CRAVEN | OTP | |

This bill makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. This bill establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. This bill removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. This bill clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. This bill requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

**Enacted Law Summary**

Public Law 2007, chapter 573 makes several changes in the statutes concerning the rights and protections of persons with mental retardation or autism related to the use of physical restraints. The law establishes distinctions among physical restraints, mechanical supports and safety devices and describes each in a separate provision of the law. It removes the requirement in statute that a 3-person team approve the use of a safety device for a person with mental retardation or autism and delegates that authority to the Department of Health and Human Services, which may adopt routine technical rules concerning the use and approval of safety devices. The law clarifies the standards for the short-term use of physical restraints to prevent injury to the person being served or to others and prohibits entirely the use of totally enclosed cribs and barred enclosures. The law requires that daily records of the use of physical restraints, either to prevent injury or as part of a behavioral treatment, be kept and reviewed at least quarterly by the person's planning team in a summary form. A monthly summary must be provided to the Department of Health and Human Services, Office of Advocacy.

**LD 2148** **An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | ONTP | |

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to undertake a program to create neighborhood health resource centers for the Parkside or Bayside neighborhood of the City of Portland and for the City of Lewiston. This bill appropriates $300,000 in fiscal year 2008-09 for the purposes of the neighborhood health resource centers and for federally qualified health centers.

**LD 2152** **An Act To Ensure Access to Necessary Health Care Services in Maine by Repealing the Capital Investment Fund** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | ONTP | |

This bill eliminates the capital investment fund, which limits the amount of capital spending for health care projects that are subject to the certificate of need laws. This bill specifies that the repeal of the capital investment fund applies retroactively to January 1, 2008.

**LD 2153** **An Act To Improve the Organizational Structure of the Department of Health and Human Services** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | ONTP | |

This bill consolidates provisions in the Maine Revised Statutes, Titles 22 and 34-B with existing provisions in Title 22-A to the extent that Titles 22 and 34-B described the Department of Health and Human Services' organizational structure and the Commissioner of Health and Human Services' powers and duties. Some provisions are repealed because they are redundant or obsolete; some are repealed or rewritten to give the commissioner more flexibility in organizing the department, appointing staff and delegating the various duties of the department among staff.

This bill was voted Ought Not to Pass in deference to Public Law 2007, chapter 539, Part N, which contains the same provisions as the committee amendment that was proposed.

**LD 2163** **Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 166 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

**Enacted Law Summary**

Resolve 2007, chapter 166 provides for legislative review of portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Resolve 2007, chapter 166 was enacted as an emergency measure effective March 25, 2008.

**LD 2166** **Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention** **RESOLVE 165 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**Enacted Law Summary**

Resolve 2007, chapter 165 provides for legislative review of portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Resolve 2007, chapter 165 was enacted as an emergency measure effective March 26, 2008.

**LD 2167** **Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 192 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-860 |

This resolve provides for legislative review of portions of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

**Committee Amendment "A" (H-860)**

This amendment authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

**Enacted Law Summary**

Resolve 2007, chapter 192 authorizes final adoption of portions of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization, as long as certain changes to the rule are made regarding the collection, release and use of prescriber data.

Resolve 2007, chapter 192 was enacted as an emergency measure effective April 10, 2008.

**LD 2170** **Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General** **RESOLVE 178 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

**Enacted Law Summary**

Resolve 2007, chapter 178 provides for legislative review of portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a major substantive rule of the Department of the Attorney General.

Resolve 2007, chapter 178 was enacted as an emergency measure effective April 1, 2008.

**LD 2172** **Resolve, To Achieve Universal Blood Lead Level Screening of Maine Children** **RESOLVE 186**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CONNOR<br>BRANNIGAN | OTP-AM | H-861 |

This bill expands the lead poisoning assessment and blood level testing program to require annual testing of children under 6 years of age and eliminates the exception that provides discretion to the provider of primary health care. It retains the exception for a parent or guardian who objects on the grounds of sincerely held religious or philosophical beliefs. It requires evidence of blood lead level screening for enrollment in public school in this State. It requires a school superintendent to keep records of blood lead level assessment status and to report to the Commissioner of Education and the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services regarding the blood lead level assessment status of children entering school.

**Committee Amendment "A" (H-861)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to identify areas of high risk of having children with elevated blood lead levels, to attempt to achieve universal blood lead level screening for certain children, to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to report with the Department of Education on the feasibility of including blood lead level assessment information in school records of enrolled children.

**Enacted Law Summary**

Resolve 2007, chapter 186 directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to identify areas of high risk of having children with elevated blood lead levels, to attempt to achieve universal blood lead level screening for certain children, to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to report with the Department of Education on the feasibility of including blood lead level assessment information in school records of enrolled children.

**LD 2193** **An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment** **PUBLIC 580 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-886 PERRY A<br>S-445 |

This bill provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated nonstate mental health institution. The bill applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The bill provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The bill specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated nonstate mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health and Human Services and to appeal all decisions to the Superior Court. The bill specifies that the maximum time period for an

order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

**Committee Amendment "A" (S-445)**

This amendment incorporates a fiscal note.

**House Amendment "A" (H-886)**

This amendment clarifies that involuntary treatment is limited to medication for mental illness and medication to manage side effects.

**Enacted Law Summary**

Public Law 2007, chapter 580 provides a process for a clinical review panel to review and make a determination regarding involuntary mental health treatment for a person who is involuntarily committed to a state mental health institute or a designated nonstate mental health institution. The law defines mental health treatment as medications for mental illness and laboratory testing and medication for managing the side effects. The law applies the same standards for ordering involuntary treatment as are currently applied by the District Court when a request for involuntary treatment is made as part of an application for involuntary commitment under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7-A. The law provides for notice, a clinical review panel procedure and a decision by the clinical review panel. The clinical review panel includes at least one member who is licensed to prescribe medication relevant to the patient's treatment. The law specifies patient rights, including the right of assistance by a lay advisor or attorney and the right to attend meetings of the clinical review panel, to review documents reviewed by the panel, to question persons providing information to the panel, to present witnesses and to appeal decisions made in a designated nonstate mental health institution to the director of the Office of Adult Mental Health Services within the Department of Health and Human Services and to appeal all decisions to the Superior Court. The law specifies that the maximum time period for an order of involuntary treatment is 120 days or the length of commitment, whichever is shorter, unless altered by review or order of the Superior Court on appeal or agreement of the patient's primary treating physician and the patient.

Public Law 2007, chapter 580 was enacted as an emergency measure effective April 8, 2008.

## LD 2218 An Act To Protect Children from Hazardous Lead-based Paint — PUBLIC 628

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS<br>MARRACHE | OTP-AM | H-921 |

This bill protects children from hazardous lead-based paint.

1. The bill authorizes use of the Lead Poisoning Prevention Fund for lead-safe housing and lead-safe renovation notification, inspection and enforcement.

2. The bill amends the provision of law that repeals the lead poisoning prevention fee on July 1, 2011.

3. The bill requires certain paint retailers, stores and commercial establishments to display posters and make brochures available to consumers warning of lead hazards.

4. The bill clarifies the activities covered by the requirements for residential lead abatement.

5. The bill provides a mechanism for the Department of Environmental Protection to maintain a registry of lead-safe

pre-1978 residential dwellings.

6. The bill requires owners of leased residential dwellings to take reasonable precautions to ensure that the dwellings are free of lead-based paint hazards.

7. The bill provides confidentiality protections for certain lead poisoning and lead exposure information.

8. The bill requires the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to review issues related to achieving lead-safe housing and the elimination of childhood lead poisoning and to report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and natural resources matters on the results of the review and recommendations, including proposed legislation to achieve lead-safe housing and lead poisoning prevention.

**Committee Amendment "A" (H-921)**

This amendment switches responsibility for producing posters and brochures warning of lead poisoning from the Department of Environmental Protection to the Department of Health and Human Services. It strikes portions of the bill that require annual self-inspection for lead dangers by owners of leased residential properties. The amendment retains language allowing an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The amendment expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment strikes those sections of the bill that require notice on renovations and remodeling and that grant an exemption to the notice requirement for renovations and remodeling by an owner who occupies the residential dwelling.

**Enacted Law Summary**

Public Law 2007, chapter 628 imposes on the Department of Health and Human Services the responsibility for producing posters and brochures warning of lead poisoning. The law allows an owner of a leased residential property to designate the property on a registry of lead-safe property maintained by the Department of Environment Protection. The law expands the scope of the report on lead-safe housing by the Department of Environmental Protection, the Maine State Housing Authority and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**LD 2242 An Act To Fund the Universal Childhood Immunization Program** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CONNOR<br>MARRACHE | OTP-AM MAJ<br>ONTP MIN | H-931 |

This bill establishes the Universal Childhood Immunization Program within the Department of Health and Human Services. The department is directed to include in the program those vaccines for childhood immunizations recommended by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and designated for coverage by the federal Vaccines for Children Program. The bill establishes a dedicated account to effectuate the provisions of the program. The bill provides funds for the program from the Fund for a Healthy Maine.

**Committee Amendment "A" (H-931)**

This amendment:

1. Clarifies that all of the funds in the Childhood Immunization Account must be used to implement the program;

2. Removes erroneous language in the bill regarding "provisions of the program," which is also referenced in the bill summary, where it refers to provisions concerning annual cost determinations and reporting to the Superintendent of Insurance that are not contained in the bill; and

3. Replaces the bill's appropriations and allocations section.

**LD 2286** **Resolve, Implementing the Recommendations of the Commission To Study Primary Care Medical Practice** **RESOLVE 195**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This committee resolve requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

**Enacted Law Summary**

Resolve 2007, chapter 195 requires several reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2009. It directs the Governor's Office of Health Policy and Finance and the Department of Health and Human Services to report on activities for implementing a multipayor patient-centered medical home pilot project and for streamlining preauthorization processes for primary care physicians who are cost-effective prescribers. It requires the Department of Health and Human Services to report on activities for implementing a single physician fee schedule for the MaineCare program. It requires the Governor's Office of Health Policy and Finance, the Maine Board of Pharmacy and the Department of Health and Human Services, Office of MaineCare Services to report on the feasibility of adopting flexible prescribed medication dispensing standards for pharmacists.

**LD 2287** **Resolve, Regarding Legislative Review of Portions of Major Substantive MaineCare Benefits Manual, Chapter III, section 21; Home and Community Benefits for Members with Mental Retardation on Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 207 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-944 |

This resolve provides for legislative review of portions of Major Substantive MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Committee Amendment "A" (H-944)**

This amendment authorizes final adoption of MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, provided certain changes to the rule are made related to record keeping.

**Enacted Law Summary**

Resolve 2007, chapter 207 authorizes final adoption of MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services, provided certain changes to the rule are made related to record keeping.

Resolve 2007, chapter 207 was enacted as an emergency measure effective April 16, 2008.

**LD 2294** **An Act To Modernize the Local Health Officer Statutes** **PUBLIC 598**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This committee bill modernizes the local health officer statutes as part of the implementation of the recommendations of the Task Force to Study Maine's Homeland Security Needs. It modernizes the role of local health officers by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. Certain functions of local health officers are transferred to the Commissioner of Health and Human Services.

**Enacted Law Summary**

Public Law 2007, chapter 598 modernizes the local health officer role by focusing the authorities and duties of the local health officer on preventing and suppressing communicable diseases, as well as acting as a conduit of public health-related information between residents and statewide resources. The law transfers certain functions of local health officers to the Commissioner of Health and Human Services.

**LD 2295** **An Act To Implement the Recommendations of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine** **PUBLIC 646**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | H-1019 PERRY A |

This committee bill requires a birthing hospital or birthing center, upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist. That appointment must be scheduled prior to discharge, and the birthing hospital or center shall notify the newborn's primary care provider in writing of such a referral prior to discharge. The bill also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

**House Amendment "A" (H-1019)**

This amendment requires birthing hospitals, birthing centers, hospitals or other medical facilities upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the

screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible.

**Enacted Law Summary**

Public Law 2007, chapter 646 requires a birthing hospital, birthing center, hospital or other medical facility upon the approval of a parent of a newborn whose hearing is screened and receives a result of "refer," to schedule the newborn for a follow-up appointment with an audiologist and to notify the newborn's primary care provider in writing of the screening result and audiologist appointment. The appointment must be scheduled and primary care provider notified prior to discharge, when possible. The law also requires the Department of Health and Human Services' Newborn Hearing Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of its study of barriers to access to audiologists for the continued evaluation of hearing loss in newborns.

**LD 2296 An Act Regarding the Statewide Homeless Council** **PUBLIC 600**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|

This bill is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The bill amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The bill directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

**Enacted Law Summary**

Public Law 2007, chapter 600 is submitted by the Joint Standing Committee on Health and Human Services after receipt of the report from the Statewide Homeless Council pursuant to Resolve 2007, chapter 131. The law amends the Statewide Homeless Council laws to add as members the Commissioner of Corrections and the Commissioner of Health and Human Services and to add as a duty advising the Department of Corrections and the Department of Health and Human Services. The law directs the Department of Health and Human Services to collect from each municipality emergency contact information for use by municipal residents in applying for assistance and to forward the municipal emergency contact information periodically to the statewide 2-1-1 telephone number designated pursuant to the Maine Revised Statutes, Title 35-A, section 7108.

**LD 2297 An Act To Establish a Method for Reporting Health Care-associated Infection Quality Data** **PUBLIC 594**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|

This committee bill requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative

efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

**Enacted Law Summary**

Public Law 2007, chapter 594 requires the Maine Quality Forum to submit an annual report to the Legislature that includes health care-associated infection quality data and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 with any recommendations for additional health care-associated infection quality data to be collected. It requires the Maine Quality Forum and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report to the joint standing committee of the Legislature having jurisdiction over health and human services on statewide collaborative efforts with health care infection control professionals in the State to control or prevent health care-associated infections and to make the information reported about the health care-associated infection quality data available to the citizens of the State through a variety of means, including, but not limited to, the Maine Quality Forum's publicly accessible website and the distribution of written reports and publications.

## LD 2301 An Act To Amend the Maine Certificate of Need Act of 2002

**PUBLIC 681**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | H-960 PERRY A |
| | | S-661 ROTUNDO |

This committee bill amends the Maine Certificate of Need Act of 2002 by making January 1st the date when the Commissioner of Health and Human Services must update the threshold amount for review to reflect the change in the Consumer Price Index medical index and clarifying that the Department of Health and Human Services may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements on an emergency basis.

**House Amendment "A" (H-960)**

The bill changes from September 30th to January 1st the date by which the Commissioner of Health and Human Services annually updates the threshold amount for review and clarifies that since the annual update will occur by January 1, 2009, no annual update is required on September 30, 2008.

**Senate Amendment "A" (S-661)**

This amendment clarifies that the Department of Health and Human Services emergency approval of a nursing facility Certificate of Need application may only be granted within existing appropriations for MaineCare's nursing facility program.

**Enacted Law Summary**

Public Law 2008, chapter 681 amends the Maine Certificate of Need Act of 2002. It standardizes "January 1st" as the date when the commissioner must update the threshold amount for review to reflect the change in the Consumer Price Index medical index. Since this annual update will occur by January 1, 2009, no annual update is required on September 30, 2008. It defines emergency circumstances under which the department may approve nursing facility Certificate of Need applications for capital expenditures for necessary renovations and improvements. Such approvals may only be granted within existing appropriations for MaineCare's nursing facility program.

Public law 2007, 681 was enacted as an emergency measure effective April 23, 2008.

**LD 2311 An Act To Invest in Maine's Young Children** **PUBLIC 683**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | S-695 ROTUNDO |

This bill is a committee bill from the majority of the committee. The bill establishes the Office of the Child Advocate through contracted services for the purpose of ongoing, coordinated advocacy on behalf of young children. It establishes the Maine Children's Growth Council to develop, maintain and evaluate a long-term plan for investment in the healthy development of Maine's young children and their families and to review and address recommendations of studies and advisory committees and the Children's Cabinet. The bill provides for a research and evaluation contract and a needs assessment contract. The bill changes the rate of interest on quality child care project loans, requires the Department of Health and Human Services to offer voluntary universal home visiting for new families as permitted by the availability of funds and requires the Finance Authority of Maine to undertake a public education campaign regarding the availability of loans for child care facilities. The bill provides increased funding for quality child care education scholarships, requires a report on the benefits, cost-effectiveness and effect on families of unifying policies governing child care subsidies and provides funding for regional collaboration coaches for pre-kindergarten programs. In making the initial appointments to the Maine Children's Growth Council, the bill requires the appointing authorities to consider for appointment persons who serve on the Children's Cabinet Task Force on Early Childhood.

**Senate Amendment "A" (S-695)**

This amendment:

1. Strikes the provisions from the bill that establish the Office of the Child Advocate and authorize a research and evaluation contract and a needs assessment contract;

2. Repeals the chapter that establishes and governs the Maine Children's Growth Council effective October 1, 2009;

3. Strikes the provisions from the bill that direct the Finance Authority of Maine to undertake a public education campaign regarding the availability of loans for child care facilities;

4. Strikes the provisions from the bill that direct the Department of Education to employ 4 regionally assigned community collaboration coaches and eliminates funding for those community collaboration coaches; and

5. Eliminates increased funding for quality child care education scholarships.

**Enacted Law Summary**

Public Law 2007, chapter 683 establishes the Maine Children's Growth Council to develop, maintain and evaluate a long-term plan for investment in the healthy development of Maine's young children and their families and to review and address recommendations of studies and advisory committees and the Children's Cabinet. The law changes the rate of interest on quality child care project loans and requires the Department of Health and Human Services to offer voluntary universal home visiting for new families as permitted by the availability of funds. The law requires a report on the benefits, cost-effectiveness and effect on families of unifying policies governing child care subsidies. In making the initial appointments to the Maine Children's Growth Council, the bill requires the appointing authorities to consider for appointment persons who serve on the Children's Cabinet Task Force on Early Childhood. The law contains an automatic repeal date of October 1, 2009.

**LD 2316** **An Act Regarding Flavored Cigarettes and Cigars** **PUBLIC 612**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This bill is an emergency bill. The bill makes changes to the criteria for granting exemptions to the ban on flavored cigarettes and cigars first on the market after January 1, 1985. The bill imposes upon the person or entity to whom an exemption has been granted the affirmative duty to notify the Attorney General of a material change in the characterizing flavor of flavored cigarettes and cigars and designates a violation of this requirement a civil violation for which a fine of $10,000 may be adjudged. The bill authorizes the Attorney General to revoke an exemption if the Attorney General determines that a material change has been made to the product's characterizing flavor. The bill authorizes the adoption of rules on an emergency basis to conform existing rules to the requirements of the bill.

**Enacted Law Summary**

Public Law 2007, chapter 612 makes changes to the criteria for granting exemptions to the ban on flavored cigarettes and cigars first on the market after January 1, 1985. The law imposes upon the person or entity to whom an exemption has been granted the affirmative duty to notify the Attorney General of a material change in the characterizing flavor of flavored cigarettes and cigars and designates a violation of this requirement a civil violation for which a fine of $10,000 may be adjudged. The law authorizes the Attorney General to revoke an exemption if the Attorney General determines that a material change has been made to the product's characterizing flavor. The law authorizes the adoption of rules on an emergency basis to conform existing rules to the requirements of the law.

Public Law 2007, chapter 612 was enacted as an emergency measure effective April 14, 2008.

**LD 2322** **An Act To Amend the Charter of Northern Maine General** **P & S 45**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | | |

This bill removes the Roman Catholic bishop of the diocese of Portland as a trustee and president of Northern Maine General. The bill also amends the charter by designating that the president is elected by the board of trustees. This bill was not referenced to the Joint Standing Committee on Health and Human Services.

**Enacted Law Summary**

Private and Special Law 2008, chapter 45 removes the Roman Catholic bishop of the diocese of Portland as a trustee and president of Northern Maine General. The bill also amends the charter by designating that the president is elected by the board of trustees.

# *Joint Standing Committee on Health and Human Services*

## SUBJECT INDEX

### *Aging and Long-term Care*

**Enacted**

| | | |
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| LD 2052 | Resolve, To Create the Blue Ribbon Commission To Study the Future of Home-based and Community-based Care | RESOLVE 209 EMERGENCY |

**Not Enacted**

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|---|---|---|
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| LD 652 | Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities | DIED BETWEEN HOUSES |
| LD 1975 | Resolve, To Require the Department of Health and Human Services To Promote Awareness of Parkinson's Disease | ONTP |
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### *Certificate of Need/Capital Investment Fund*

**Enacted**

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|---|---|---|
| LD 2301 | An Act To Amend the Maine Certificate of Need Act of 2002 | PUBLIC 681 EMERGENCY |

**Not Enacted**

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**Enacted**

| | | |
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**Not Enacted**

| | | |
|---|---|---|
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**Enacted**

| | | |
|---|---|---|
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**Not Enacted**

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|---|---|---|
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**Enacted**

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|---|---|---|
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**Enacted**

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|---|---|---|
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| LD 2167 | Resolve, Regarding Legislative Review of Portions of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization | RESOLVE 192 EMERGENCY |
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| Not Enacted | | |
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## *Health Planning*

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|---|---|---|
| Enacted | | |
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## *Hearing Loss Screening - Children*

| | | |
|---|---|---|
| Enacted | | |
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## *Hospitals*

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|---|---|---|
| Enacted | | |
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| Not Enacted | | |
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Enacted

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|---|---|---|
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Enacted

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|---|---|---|
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| LD 2193 | An Act Regarding Clinical Review of Certain Requests for Involuntary Mental Health Treatment | PUBLIC 580 EMERGENCY |

Not Enacted

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| LD 2107 | An Act To Establish a Forensic Case Review Panel To Advise the Department of Health and Human Services | ONTP |

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Enacted

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|---|---|---|
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| LD 2296 | An Act Regarding the Statewide Homeless Council | PUBLIC 600 |

Not Enacted

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|---|---|---|
| LD 2064 | An Act To Amend the Provisions of the Homeless Youth Program | ONTP |

## *Prescription Drugs*

Enacted

| | | |
|---|---|---|
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Enacted

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|---|---|---|
| LD 2084 | An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens | PUBLIC 588 EMERGENCY |
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| LD 2294 | An Act To Modernize the Local Health Officer Statutes | PUBLIC 598 |

Not Enacted

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|---|---|---|
| LD 1956 | Resolve, To Expand the Case Definition of Lyme Disease for Purposes of Compiling the Annual Lyme Disease Surveillance Report | ACCEPTED ONTP REPORT |
| LD 2034 | An Act To Prohibit the Sale of Energy Drinks to Minors | ONTP |
| LD 2148 | An Act To Improve the Health of Maine Communities and Reduce Emergency Care Burdens | ONTP |
| LD 2242 | An Act To Fund the Universal Childhood Immunization Program | DIED ON ADJOURNMENT |

## *Substance Abuse*

Not Enacted

| | | |
|---|---|---|
| LD 2004 | An Act To Establish the Department of Substance Abuse Services | ONTP |
| LD 2032 | An Act To Implement a Consent Judgment Regarding OxyContin Abuse | ONTP |

## *Tobacco Sale and Use*

Enacted

| | | |
|---|---|---|
| LD 1961 | An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff | PUBLIC 487 EMERGENCY |
| LD 2012 | An Act To Protect Children in Vehicles from Secondhand Smoke | PUBLIC 591 |
| LD 2014 | Resolve, To Extend the Deadline To Adopt a Rule by the Department of Health and Human Services Regarding Smoking in the Workplace | RESOLVE 149 EMERGENCY |
| LD 2170 | Resolve, Regarding Legislative Review of Portions of Chapter 10: Rules for Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Department of the Attorney General | RESOLVE 178 EMERGENCY |

| | | |
|---|---|---|
| **LD 2316** | **An Act Regarding Flavored Cigarettes and Cigars** | **PUBLIC 612**<br>**EMERGENCY** |

**Not Enacted**

| | | |
|---|---|---|
| **LD 2085** | **An Act To Protect Children from Secondhand Smoke** | **ONTP** |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

May 2008

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**LD 633** **An Act To Improve Funding for the State Snowmobile Trail System** **PUBLIC 556 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLARK<br>SHERMAN | OTP-AM MAJ<br>ONTP MIN | H-773 |

LD 633 is a concept draft pursuant to Joint Rule 208 and proposed to amend the current law to link a person's membership in a snowmobile organization to snowmobile registration fees.

**Committee Amendment "A" (H-773)**

This amendment replaces the bill and increases the snowmobile registration fee for residents from $33 to $35 and directs that the $2 increase be credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands. It also increases the seasonal snowmobile registration for nonresidents from $68 to $88.

**Enacted Law Summary**

Public Law 2007, chapter 556 increases the snowmobile registration fee for residents from $33 to $35 and directs that the $2 increase be credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands. It also increases the seasonal snowmobile registration for nonresidents from $68 to $88.

Public Law 2007, chapter 566 was enacted as an emergency measure effective April 4, 2008.

**LD 654** **An Act To Make License Requirements and Rules Consistent for Young Anglers** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT M | ONTP | |

LD 654 makes the age requirements for nonresident youth anglers consistent with resident anglers. Under current law a resident angler is not required to have a fishing license until reaching 16 years of age.

**LD 1838** **An Act To Ensure Safety on Freshwater Ferry Vessels** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROBINSON | ONTP | |

LD 1838 provides regulations for ferry boats that operate in state waters that are not under the jurisdiction of the United States Coast Guard as follows:

1. Requires that each ferry be inspected yearly by an accredited marine surveyor;

2. Provides specific inspection requirements of various ferry components;

3. Provides the maximum number of permitted individuals and permitted passengers on a ferry;

4. Provides requirements for the safe operation of a ferry while underway; and

5. Requires certain preparations for an emergency.

**LD 1858 An Act To Protect Inland Water Access** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON<br>BRYANT B | OTP-AM MAJ<br>ONTP MIN | H-689 |

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.

**Committee Amendment "A" (H-689)**

This amendment limits the bill's public hearing requirement to only the restriction or expansion of public access to inland waters that was in existence on July 31, 2008.

**LD 1979 An Act Regarding the Use of Designated State-approved ATV Trails** **PUBLIC 509**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM MAJ<br>ONTP MIN | S-443 |

This bill is a concept draft pursuant to Joint Rule 208 and proposes to allow a landowner to decide who can cross the landowner's property with an all-terrain vehicle and still continue to receive the legal protection of the State.

**Committee Amendment "A" (S-443)**

This amendment replaces the concept draft and provides that a landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. It also clarified that this new provision does not limit or expand a landowner's property rights.

**Enacted Law Summary**

Public Law 2007, chapter 509 provides that a landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. It also clarified that this new provision does not limit or expand a landowner's property rights.

**LD 1982 An Act To Amend Certain Provisions of the Fish and Wildlife Laws** **PUBLIC 651 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT B | OTP-AM | S-555<br>S-558 BRYANT B |

This bill does the following:

1. Removes the current 3-month waiting period requirement to become a resident for purposes of obtaining a

hunting, fishing or trapping license or registering a recreational vehicle to make those resident requirements consistent with other residency requirements in other provisions of law;

2. It removes an alien who has been domiciled in the State for one year from the definition of "resident;"

3. Allows the issuance of one lifetime license that covers all hunting licenses and permits;

4. Authorizes the Commissioner of Inland Fisheries and Wildlife to revoke any license, permit or registration issued to a person by the department who fails to pay the required fee;

5. Makes a registration fee change that was inadvertently omitted during recent fee adjustments. This makes the all-terrain vehicle transfer fee consistent with those for snowmobiles and watercraft; and

6. Gives the courts the ability to revoke hunting and fishing licenses of persons found guilty of dumping litter in wildlife management areas and sanctuaries.

**Committee Amendment "A" (S-555)**

This amendment does the following:

1. Restores the provision that the definition of "resident" under the fish and wildlife laws includes an alien who has been domiciled in the State for one year, which was inadvertently removed by the bill;

2. Repeals the laws establishing the Whitewater Safety Committee and puts the duties of that committee under the Advisory Board for the Licensing of Whitewater Guides;

3. Amends current law to clarify that the complimentary licenses issued to family members of a game warden killed in the line of duty include a trapping license and all licenses, permits, stamps and other permissions needed to hunt;

4. Clarifies that complimentary hunting licenses issued to resident disabled veterans include all licenses, permits, stamps and other permissions needed to hunt, fish and trap;

5. Provides that a person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first;

6. Provides a definition for "snowmobile trail" for purposes of the prohibition on operating a snowmobile left of the center on a snowmobile trail;

7. Changes the repeal date of the law that allows smelting on Mud Brook from July 1, 2009 to July 1, 2012; and

8. Repeals provisions of the law that require certain reports regarding endangered species, whitewater rafting, gill nets, the Maine Wildlife Park Fund and the Saco River Corridor Fund to be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

**Senate Amendment "A" (S-558)**

This amendment adds an emergency preamble and an emergency clause to the bill, making it effective upon approval.

**Enacted Law Summary**

Public Law 2007, chapter 651 does the following:

1. Removes the current 3-month waiting period requirement to become a resident for purposes of obtaining a

hunting, fishing or trapping license or registering a recreational vehicle to make those resident requirements consistent with other residency requirements in other provisions of law;

2. Allows the issuance of one lifetime license that covers all hunting licenses and permits;

3. Authorizes the Commissioner of Inland Fisheries and Wildlife to revoke any license, permit or registration issued to a person by the department who fails to pay the required fee;

4. Makes a registration fee change that was inadvertently omitted during recent fee adjustments. This makes the all-terrain vehicle transfer fee consistent with those for snowmobiles and watercraft;

5. Gives the courts the ability to revoke hunting and fishing licenses of persons found guilty of dumping litter in wildlife management areas and sanctuaries;

6. Repeals the laws establishing the Whitewater Safety Committee and puts the duties of that committee under the Advisory Board for the Licensing of Whitewater Guides;

7. Amends current law to clarify that the complimentary licenses issued to family members of a game warden killed in the line of duty include a trapping license and all licenses, permits, stamps and other permissions needed to hunt;

8. Clarifies that complimentary hunting licenses issued to resident disabled veterans include all licenses, permits, stamps and other permissions needed to hunt, fish and trap;

9. Provides that a person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first;

10. Provides a definition for "snowmobile trail" for purposes of the prohibition on operating a snowmobile left of the center on a snowmobile trail;

11. Changes the repeal date of the law that allows smelting on Mud Brook from July 1, 2009 to July 1, 2012; and

12. Repeals provisions of the law that require certain reports regarding endangered species, whitewater rafting, gill nets, the Maine Wildlife Park Fund and the Saco River Corridor Fund to be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Public Law 2007, chapter 651 was enacted as an emergency measure effective April 18, 2008.

**LD 2031** **An Act To Amend the Laws Governing the Whitewater Rafting Allocation System** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PRATT | ONTP | |

LD 2031 changes the conditions under which a commercial whitewater outfitter's allocation for taking passengers on whitewater trips is subject to forfeiture or suspension by the Department of Inland Fisheries and Wildlife. The bill provides that an allocation is subject to forfeiture or suspension by the department only if the outfitter fails to maintain the conditions of its license or for the protection of public safety.

**LD 2045** **An Act To Enact Guidelines for the Operation of Motorboats by Minors** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SYKES | ONTP | |

This bill requires the same guidelines for the operation of motorboats by people under 18 years of age as already exists for the operation of personal watercraft. The personal watercraft guidelines that prohibited use of personal watercraft on certain lakes and ponds were not included.

**LD 2065** **An Act To Clarify the Filing Requirements for Noncommercial Whitewater Rafting Organizations** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLETT | ONTP | |

Current law requires a club that desires to qualify as a noncommercial whitewater rafting club, and thus be exempt from the requirement of obtaining a commercial whitewater outfitter's license, to file a list of all of its dues-paying members by January 1st of each year, prior to the start of the whitewater rafting season.

LD 2065 maintains the January 1st filing requirement for officers and board members of the club, but allows the club to file a list of the other members annually by December 31st, after the whitewater rafting season.

**LD 2067** **An Act To Require Boating Safety Education** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WATSON | ONTP MAJ<br>OTP-AM MIN | |

LD 2067 requires boating safety education for all motorboat users and personal watercraft users in the State. It requires full compliance for all users by 2016 but created a phase-in for implementation by age group.

**LD 2088** **Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers** **RESOLVE 227**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DRISCOLL | OTP-AM MAJ<br>ONTP MIN | H-688<br>S-668 ROTUNDO |

LD 2088 directs the Department of Inland Fisheries and Wildlife to institute a system of registering watercraft through a safe and secure website.

**Committee Amendment "A" (H-688)**

This amendment clarifies that the online registration of watercraft should be available only for renewing watercraft registrations and directs the Department of Inland Fisheries and Wildlife to recoup its administrative costs for

providing online registration and, to the extent possible, merchant fees charged on the excise tax to ensure municipalities do not lose excise tax revenue because of the online registrations.

**Senate Amendment "A" (S-668)**

This amendment proposes to transfer funds from an account in the Department of Inland Fisheries and Wildlife to provide cash as a working capital advance for the operation of Swan Island. The capital advance is to be paid back using the fees charged for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

**Enacted Law Summary**

Resolve 2007, chapter 227, directs the Department of Inland Fisheries and Wildlife to institute a system for renewing watercraft registrations through a safe and secure website. It also directs the department to recoup its administrative costs for providing online registration and, to the extent possible, merchant fees charged on the excise tax to ensure municipalities do not lose excise tax revenue because of the online registrations.

Resolve 2007, chapter 227 transfers funds from an account in the Department of Inland Fisheries and Wildlife to provide cash as a working capital advance for the operation of Swan Island. The capital advance is to be paid back using the fees charged for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

## LD 2089 An Act To Allow Certain Assistance to Guides and Hunters — PUBLIC 532

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | OTP-AM MAJ<br>ONTP MIN | H-740 |

LD 2089 allows individuals who are not licensed as guides to provide certain services and assistance to bear hunters such as transportation to bear baiting sites.

**Committee Amendment "A" (H-740)**

This amendment authorizes a person licensed as a guide to employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. It prohibits the unlicensed person from hunting or participating in hunting-related activities while transporting hunters for a guide. This amendment also provides liability for a guide when there are 3 or more violations of the transportation provision by a person employed by that guide within a 5-year period. The provisions of the amendment are repealed on July 31, 2010.

**Enacted Law Summary**

Public Law 2007, chapter 532 allows a person licensed as a guide to employ the services of a person not licensed as a guide to transport hunters along a public or private road in a motor vehicle for the sole purpose of delivering those hunters to a predetermined destination prior to or at the conclusion of the time those hunters are engaged in hunting. It prohibits the unlicensed person from hunting or participating in hunting-related activities while transporting hunters for a guide. Public Law 2007, chapter 531 provides liability for a guide when there are 3 or more violations of the transportation provision by a person employed by that guide within a 5-year period. The provisions of Public Law 2007, chapter 532 are repealed on July 31, 2010.

**LD 2090** **An Act To Impose a Horsepower Restriction for Boat Motors on Long Lake and Brandy Pond** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SYKES | ONTP | |

This bill limits the horsepower of boats that can be operated on Long Lake in Bridgton and Brandy Pond in Naples to 500 horsepower.

**LD 2142** **An Act To Amend the Law Governing Antlerless Deer Permits** **PUBLIC 492 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THOMAS | OTP-AM | H-687 |

This bill removes the provision of law that requires that no more than 2.5% of antlerless deer permits be in the form of a super pack license. The bill also provides that a super pack license may include an antlerless deer permit except that it is valid for unallocated antlerless deer permits only.

**Committee Amendment "A" (H-687)**

This amendment provides that a super pack license affords the holder with the same opportunity to enter an antlerless deer permit lottery as that person would have with an individual license that is contained in the super pack license. It limits the 3 deer that may be taken with a super pack license during the special archery season to antlerless deer only. The amendment also provides that landowners who allow hunting on their lands must receive at least 25% of the antlerless deer permits issued for a wildlife management district.

**Enacted Law Summary**

Public Law 2007, chapter 492 provides that a super pack license affords the holder with the same opportunity to enter an antlerless deer permit lottery as that person would have with an individual license that is contained in the super pack license. It limits the 3 deer that may be taken with a super pack license during the special archery season to antlerless deer only. Public Law 2007, chapter 492 provides that landowners who allow hunting on their land must receive at least 25% of the antlerless deer permits issued for a wildlife management district.

Public Law 2007, chapter 492 was enacted as an emergency measure effective March 12, 2008.

**LD 2203** **An Act To Ensure Adequate Funding for Conservation Districts** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | ONTP | |

This bill creates a voluntary checkoff to allow owners of snowmobiles registered pursuant to the Maine Revised Statutes, Title 12, section 13104 and ATVs registered pursuant to Title 12, section 13155 to indicate that a portion of the registration fee is to be used to provide funding to soil and water conservation districts and the Department of Inland Fisheries and Wildlife.

**LD 2241** **Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife** — **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-762 |

LD 2241 provides for legislative review of portions of Chapter 1: Open Water and Ice Fishing Regulations, a major substantive rule of the Department of Inland Fisheries and Wildlife.

**Committee Amendment "A" (H-762)**

This amendment authorizes the final adoption of the major substantive rule of the Department of Inland Fisheries and Wildlife that designated state waters that contain Artic Charr as State Heritage Fish Waters if Black Lake in Aroostook County, Rainbow Lake in Piscataquis County and Floods Pond in Hancock County is removed from the proposed list.

**LD 2288** **Resolve, To Create a Deer Predation Working Group** — **RESOLVE 191**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This resolve is a committee bill relating to the recommendations of the working group created by Resolve 2007, chapter 39. It directs the Commissioner of Inland Fisheries and Wildlife to establish an 8-member deer predation working group to develop policies and protocols for the control of deer predation by coyotes and bear. The working group is directed to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 5, 2009. The resolve authorizes the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters to submit legislation relating to the report to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 191 directs the Commissioner of Inland Fisheries and Wildlife to establish an 8-member deer predation working group to develop policies and protocols for the control of deer predation by coyotes and bear. The working group must report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 5, 2009. Resolve 2007, chapter 191 authorizes the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters to submit legislation relating to the report to the First Regular Session of the 124th Legislature.

**LD 2308** **Resolve, To Stabilize the Bureau of Warden Service and the Division of Fisheries and Hatcheries** — **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RICHARDSON D | OTP-AM | H-1031 |

This bill raises certain hunting, fishing and trapping licensing and permit fees by $2 for residents and $4 for nonresidents. It also provides that revenue raised by the fee increases must be deposited into a special nonlapsing account within the Department of Inland Fisheries and Wildlife to fund nonpersonal services of the Bureau of

Warden Service and the fisheries and hatcheries division in amounts equal to 75% and 25%, respectively.

**Committee Amendment "A" (H-1031)**

This amendment directs the State Controller to transfer up to $683,000 from General Fund revenue to the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and the fisheries and hatcheries division if there was revenue in excess of the amounts budgeted for the department and for the State. Seventy-five percent of that revenue to be used for non-Personal Services of the bureau and 25% of those funds to be used to fund non-Personal Services of the fisheries and hatcheries division. If the excess revenue is insufficient to meet the $683,000 amount, the State Controller must transfer an amount equal to the shortage from unencumbered balances in the department.

# *Joint Standing Committee on Inland Fisheries and Wildlife*

## SUBJECT INDEX

### *All-terrain Vehicles*

**Enacted**

| | | |
|---|---|---|
| LD 1979 | An Act Regarding the Use of Designated State-approved ATV Trails | PUBLIC 509 |

### *Deer*

**Enacted**

| | | |
|---|---|---|
| LD 2288 | Resolve, To Create a Deer Predation Working Group | RESOLVE 191 |

### *Department of Inland Fisheries and Wildlife*

**Enacted**

| | | |
|---|---|---|
| LD 2088 | Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers | RESOLVE 227 |

**Not Enacted**

| | | |
|---|---|---|
| LD 2308 | Resolve, To Stabilize the Bureau of Warden Service and the Division of Fisheries and Hatcheries | DIED ON ADJOURNMENT |

### *Fish and Fishing*

**Not Enacted**

| | | |
|---|---|---|
| LD 654 | An Act To Make License Requirements and Rules Consistent for Young Anglers | ONTP |
| LD 2241 | Resolve, Regarding Legislative Review of Portions of Chapter 1, Open Water and Ice Fishing Regulations, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife | DIED BETWEEN HOUSES |

### *Guides*

**Enacted**

| | | |
|---|---|---|
| LD 2089 | An Act To Allow Certain Assistance to Guides and Hunters | PUBLIC 532 |

### *Inland Water Access*

Not Enacted

| | | |
|---|---|---|
| LD 1858 | An Act To Protect Inland Water Access | DIED BETWEEN HOUSES |

## *Licenses, Permits and Registrations*

Enacted

| | | |
|---|---|---|
| LD 2142 | An Act To Amend the Law Governing Antlerless Deer Permits | PUBLIC 492 EMERGENCY |

Not Enacted

| | | |
|---|---|---|
| LD 2203 | An Act To Ensure Adequate Funding for Conservation Districts | ONTP |

## *Miscellaneous*

Enacted

| | | |
|---|---|---|
| LD 1982 | An Act To Amend Certain Provisions of the Fish and Wildlife Laws | PUBLIC 651 EMERGENCY |

## *Snowmobiles*

Enacted

| | | |
|---|---|---|
| LD 633 | An Act To Improve Funding for the State Snowmobile Trail System | PUBLIC 556 EMERGENCY |

## *Watercraft*

Not Enacted

| | | |
|---|---|---|
| LD 1838 | An Act To Ensure Safety on Freshwater Ferry Vessels | ONTP |
| LD 2045 | An Act To Enact Guidelines for the Operation of Motorboats by Minors | ONTP |
| LD 2067 | An Act To Require Boating Safety Education | ACCEPTED ONTP REPORT |
| LD 2090 | An Act To Impose a Horsepower Restriction for Boat Motors on Long Lake and Brandy Pond | ONTP |

## *Whitewater rafting*

Not Enacted

| | | |
|---|---|---|
| LD 2031 | An Act To Amend the Laws Governing the Whitewater Rafting Allocation System | ONTP |
| LD 2065 | An Act To Clarify the Filing Requirements for Noncommercial Whitewater Rafting Organizations | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

May 2008


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REP. DAVID G. SAVAGE

**LD 658** **An Act To Protect the Health of Infants** **PUBLIC 595**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CURTIS | OTP-AM MAJ<br>ONTP MIN | H-891 |

LD 658 was carried over from the First Regular Session by joint order, H.P. 1369. 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 "B" (H-891)**

This amendment replaces the bill and is the majority report of the committee. The amendment requires health insurance carriers to provide coverage for amino acid-based elemental infant formulas for children 2 years of age and under, regardless of the delivery method, for the treatment of certain specified medical conditions when the infant formula is determined to be medically necessary. The amendment applies to all policies, contracts and certificates issued or renewed on or after January 1, 2009.

**Enacted Law Summary**

Public Law 2007, chapter 595 requires health insurance carriers to provide coverage for amino acid-based elemental infant formulas for children 2 years of age and under, regardless of the delivery method, for the treatment of certain specified medical conditions when the infant formula is determined to be medically necessary.

Public Law 2007, chapter 595 applies to all individual and group policies, contracts and certificates issued or renewed on or after January 1, 2009.

**LD 1047** **An Act To Lower the Cost of Health Insurance** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| VAUGHAN | ONTP MAJ<br>OTP-AM MIN | |

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.

**Committee Amendment "A" (H-666)**

This amendment is the minority report of the committee. The amendment changes the name of the Comprehensive Health Insurance Risk Pool Association established in the bill to the Comprehensive Chronic Care Pool Association. The amendment adds a requirement that the Comprehensive Chronic Care Pool Association conduct a study of the possibility of offering a reinsurance pool for the small group health insurance market, including a comparison of the feasibility and costs of a reinsurance pool for small groups of 50 or fewer members and a reinsurance pool for small groups of 10 or fewer members. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over health insurance matters by March 1, 2009, and legislation to implement the recommendations in the report may be submitted by the joint standing committee to the First Regular Session of the 124th Legislature. The amendment also changes dates in the bill to reflect the timeline based on enactment of the bill during the second regular session.

Committee Amendment "A" was not adopted.

**LD 1072** **Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State** **RESOLVE 216**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BEAUDOIN<br>SCHNEIDER | OTP-AM MAJ<br>ONTP MIN | H-644<br>H-662 BRAUTIGAM |

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.

1. It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people 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.

2. 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.

3. 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.

4. 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.

**Committee Amendment "A" (H-644)**

This amendment replaces the bill and is the majority report of the committee. The amendment changes the bill from an act to a resolve. The amendment requires the Legislature to contract for an update to a 2002 study of the

feasibility of establishing a single-payor health plan in the State. The amendment requires that the updated study be submitted to the First Regular Session of the 124th Legislature and authorizes the joint standing committee of the Legislature having jurisdiction over health insurance matters to submit legislation based on the updated feasibility study.

**House Amendment "A" (H-662)**

This amendment requires that only outside funding be used to support the costs of the updated study. The amendment also provides that the costs of the study may not exceed $60,000.

**Enacted Law Summary**

Resolve 2007, chapter 216 requires the Legislature to contract for an update to a 2002 study of the feasibility of establishing a single-payor health plan in the State. The resolve specifies that the costs of the study may not exceed $60,000 and that only outside funding be used. The resolve also requires that the updated study be submitted to the First Regular Session of the 124th Legislature and authorizes the joint standing committee of the Legislature having jurisdiction over health insurance matters to submit legislation based on the updated feasibility study.

## LD 1082 An Act To Create a Maine-based Independent Nonprofit Health Insurance Company — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PRIEST<br>MARTIN | ONTP | |

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 1203 An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | ONTP | |

LD 1203 was carried over from the First Regular Session by joint order, H. P. 1369. The bill 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 1294** **An Act To Establish a Health Care Bill of Rights** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TREAT | OTP-AM MAJ<br>ONTP MIN | |

LD 1294 was carried over from the First Regular Session by joint order, H.P. 1369, after being recommitted before adjournment sine die of the First Regular Session.

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 "B" (H-650)**

Committee Amendment "B" is the majority report of the committee and 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 health insurance rates be filed for approval 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 Department of Professional and Financial Regulation, 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 corrects cross-references to repealed law.

Committee Amendment "B" was adopted in the House, but was not adopted in the Senate.

**House Amendment "A" (H-1018)**

House Amendment "A" to Committee Amendment "B" removes language in the amendment that directs the insurance company making the rate filing to pay the cost of participation of consultants to the Attorney General. The amendment requires that a carrier provide summaries of coverage and premium rates for at least 5 individual policies with the highest level of enrollment and at least 5 small group policies with the highest level of enrollment on the carrier's publicly accessible website to allow consumers to review coverage offered under the policies. The amendment also requires the Bureau of Insurance to provide a link from its website to the publicly accessible websites of individual and small group insurance carriers.

House Amendment "A" to Committee Amendment "B" was adopted in the House, but was not adopted in the Senate.

**LD 1667** **An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | ONTP | |

The bill 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 1687** **An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

LD 1687 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.

**LD 1760 An Act To Restore Competition to Maine's Health Insurance Market** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PILON | ONTP MAJ<br>OTP-AM MIN | |

LD 1760 was carried over from the First Regular Session by joint order, H.P. 1369, after being recommitted before adjournment sine die of the First Regular Session.

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.

**Committee Amendment "A" (H-667)**

This amendment is the minority report of the committee. The amendment clarifies that assessments collected to support the Maine Individual High-risk Reinsurance Pool Association are first deposited in a dedicated fund administered by the Superintendent of Insurance and then transferred to the association. The amendment also clarifies the timing of the transfers to the association. The amendment removes 2 Legislators from the board of the association and adds 2 additional members appointed by insurers. The amendment also changes dates in the bill to reflect the timeline based on enactment of the bill during the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" was not adopted.

**House Amendment "A" (H-977)**

This amendment accomplishes the following.

1. It changes the funding mechanism for the Maine Individual High-risk Reinsurance Pool Association established in the bill from a 2% assessment on gross direct premiums of health maintenance organizations to a maximum assessment of $2 per person covered under health insurance policies.

2. Under the bill, a carrier is permitted to vary the premium rate due to the geographic area of the individual. This amendment prohibits a carrier from varying the premium rate due to geographic area. In addition, unlike the bill, which set out different maximum rate differentials for the different allowable variance factors, this amendment provides that the premium rate may not deviate above or below the community rate filed by the carrier by more than 40%.

3. This amendment changes the definition of "dependent" for purposes of the Maine Individual High-risk Reinsurance Pool Association to correspond with the definition of "dependent child" as used in the law governing health insurance contracts.

4. Committee Amendment "A" provides that a carrier that offered individual health plans prior to January 1, 2009 may close its individual book of business sold prior to January 1, 2009 and may establish a separate community rate for individuals applying for coverage under an individual health plan after January 1, 2009. This amendment changes those dates to January 1, 2010.

5. This amendment amends the provision concerning reimbursement of insurers to change the applicable dates to January 1, 2010.

House Amendment "A" to Committee Amendment "A" was not adopted.

**LD 2066** **An Act To Clarify the Laws Governing the Extension of Health Care Coverage to Dependents** **PUBLIC 514**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | OTP-AM | H-710 |

Public Law 2007, chapter 115 enacted last session requires that, if an insurer provides coverage for dependents, the insurer must offer to extend such coverage until the dependent is 25 years of age. LD 2066 clarifies that law so that it is not necessary for the dependent to be currently insured by that insurer for that insurer to offer coverage until the dependent is 25 years of age. In addition, the bill amends the definition of "dependent child" to eliminate the requirement that the child is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program. LD 2066 also requires insurers to provide notice of the availability of coverage until the dependent is 25 years of age. Finally, the bill requires insurers to hold a special open enrollment period during which a covered individual may elect to enroll a dependent child.

**Committee Amendment "A" (H-710)**

This amendment replaces the bill. As in the bill, the amendment clarifies that it is not necessary that the dependent be currently insured by that insurer for that insurer to be required to offer coverage until the dependent is 25 years of age. The amendment also includes the change in the bill that amends the definition of "dependent child" to eliminate the requirement that the child is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program.

The amendment also requires insurers to provide notice of the availability of extended coverage for dependents upon renewal or at least once annually. This notice requirement is repealed on January 1, 2012. Finally, the amendment eliminates the section in the bill that would have required insurers to hold a special open enrollment period.

**Enacted Law Summary**

Public Law 2007, chapter 514 amends the law enacted last session that requires insurers that provide coverage to dependents to offer an extension of health coverage until the dependent is 25 years of age. Public Law 2007, chapter 514 clarifies that it is not necessary that the dependent be currently insured by that insurer for that insurer to be required to offer coverage until the dependent is 25 years of age. The law amends the definition of "dependent child" to eliminate the requirement that the child is not provided coverage under any other individual or group health insurance policy or health maintenance organization contract or under a federal or state government program.

Public Law 2007, chapter 514 also requires insurers to provide notice of the availability of extended coverage for dependents upon renewal or at least once annually. This notice requirement is repealed on January 1, 2012.

## LD 2091 An Act To Protect Life Insurance Consumers — PUBLIC 543

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRAUTIGAM | OTP-AM | H-774 |

LD 2091 amends the Viatical and Life Settlements Act. The bill expands the definition of a "viatical settlement contract" to more specifically exempt from the definition those premium finance transactions and other transactions that are not settlement contracts. The bill extends from 2 to 5 years the general waiting period for settlements and expands the specified exceptions under which policyholders could settle their policies and not be subject to the 5-year settlement waiting period. The bill also specifically requires disclosure to a viator that a viatical settlement broker exclusively represents the viator.

**Committee Amendment "A" (H-774)**

This amendment replaces the bill and makes the following changes to the Viatical and Life Settlements Act.

1. It repeals the definition of "settlement contract" and enacts a new definition of "settlement contract".

2. It designates entering into stranger-originated life insurance a fraudulent viatical or life settlement act and defines "stranger-originated life insurance".

3. It designates failing to disclose to the insurer when requested by the insurer that the prospective insured has undergone a life expectancy evaluation by a person other than the insurer a fraudulent viatical or life settlement act.

4. It extends the prohibition on settlement of a policy to any time prior to, or at the time of application for, the issuance of a policy.

The amendment also requires the Superintendent of Insurance to review other state and model laws relating to viatical and life settlements and make recommendations, including recommendations for legislation, by March 1, 2009 related to the solicitation of life insurance for the purpose of settling policies, the use of premium finance agreements in association with viatical and life settlements and the disclosures made to viators and owners of life insurance policies. The amendment gives the Joint Standing Committee on Insurance and Financial Services authority to submit legislation to the 124th Legislature based on the superintendent's recommendations.

**Enacted Law Summary**

Public Law 2007, chapter 543 makes changes to the Viatical and Life Settlements Act. The law repeals the definition of "settlement contract" and enacts a new definition of "settlement contract". The law designates entering into stranger-originated life insurance a fraudulent viatical or life settlement act and defines "stranger-originated life insurance". The law also designates as a fraudulent viatical or life settlement act the failure to disclose to the insurer

upon request that the prospective insured has undergone a life expectancy evaluation by a person other than the insurer. And the law extends the prohibition on settlement of a policy to any time prior to, or at the time of application for, the issuance of a policy.

Public Law 2007, chapter 543 also requires the Superintendent of Insurance to review other state and model laws relating to viatical and life settlements and make recommendations, including recommendations for legislation, by March 1, 2009 related to the solicitation of life insurance for the purpose of settling policies, the use of premium finance agreements in association with viatical and life settlements and the disclosures made to viators and owners of life insurance policies.

**LD 2092** **An Act To Amend the Public Works Contractors' Surety Bond Law of 1971** **PUBLIC 500**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HASKELL | OTP-AM MAJ<br>ONTP MIN | H-696 |

LD 2092 amends the Public Works Contractors' Surety Bond Law of 1971 by increasing from $100,000 to $250,000 the threshold limit for a contract for the construction, alteration or repair of any public building or other public improvement or public work for which a person must provide a performance bond and a payment bond. The bill also allows, at the discretion of the State or other contracting authority, the person to provide an irrevocable letter of credit instead of either or both the performance bond and the payment bond.

**Committee Amendment "A" (H-696)**

This amendment is the majority report of the committee and replaces the bill. The amendment increases from $100,000 to $125,000 the threshold limit for a public works contract for which a contractor must provide a performance bond and a payment bond. The bill would have increased the threshold limit to $250,000. The amendment adds language requiring that bonds include the name and contact information for the surety company that issued the bond. The amendment also requires that any action by any person to collect on a performance bond or payment bond be taken in the county where the construction, alteration or repair of the public building or other public improvement or public work is located.

As in the bill, the amendment allows, at the discretion of the contracting authority, a person to provide an irrevocable letter of credit instead of either or both the performance bond and payment bond. The amendment clarifies that the letter of credit must be issued by a federally insured financial institution and requires the financial institution or its parent company to meet certain financial standards to qualify.

**Enacted Law Summary**

Public Law 2007, chapter 500 amends the Public Works Contractors' Surety Bond Law of 1971 which requires that contractors post a performance bond and a payment bond for certain public works construction projects. The law increases from $100,000 to $125,000 the threshold limit for a public works contract for which a contractor must provide a performance bond and a payment bond. The law requires that performance and payment bonds include the name and contact information for the surety company that issued the bond. At the discretion of the contracting authority, the law permits a person to provide an irrevocable letter of credit instead of either or both the performance bond and payment bond.

Public Law 2007, chapter 500 also requires that any action by any person to collect on a performance bond or payment bond be taken in the county where the construction, alteration or repair of the public building or other public improvement or public work is located.

**LD 2109** **An Act Relating to Insurance Coverage for Colorectal Cancer Early Detection** **PUBLIC 516**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MAZUREK | OTP-AM MAJ<br>ONTP MIN | H-697 |

LD 2109 requires health insurance policies, contracts and certificates to provide coverage for colorectal cancer screening. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2009.

**Committee Amendment "A" (H-697)**

This amendment replaces the bill and is the majority report of the committee. The amendment requires health insurance policies, contracts and certificates to provide coverage for colorectal cancer screening recommended by health care providers in accordance with guidelines published by the American Cancer Society. The amendment clarifies that, if a colonoscopy is provided as the screening procedure and a lesion is discovered and removed, the health care provider must bill the insurer for a screening colonoscopy as the primary procedure. The provisions of the amendment apply to all policies, contracts and certificates issued or renewed on or after January 1, 2009.

**Enacted Law Summary**

Public Law 2007, chapter 516 requires health insurance policies, contracts and certificates to provide coverage for colorectal cancer screening recommended by health care providers in accordance with guidelines published by the American Cancer Society. The law also provides that, if a colonoscopy is provided as the screening procedure and a lesion is discovered and removed, the health care provider must bill the insurer for a screening colonoscopy as the primary procedure.

Public Law 2007, chapter 516 applies to all individual and group policies, contracts and certificates issued or renewed on or after January 1, 2009.

**LD 2125** **An Act Relating to Mortgage Lending and Credit Availability** **PUBLIC 471 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | | |

Public Law 2007, chapter 273 enacted into law, effective January 1, 2008, changes to the truth in lending laws of the Maine Consumer Credit Code to protect homeowners from predatory lending practices. LD 2125 clarifies that law by doing the following.

1. It amends definitions in the current law such as "nontraditional mortgage," "points and fees" and "residential mortgage loan" and adds other definitions to aid in the implementation and enforcement of the law.

2. It specifies that a subprime mortgage loan is a type of residential mortgage loan.

3. It specifies what reasonable alternatives may be used by a creditor to verify a borrower's income, requires the determination to be documented and removes language that allowed the creditor to consider and disregard statements submitted by or on behalf of the borrower regarding the borrower's income.

4. It provides an exemption from the general civil liability law for those residential mortgage loans that are subject to the penalties imposed specifically for violations of the law regarding residential mortgage loans,

5. It specifies that the restriction on flipping a loan only applies to a residential mortgage loan when making a subprime mortgage loan.

6. It corrects several cross-references.

LD 2125 was considered by the Legislature without reference to committee.

**Enacted Law Summary**

Public Law 2007, chapter 471 makes changes to clarify certain provisions of Public Law 2007, chapter 273 enacted into law, effective January 1, 2008, relating to predatory lending practices.

1. The law amends the definitions of "nontraditional mortgage," "points and fees" and "residential mortgage loan" and adds other definitions.

2. The law specifies that a subprime mortgage loan is a type of residential mortgage loan.

3. The law specifies what reasonable alternatives may be used by a creditor to verify a borrower's income, requires the determination to be documented and removes language that allowed the creditor to consider and disregard statements submitted by or on behalf of the borrower regarding the borrower's income.

4. The law provides an exemption from the general civil liability law for those residential mortgage loans that are subject to the penalties imposed specifically for violations of the law regarding residential mortgage loans.

5. The law specifies that the restriction on flipping a loan only applies to a residential mortgage loan when making a subprime mortgage loan.

Public Law 2007, chapter 471 was enacted as an emergency measure and made retroactive to January 1, 2008.

## LD 2139 Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State — RESOLVE 152

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | OTP-AM | H-698 |

LD 2139 directs the Department of Professional and Financial Regulation, Bureau of Financial Institutions to study the effect of data security breaches on Maine banks and credit unions, including the damages suffered as a result of these breaches, and report its findings to the Legislature no later than February 1, 2009.

**Committee Amendment "A" (H-698)**

This amendment replaces the resolve. The amendment directs the Department of Professional and Financial Regulation, Bureau of Financial Institutions to study the effect of data security breaches on Maine banks and credit unions, including the response of banks and credit unions and the actual costs and expenses incurred as a result of such breaches. The resolve requires the Bureau of Financial Institutions to submit its findings to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters by December 1, 2008.

**Enacted Law Summary**

Resolve 2007, chapter 152 directs the Department of Professional and Financial Regulation, Bureau of Financial Institutions to study the effect of data security breaches on Maine banks and credit unions, including the response of banks and credit unions and the actual costs and expenses incurred as a result of such breaches. The resolve requires the Bureau of Financial Institutions to submit its findings to the joint standing committee of the Legislature having

jurisdiction over insurance and financial services matters by December 1, 2008.

**LD 2157** **An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses** **PUBLIC 561**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>OTP-AM MIN | S-480 |

LD 2157 is a recommendation of the majority of the Joint Standing Committee on Insurance and Financial Services, and is the result of the committee's study and review of issues regarding Lyme disease and other tick-borne illnesses, which took place between the First Regular Session and Second Regular Session of the 123rd Legislature. The bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report annually beginning February 1, 2009 to the Legislature on the incidence of Lyme disease and other tick-borne illnesses in the State, the recommended treatment guidelines for Lyme disease, medical studies on the treatment of Lyme disease and other tick-borne illnesses and the activities of the Maine Center for Disease Control and Prevention focused on education, prevention and treatment of Lyme disease and other tick-borne illnesses. The bill also requires that health insurers and the Superintendent of Insurance report annually on health insurance claims for the treatment Lyme disease and other tick-borne illnesses, including information on the number of approved claims, claim denials and the outcome of both internal and external appeals processes.

**Committee Amendment "A" (S-480)**

This amendment is the majority report of the committee. The amendment clarifies the required information in the annual report to be submitted by the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**Committee Amendment "B" (S-481)**

This amendment replaces the bill and is the recommendation of the minority of the committee. Part A of the amendment requires health insurance companies to provide coverage for the treatment of Lyme disease. The mandated coverage applies to all individual and group health insurance policies issued or renewed on or after January 1, 2009.

Part B of the amendment requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to develop a public health curriculum for the awareness and prevention of Lyme disease and other tick-borne illnesses in elementary schools in the State. Part B also requires the Department of Inland Fisheries and Wildlife and the Maine Center for Disease Control and Prevention to develop a wildlife management program to control the prevalence of ticks that transmit Lyme disease in the State. This Part also adds an appropriations and allocations section.

Committee Amendment "B" was not adopted.

**Enacted Law Summary**

Public Law 2007, chapter 561 requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to report annually beginning February 1, 2009 to the Legislature on the incidence of Lyme disease and other tick-borne illnesses in the State, the recommended treatment guidelines for Lyme disease, medical studies on the treatment of Lyme disease and other tick-borne illnesses and the activities of the Maine Center for Disease Control and Prevention focused on education, prevention and treatment of Lyme disease and other tick-borne illnesses.

Public Law 2007, chapter 561 also requires that health insurers and the Superintendent of Insurance report annually

to the Legislature on health insurance claims for the treatment Lyme disease and other tick-borne illnesses, including information on the number of approved claims, claim denials and the outcome of both internal and external appeals processes.

**LD 2162** **Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation** **RESOLVE 160 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

LD 2162 provides for legislative review of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation.

**Enacted Law Summary**

Resolve 2007, chapter 160 authorizes final adoption of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2007, chapter 160 was enacted as an emergency measure effective March 21, 2008.

**LD 2189** **An Act To Protect Homeowners from Equity Stripping during Foreclosure** **PUBLIC 596**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PRIEST<br>SULLIVAN | OTP-AM | H-892 |

LD 2189 enacts measures designed to protect homeowners from equity stripping during foreclosures. Equity stripping, also known as equity skimming or foreclosure rescue, is often considered a predatory lending practice because the transactions involve companies that take title to or other mortgage interest in foreclosed properties in exchange for allowing the homeowners to remain in the properties as tenants as long as payments are made. If payments are not made, foreclosed homeowners can lose their homes and are also stripped of any equity held in the home prior to the foreclosure. This bill requires a business that engages in these transactions as a foreclosure purchaser to be licensed as a supervised lender before conducting business in this State and to meet other statutory requirements.

The bill requires that a foreclosure purchaser must ensure that title is transferred back to the homeowner or that the foreclosure purchaser make a payment to the homeowner of at least 82% of the fair market value of the property within 150 days of when the homeowner is evicted or voluntarily gives back possession of the home. The bill requires that foreclosure purchasers verify that a foreclosed homeowner has a reasonable ability to make the payments needed to take back title to the home. The bill provides that there is a rebuttable presumption of a reasonable ability to pay if a homeowner's monthly payments for housing expenses and principal and interest payments do not exceed 60% of the owner's monthly gross income. The bill requires that the foreclosed homeowner receive counseling on the advisability of the transaction.

The bill also requires that the foreclosure purchaser provide a written contract and certain notices and disclosures to the homeowner. The bill gives a homeowner the right to cancel the transaction within 5 business days. The bill prohibits a foreclosure purchaser from making false, deceptive or misleading statements to homeowners and from using unfair or commercially unreasonable terms as part of foreclosure purchase transactions.

The bill gives administrative enforcement authority to the Bureau of Consumer Credit Protection within the

Department of Professional and Financial Regulation and imposes civil and criminal penalties for violations of the bill's provisions. The bill also gives a foreclosed homeowner the right to bring a private cause of action against a foreclosure purchaser for violations.

**Committee Amendment "A" (H-892)**

This amendment makes the following changes to the bill.

1. It removes the requirement in the bill that foreclosure purchasers be licensed as supervised lenders. Under the amendment, foreclosure purchasers must be licensed and those licensing requirements must be substantially similar to the requirements for supervised lenders.

2. It clarifies that the Superintendent of Financial Institutions is responsible for regulating banks and credit unions to the extent that they engage in the business of foreclosure purchasing.

3. It adds a definition of "bona fide purchaser."

4. It adds references to land installment contracts and bonds for deeds in those instances where the bill refers to contracts for deeds.

5. It removes cross-references to federal law and instead cross-references state law related to mortgage lending.

6. It requires that foreclosed homeowners be provided with a copy of the foreclosure reconveyance contract at least 3 business days prior to execution and requires that a memorandum of the contract be filed with the registry of deeds in the county in which the property is located.

7. It requires that the notice of cancellation be provided in 12-point type rather than 10-point type.

8. It corrects a spelling error.

9. It prohibits door-to-door solicitation by foreclosure purchasers.

10. It makes a violation of the provisions of the Foreclosure Purchasers Act, enacted in the bill, subject to enforcement as a violation of the Maine Unfair Trade Practices Act and incorporates a cross-reference to the improvident transfer laws.

11. It clarifies that a foreclosed homeowner may be awarded actual and consequential damages and costs, including reasonable attorney's fees, in a private action brought for a violation of the Foreclosure Purchasers Act.

12. It extends rule-making authority to the Superintendent of Consumer Credit Protection and the Superintendent of Financial Institutions.

13. It also requires that the Superintendent of Consumer Credit Protection, in consultation with the Superintendent of Financial Institutions, review the laws regulating foreclosure purchasers and make recommendations by March 1, 2009 as to whether changes are needed.

**Enacted Law Summary**

Public Law 2007, chapter 596 enacts measures designed to protect homeowners from equity stripping during foreclosures. Equity stripping, also known as equity skimming or foreclosure rescue, describes certain lending transactions when a company takes title to or another mortgage interest in foreclosed properties in exchange for allowing the homeowners to remain in the properties as tenants as long as payments are made. Public Law 2007, chapter 596 requires a business that engages in these transactions as a foreclosure purchaser to be licensed before conducting business in this State and to meet other statutory requirements.

The law requires that a foreclosure purchaser must ensure that title is transferred back to the homeowner or that the foreclosure purchaser make a payment to the homeowner of at least 82% of the fair market value of the property within 150 days of when the homeowner is evicted or voluntarily gives back possession of the home. The law requires that foreclosure purchasers verify that a foreclosed homeowner has a reasonable ability to make the payments needed to take back title to the home. The law provides that there is a rebuttable presumption of a reasonable ability to pay if a homeowner's monthly payments for housing expenses and principal and interest payments do not exceed 60% of the owner's monthly gross income. The law requires that the foreclosed homeowner receive counseling on the advisability of the transaction.

The law also requires that the foreclosure purchaser provide a written contract and certain notices and disclosures to the homeowner. The law requires that foreclosed homeowners be provided with a copy of the foreclosure reconveyance contract at least 3 business days prior to execution and requires that a memorandum of the contract be filed with the registry of deeds in the county in which the property is located. The law gives a homeowner the right to cancel the transaction within 5 business days.

The law prohibits a foreclosure purchaser from making false, deceptive or misleading statements to homeowners; from using unfair or commercially unreasonable terms as part of foreclosure purchase transactions; and from using door-to-door solicitation.

The law gives regulatory authority to the Bureau of Consumer Credit Regulation except with regard to banks and credit unions which are regulated by the Bureau of Financial Institutions. The law imposes civil and criminal penalties for violations and also authorizes the Attorney General to bring an action under the Maine Unfair Trade Practices Act for violations. The law also gives a foreclosed homeowner the right to bring a private cause of action against a foreclosure purchaser for violations.

Public Law 2007, chapter 596 also requires that the Superintendent of Consumer Credit Protection, in consultation with the Superintendent of Financial Institutions, review the laws regulating foreclosure purchasers and make recommendations by March 1, 2009 to the Joint Standing Committee on Insurance and Financial Services as to whether changes are needed.

**LD 2200** **An Act To Ensure Full Payment of Annuity Death Benefits** **PUBLIC 544**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MCKANE<br>SULLIVAN | OTP-AM | H-772 |

LD 2200 requires, for variable annuity contracts, that the death benefit be calculated the day the benefit request, including appropriate proof of death, is received and be paid within one business day of that date. Current law allows an insurer to calculate the benefit as of the date of death of the insured, but not pay the benefit until much later, a delay that could result in a loss of value to the annuity during the period the benefit is calculated and paid. The intent of this bill is to reduce the loss in value to the beneficiary of the variable annuity policy by reducing the time period between calculation and payment of the benefit.

**Committee Amendment "A" (H-772)**

This amendment replaces the bill. The amendment permits a variable annuity contract to include as an incidental benefit a provision for payment on death during the deferred period of an amount equal to the greater of the sum of the premiums or stipulated payments paid under the contract and the value of the contract at the time of death. The amendment prohibits the payment of any other amount to the beneficiary. The amendment also requires that the payment on death must be made in accordance with the prompt pay law. The provision applies to variable annuity contracts delivered or issued for delivery on or after January 1, 2009.

**Enacted Law Summary**

Public Law 2007, chapter 544 permits a variable annuity contract to include as an incidental benefit a provision for payment on death during the deferred period of an amount equal to the greater of the sum of the premiums or stipulated payments paid under the contract and the value of the contract at the time of death. The law prohibits the payment of any other amount to the beneficiary. The law also requires that the payment on death must be made in accordance with the prompt pay law.

Public Law 2007, chapter 544 applies to variable annuity contracts delivered or issued for delivery on or after January 1, 2009.

## LD 2224 An Act To Require Legislators and Their Dependents To Be Enrolled in Dirigo Health — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

LD 2224 was introduced by the Joint Standing Committee on Insurance and Financial Services pursuant to its authority under Resolve 2007, chapter 112. The bill requires that Legislators and their dependents be enrolled in the same manner as an eligible business in the Dirigo Health Program. Under current law, Legislators may enroll in group health coverage through the state employee health plan.

## LD 2247 An Act To Continue Maine's Leadership in Covering the Uninsured — PUBLIC 629

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE<br>SULLIVAN | OTP-AM A<br>ONTP B<br>OTP-AM C | H-1013 BRAUTIGAM<br>H-914<br>S-640 SULLIVAN<br>S-644 MITCHELL |

LD 2247 makes changes to the laws governing individual health insurance and to the laws regarding funding for the Dirigo Health Program.

Part A authorizes the Superintendent of Insurance to approve a pilot project to authorize health insurance carriers to offer individual health insurance products for young people under the age of 30.

Part B establishes a reinsurance association for the individual health insurance market, without placing individuals in a separate risk association or providing coverage under different health plans than those available in the individual market. Beginning July 1, 2009, insurance carriers offering individual health plans that have a medical loss ratio of at least 70% must be reimbursed for 50% of the aggregate claims paid between $75,000 and $250,000 for an individual's covered benefits on a state fiscal year basis. The Part also requires individual premium rates charged by a carrier during a rating period to not exceed 2.5 times the lowest individual rate charged by the carrier.

Part B also 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 Association pursuant to Title 24-A, chapter 54, the total number of individuals enrolled in any health insurance product regulated by the Department of Professional and Financial Regulation, 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 B also allows a carrier that offered individual health plans prior to July 1, 2009 to close its book of business and establish a separate community rate for those individuals applying for coverage under an individual health plan on or after July 1, 2009. A carrier must merge the closed book with its open book by July 1, 2012 or when the number of subscribers remaining in a carrier's closed individual book of business is less than 25 percent of the carrier's individual health plan subscriber total as of June 30, 2009, whichever is earlier. The Superintendent of Insurance shall develop rules regarding notice requirements and experience pooling in a carrier's open book of business to ensure the availability of affordable options for individuals transitioning from the closed book of business.

Part C removes limitations on the ability of Dirigo Health to adjust the subsidy to individuals to ensure affordability.

Part D makes permanent 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 were reauthorized in Public Law 2005, chapter 394, section 4.

Part E makes changes to the funding for the Dirigo Health Program. The Part repeals the savings offset payment and replaces it with a health access surcharge of 1.8% on paid claims. Part E also increases the tax on cigarettes from $2.00 to $2.50 a pack and equalizes the rate of tax on all other tobacco products by a change in the taxation of "little cigars" from the tobacco products tax to the cigarette tax and an increase in the tobacco products tax from 20% to 78% of the wholesale price on cigars, pipe tobacco and other smoking tobacco.

Part E also requires that all of the revenues from the surcharge and the cigarette tax increases be credited to the Dirigo Health Enterprise Fund to support both the Dirigo Health Program and the Maine Individual Reinsurance Association. Twenty percent of monthly deposits received by the Dirigo Health Enterprise Fund will be transferred to the association.

Part F requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program. This Part also repeals the Dirigo Health Risk Pool.

Part G corrects cross-references to reflect the changes made in the bill.

**Committee Amendment "A" (H-914)**

Committee Amendment "A" makes the following changes to the bill.

The amendment preserves the current law with regard to rating on the basis of geographic area at 20% above or below the community rate. The amendment otherwise permits premium rates to vary on the basis of age and geographic area in combination to a ratio of 2.5 to 1 from the highest premium rate to the lowest premium rate as proposed in the bill. The amendment also requires that the Bureau of Insurance, Consumer Health Care Division provide assistance to individuals who are in the closed book of business as a result of the rating provisions in the bill to facilitate the transition to alternative health coverage in the open book of business.

The amendment also makes changes to the provisions of the bill relating to cigarette and tobacco taxes. The amendment removes the language in the bill reclassifying little cigars as cigarettes and adds a definition of "little cigar." It adds a definition of "roll-your-own tobacco." The amendment also changes the rate of tax on all other tobacco products to a cigarette tax equivalent of $2.50 per pack by taxing little cigars and roll-your-own tobacco the same as cigarettes and by adjusting the rate of tax on smokeless tobacco and on other cigars, pipe tobacco and other smoking tobacco in proportion to the increase in the cigarette tax.

In addition, the amendment also makes technical corrections and adds an appropriations and allocations section to the bill.

**Committee Amendment "B" (H-915)**

This amendment makes the following changes to the bill.

The amendment modifies the provision in the bill that authorizes the Superintendent of Insurance to approve pilot projects to offer health insurance products for people under the age of 30. The amendment authorizes the superintendent to approve pilot projects that do not comply with statutory and regulatory requirements for certain mandated benefits, geographic access standards and standard plans if determined to be appropriate to establish affordable and attractive products.

The amendment replaces the reinsurance provision in Part B of the bill. The amendment establishes a reinsurance program for the individual health insurance market but makes 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 program at the time a policy is issued. The amendment requires carriers to account for the impact of the reinsurance program in rates for individual health plans filed for approval with the Superintendent of Insurance. The amendment imposes a 2% assessment on direct premium of health maintenance organizations to partially fund the costs of the reinsurance program.

The amendment also modifies the community rating provisions in the individual health insurance market to permit premium rates to vary up to 40% above or below the community rate. The amendment retains the provisions in the bill that allow a carrier to close its individual book of business and establish a separate community rate for those individuals applying for coverage under an individual health plan on or after July 1, 2009. As in the bill, a carrier must merge the closed book with its open book by July 1, 2012 or when the number of subscribers remaining in a carrier's closed individual book of business is less than 25 percent of the carrier's individual health plan subscriber total as of June 30, 2009, whichever is earlier.

The amendment clarifies Part C of the bill by making clear that the Board of Directors of Dirigo Health has authority to vary the amount of the subsidy granted to eligible individuals and eligible employees to ensure affordability.

The amendment makes changes to Part E in the bill related to funding for the Dirigo Health Program. The amendment repeals the savings offset payment and replaces it with a health access surcharge not to exceed 1.7% on paid claims. The amendment requires that the amount of the surcharge be reduced annually by 0.1% until the surcharge amount is 1.0% paid claims. The amendment directs all of the revenue from the health access surcharge to support subsidies for the Dirigo Health Program. The amendment removes the provisions in Part E of the bill that would have increased the tax on cigarettes from $2.00 to $2.50 a pack and equalized the rate of tax on all other tobacco products.

The amendment makes no changes to Parts D, F and G of the bill and also adds an appropriations and allocations section to the bill.

Committee Amendment "B" was not adopted.

**Senate Amendment "A" (S-636)**

This amendment strikes Committee Amendment "A" and instead does the following.

1. The amendment repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2009 and allows carriers to treat their pre-April 1, 2009 book of business separately from their post-April 1, 2009 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market.

2. The amendment creates the Comprehensive Chronic Care Pool Association. The purpose of the association is to spread the cost of individuals that require chronic care among all health insurers. The amendment funds the chronic care pool through an assessment on insurers. An individual insured through the chronic care pool may be charged a

premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The amendment requires the State to submit an application to the Federal Government for federal assistance to create a chronic care pool.

3. The amendment also removes the requirement that carriers offer standardized plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

4. The amendment repeals the community rating law for small group health plans effective January 1, 2010 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.

5. The amendment 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.

6. The amendment repeals the savings offset payment used to fund subsidies for individuals, sole proprietors and employees of small employers enrolled in the Dirigo Health Program with an effective date of July 1, 2008 or the effective date of the Act, whichever occurs later.

7. The amendment requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program.

8. The amendment corrects cross-references to reflect the repeal of the savings offset payment and adds an appropriations and allocations section.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

**Senate Amendment "A" (S-641)**

This amendment strikes Committee Amendment "B" and instead does the following.

1. The amendment repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2009 and allows carriers to treat their pre-April 1, 2009 book of business separately from their post-April 1, 2009 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market.

2. The amendment creates the Comprehensive Chronic Care Pool Association. The purpose of the association is to spread the cost of individuals that require chronic care among all health insurers. The amendment funds the chronic care pool through an assessment on insurers. An individual insured through the chronic care pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The amendment requires the State to submit an application to the Federal Government for federal assistance to create a chronic care pool.

3. The amendment also removes the requirement that carriers offer standardized plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

4. The amendment repeals the community rating law for small group health plans effective January 1, 2010 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.

5. The amendment 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.

6. The amendment repeals the savings offset payment used to fund subsidies for individuals, sole proprietors and employees of small employers enrolled in the Dirigo Health Program with an effective date of July 1, 2008 or the effective date of the Act, whichever occurs later.

7. The amendment requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program.

8. The amendment corrects cross-references to reflect the repeal of the savings offset payment.

Senate Amendment "A" to Committee Amendment "B" was not adopted.

**Senate Amendment "B" (S-637)**

This amendment strikes Committee Amendment "A" and instead does the following.

1. This amendment establishes a reinsurance pool for the individual health insurance market and is modeled on a similar reinsurance pool in Idaho. The amendment requires a maximum assessment of $2 per person covered under health insurance policies.

2. The amendment also expands the community rating bands in the individual health insurance market for policies issued or renewed on or after January 1, 2010. The amendment prohibits a carrier from varying the premium rate due to geographic area. In addition, this amendment provides that the premium rate may not deviate above or below the community rate filed by the carrier by more than 40% on the basis of age, health status, occupation or industry or tobacco use. Under current law, a carrier may not vary the premium rate on the basis of health status. The amendment provides that a carrier that offered individual health plans prior to January 1, 2010 may close its individual book of business sold prior to January 1, 2010 and may establish a separate community rate for individuals applying for coverage under an individual health plan after January 1, 2010.

3. The amendment repeals the savings offset payment used to fund subsidies for individuals, sole proprietors and employees of small employers enrolled in the Dirigo Health Program, with an effective date of July 1, 2008 or the effective date of the Act, whichever occurs later.

4. The amendment requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program.

5. The amendment corrects cross-references to reflect the repeal of the savings offset payment and adds an appropriations and allocations section.

Senate Amendment "B" to Committee Amendment "A" was not adopted.

**Senate Amendment "B" (S-642)**

This amendment strikes Committee Amendment "B" and instead does the following.

1. This amendment establishes a reinsurance pool for the individual health insurance market and is modeled on a similar reinsurance pool in Idaho. The amendment requires a maximum assessment of $2 per person covered under health insurance policies.

2. The amendment also expands the community rating bands in the individual health insurance market for policies issued or renewed on or after January 1, 2010. The amendment prohibits a carrier from varying the premium rate due to geographic area. In addition, this amendment provides that the premium rate may not deviate above or below the community rate filed by the carrier by more than 40% on the basis of age, health status, occupation or industry or tobacco use. Under current law, a carrier may not vary the premium rate on the basis of health status. The

amendment provides that a carrier that offered individual health plans prior to January 1, 2010 may close its individual book of business sold prior to January 1, 2010 and may establish a separate community rate for individuals applying for coverage under an individual health plan after January 1, 2010.

3. The amendment repeals the savings offset payment used to fund subsidies for individuals, sole proprietors and employees of small employers enrolled in the Dirigo Health Program, with an effective date of July 1, 2008 or the effective date of the Act, whichever occurs later.

4. The amendment requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program.

5. The amendment corrects cross-references to reflect the repeal of the savings offset payment.

Senate Amendment "B" to Committee Amendment "B" was not adopted.

**House Amendment "B" (H-1013)**

This amendment removes the tax on tobacco products as proposed in the bill and Committee Amendment "A," as a source of funding for the Dirigo Health program.

**House Amendment "C" (H-1014)**

This amendment makes the following changes. It reduces the percentage of revenue that must be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from 20% to 17.6%. The intended effect of this reduction is to reduce the amount in the Reserve Association Reserve by approximately $3,400,000.

Part F increases the excise tax on malt beverages, except for manufacturers of less than 100,000 barrels annually, from 25 cents per gallon to 54 cents per gallon. Part F also increases, except for manufacturers of less than 20,000 gallons annually, the excise tax on wine manufactured or distributed in this State from 30 cents per gallon to 65 cents per gallon.

Part G imposes a new tax on syrup used to make soft drinks at the rate of $4 per gallon of syrup and 42 cents per gallon of bottled soft drinks and soft drinks produced using powder.

Part H changes the rate of taxation for tobacco products as follows. The rate of tax on tobacco products intended for smoking, except for cigarettes, little cigars and roll-your-own tobacco, is increased from 20% of the wholesale price to 25% of the wholesale price. The tax on little cigars and roll-your-own tobacco is taxed at a rate equivalent to a tax on cigarettes of $2.00 per pack and the tax on smokeless tobacco is changed from an ad valorem rate of 78% of the wholesale price to a weight-based tax of $2.02 per ounce, with a minimum tax of $2.02 per package.

Part I transfers $3,400,000 from the Fund for a Healthy Maine to the Dirigo Health Enterprise Fund.

Part J requires the Joint Standing Committee on Health and Human Services to meet and consider the structure, accountability and appropriate level of legislative and independent oversight of the Fund for a Healthy Maine and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs. This Part also allows a bill to be submitted to the 124th Legislature regarding the findings of the Joint Standing Committee on Health and Human Services.

Part K adds an appropriations and allocations section.

House Amendment "C" was not adopted.

**Senate Amendment "C" (S-640)**

Senate Amendment "C" to Committee Amendment "A" makes the following changes.

It reduces the percentage of revenue that must be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from 20% to 18.8% and delays the transfer for one year.

Part F increases the excise tax on malt beverages, except for manufacturers of less than 100,000 barrels annually, from 25 cents per gallon to 54 cents per gallon. Part F also increases, except for manufacturers of less than 20,000 gallons annually, the excise tax on wine manufactured or distributed in this State from 30 cents per gallon to 65 cents per gallon.

Part G imposes a new tax on syrup used to make soft drinks at the rate of $4 per gallon of syrup and 42 cents per gallon of bottled soft drinks and soft drinks produced using powder.

Part H transfers $5,000,000 from the Fund for a Healthy Maine to the Dirigo Health Enterprise Fund and requires the State Budget Officer to adjust the amount of funding for each program receiving funds from the Fund for a Healthy Maine. The part also authorizes the State Controller to provide an advance of up to $3,600,000 to the Dirigo Health Enterprise Fund. The funds must be returned to the General Fund no later than June 30, 2009.

Part I requires the Joint Standing Committee on Health and Human Services to meet and consider the structure, accountability and appropriate level of legislative and independent oversight of the Fund for a Healthy Maine and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs.

Part J authorizes the Superintendent of Insurance to approve pilot projects to offer health insurance products for people under 30 years of age. The superintendent is authorized to approve pilot projects that do not comply with statutory and regulatory requirements for certain mandated benefits, geographic access standards and standard plans if determined to be appropriate to establish affordable and attractive products.

Part K adds an appropriations and allocations section.

**House Amendment "A" (H-1012)**

House Amendment "A" to Committee Amendment "A" permits out-of-state health insurers, which are referred to as regional insurers in the amendment, 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 amendment defines the out-of-state health insurers as those insurers authorized to transact individual or small 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 amendment 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.

House Amendment "A" to Committee Amendment "A" was not adopted.

**House Amendment "A" (H-1015)**

This amendment requires the Joint Standing Committee on Health and Human Services to meet and consider the structure, accountability and appropriate level of legislative and independent oversight of the Fund for a Healthy Maine and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs. This amendment also allows a bill to be submitted to the 124th Legislature regarding the findings of the Joint Standing Committee on Health and Human Services.

House Amendment "A" was not adopted.

**House Amendment "B" (H-1013)**

This amendment removes the tax on tobacco products as proposed in the bill and Committee Amendment "A," as a source of funding for the Dirigo Health program.

**Senate Amendment "A" (S-644)**

This amendment strikes out the pilot project provision from the bill.

**Enacted Law Summary**

Public Law 2007, chapter 629 makes changes to the laws governing individual health insurance and to the laws relating to funding for the Dirigo Health Program.

Part A establishes a reinsurance association for the individual health insurance market, without placing individuals in a separate risk association or providing coverage under different health plans than those available in the individual market. Beginning July 1, 2009, insurance carriers offering individual health plans that have a medical loss ratio of at least 70% must be reimbursed for 50% of the aggregate claims paid between $75,000 and $250,000 for an individual's covered benefits on a state fiscal year basis. Funds to support the reinsurance association will be transferred from the Dirigo Health Enterprise Fund from revenues from the surcharge on paid claims and tax increases on beer and wine and soft drinks and syrup established in the law.

Part A permits individual premium rates to vary on the basis of age and geographic area in combination to a ratio of 2.5 to 1 from the highest premium rate to the lowest premium rate; however, the law preserves the requirement that a carrier may not vary rates on the basis of geographic area alone by more than 1.5 times the lowest individual rate charged by the carrier. Part A also allows a carrier that offered individual health plans prior to July 1, 2009 to close its book of business and establish a separate community rate for those individuals applying for coverage under an individual health plan on or after July 1, 2009. A carrier must merge the closed book with its open book by July 1, 2012 or when the number of subscribers remaining in a carrier's closed individual book of business is less than 25 percent of the carrier's individual health plan subscriber total as of June 30, 2009, whichever is earlier. The law requires that the Bureau of Insurance, Consumer Health Care Division provide assistance to individuals who are in the closed book of business as a result of the rating provisions in the bill to facilitate the transition to alternative health coverage in the open book of business. In addition, the Superintendent of Insurance shall develop rules regarding notice requirements and experience pooling in a carrier's open book of business to ensure the availability of affordable options for individuals transitioning from the closed book of business.

Part A also 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 Association pursuant to Title 24-A, chapter 54, the total number of individuals enrolled in any health insurance product regulated by the Department of Professional and Financial Regulation, 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 B removes limitations on the ability of Dirigo Health to adjust the subsidy to individuals to ensure affordability.

Part C makes permanent 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 were reauthorized in Public Law 2005, chapter 394, section 4.

Part D makes changes to the funding for the Dirigo Health Program. The Part repeals the savings offset payment and replaces it with a health access surcharge of 1.8% on paid claims. Part D also requires that all of the revenues from the surcharge and the tax increases on beer and wine and soft drinks and syrup be credited to the Dirigo Health Enterprise Fund to support both the Dirigo Health Program and the Maine Individual Reinsurance Association. 18.8 % of the monthly deposits received by the Dirigo Health Enterprise Fund must be transferred to the reinsurance

association.

Part E increases the excise tax on malt beverages, except for manufacturers of less than 100,000 barrels annually, from 25 cents per gallon to 54 cents per gallon. Part E also increases, except for manufacturers of less than 20,000 gallons annually, the excise tax on wine manufactured or distributed in this State from 30 cents per gallon to 65 cents per gallon. The revenue from the tax increases on beer and wine must be transferred on a monthly basis to the Dirigo Health Enterprise Fund. Part E takes effect August 1, 2008.

Part F imposes a new tax on syrup used to make soft drinks at the rate of $4 per gallon of syrup and 42 cents per gallon of bottled soft drinks and soft drinks produced using powder. The revenue from the tax must be transferred on a monthly basis to the Dirigo Health Enterprise Fund. Part F takes effect August 1, 2008.

Part G transfers $5,000,000 from the Fund for a Healthy Maine to the Dirigo Health Enterprise Fund and requires the State Budget Officer to adjust the amount of funding for each program receiving funds from the Fund for a Healthy Maine. Part G also authorizes the State Controller to provide an advance of up to $3,600,000 to the Dirigo Health Enterprise Fund. The funds must be returned to the General Fund no later than June 30, 2009.

Part H requires the Joint Standing Committee on Health and Human Services to meet and consider the structure, accountability and appropriate level of legislative and independent oversight of the Fund for a Healthy Maine and submit a report to the Joint Standing Committee on Appropriations and Financial Affairs by October 1, 2008.

Part I authorizes the Superintendent of Insurance to approve pilot projects to offer health insurance products for people under 30 years of age. The superintendent is authorized to approve pilot projects that do not comply with statutory and regulatory requirements for certain mandated benefits, geographic access standards and standard plans if determined to be appropriate to establish affordable and attractive products.

Parts J and K add appropriations and allocations sections.

Part L requires that Dirigo Health submit quarterly reports on information regarding enrollment in the Dirigo Health Program. This Part also repeals the Dirigo Health Risk Pool.

Part M corrects cross-references.

# *Joint Standing Committee on Insurance and Financial Services*

## SUBJECT INDEX

### *Banking and Credit Unions*

**Enacted**

| | | |
|---|---|---|
| LD 2139 | Resolve, Directing the Bureau of Financial Institutions To Study Data Security Breaches in the State | RESOLVE 152 |

### *Dirigo Health*

**Not Enacted**

| | | |
|---|---|---|
| LD 2224 | An Act To Require Legislators and Their Dependents To Be Enrolled in Dirigo Health | ONTP |

### *Insurance, Health*

**Enacted**

| | | |
|---|---|---|
| LD 658 | An Act To Protect the Health of Infants | PUBLIC 595 |
| LD 1072 | Resolve, To Conduct an Updated Study of the Feasibility of Establishing a Single-payor Health Care System in the State | RESOLVE 216 |
| LD 2066 | An Act To Clarify the Laws Governing the Extension of Health Care Coverage to Dependents | PUBLIC 514 |
| LD 2109 | An Act Relating to Insurance Coverage for Colorectal Cancer Early Detection | PUBLIC 516 |
| LD 2162 | Resolve, Regarding Legislative Review of Portions of Chapter 850: Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation | RESOLVE 160 EMERGENCY |
| LD 2247 | An Act To Continue Maine's Leadership in Covering the Uninsured | PUBLIC 629 |

**Not Enacted**

| | | |
|---|---|---|
| LD 1047 | An Act To Lower the Cost of Health Insurance | ACCEPTED ONTP REPORT |
| LD 1082 | An Act To Create a Maine-based Independent Nonprofit Health Insurance Company | ONTP |
| LD 1294 | An Act To Establish a Health Care Bill of Rights | DIED BETWEEN HOUSES |
| LD 1667 | An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention | ONTP |

| | | |
|---|---|---|
| LD 1687 | An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care | ONTP |
| LD 1760 | An Act To Restore Competition to Maine's Health Insurance Market | ACCEPTED ONTP REPORT |

## *Insurance, Regulation and Practices*

**Enacted**

| | | |
|---|---|---|
| LD 2091 | An Act To Protect Life Insurance Consumers | PUBLIC 543 |
| LD 2200 | An Act To Ensure Full Payment of Annuity Death Benefits | PUBLIC 544 |

## *Miscellaneous*

**Enacted**

| | | |
|---|---|---|
| LD 2092 | An Act To Amend the Public Works Contractors' Surety Bond Law of 1971 | PUBLIC 500 |
| LD 2157 | An Act To Implement the Recommendations of the Joint Standing Committee on Insurance and Financial Services Regarding Reporting on Lyme Disease and Other Tick-borne Illnesses | PUBLIC 561 |

**Not Enacted**

| | | |
|---|---|---|
| LD 1203 | An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors | ONTP |

## *Mortgage Lending*

**Enacted**

| | | |
|---|---|---|
| LD 2125 | An Act Relating to Mortgage Lending and Credit Availability | PUBLIC 471 EMERGENCY |
| LD 2189 | An Act To Protect Homeowners from Equity Stripping during Foreclosure | PUBLIC 596 |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON JUDICIARY

May 2008


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**LD 1** **An Act To Increase Reimbursement for Jury Duty** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | OTP-AM | S-401 |

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.

**Committee Amendment "A" (S-401)**

This amendment changes the proposed increase in mileage and daily compensation for jurors to result in a doubling of what is currently paid. This amendment requires mileage to be paid at the rate of 30¢ per mile and the daily compensation to be paid at the rate of $20 per day. This amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 367** **An Act To Protect Emergency Room Personnel from Civil Liability** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MACDONALD | ONTP | |

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 461** **An Act To Implement the Recommendations of the Human Trafficking Task Force** **PUBLIC 684**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-686 |
| | | S-690 ROTUNDO |

LD 461 contains the recommendations of the Human Trafficking Task Force pursuant to Resolve 2005, chapter 200. 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. 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.

This amendment was not adopted, but was incorporated into Committee Amendment "B."

**Committee Amendment "B" (H-686)**

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. A prevailing plaintiff is entitled to attorney's fees and costs. The statute of limitations for bringing the action is 10 years from the trafficking act, although the time limitation does not run while the trafficked person is under the age of 18, mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent when the cause of action accrues. This is similar to the tolling statute of the Maine Revised Statutes, Title 14, section 853. The amendment also provides that the defendant cannot assert the defense of expiration of the statute of limitations if the running of the time is due to conduct by the defendant's inducing the plaintiff to delay the filing of the action or preventing the plaintiff from filing the action, or

because of threats made by the defendant.

This amendment provides for the civil forfeiture of property used in involuntary servitude and human trafficking offenses. It also corrects a formatting error in the current law.

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, 2010.

This amendment provides an effective date of January 1, 2009, 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 Second Regular Session of the 123rd Legislature.

**Senate Amendment "A" (S-690)**

This amendment amends Committee Amendment "B." It strikes and replaces Part A of Committee Amendment "B". The amendment removes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. "Human trafficking offense" is defined to mean kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. The amendment adds elements of the definition of "human trafficking" to the definition of "restrain."

This amendment also adds a new part that requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committees of the Legislature having jurisdiction over judiciary matters and appropriations and financial affairs, to submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. A comprehensive revision of the Maine Criminal Code has not occurred since 1976.

**Enacted Law Summary**

Public Law 2007, chapter 684 defines "human trafficking offense" to mean kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. Chapter 684 also 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. A prevailing plaintiff is entitled to attorney's fees and costs. The statute of limitations for bringing the action is 10 years from the trafficking act, although the time limitation does not run while the trafficked person is under the age of 18, mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent when the cause of action accrues. Chapter 684 also provides for the civil forfeiture of property used in human trafficking offenses. A human trafficking victim is given 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.

Chapter 684 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, 2010.

Chapter 684 is effective January 1, 2009, 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.

Chapter 684 requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committees of the Legislature having jurisdiction over judiciary matters and appropriations and financial affairs, to submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. A comprehensive revision of the Maine Criminal Code has not occurred since 1976.

**LD 469** **An Act To Disseminate "Lessons Learned" from Medical Injury Claims** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | ONTP | |

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 507** **An Act To Require the Accommodation of Religious Practices in Correctional Facilities** **PUBLIC 546**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SOCTOMAH | OTP-AM | H-784 |

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.

**Committee Amendment "A" (H-784)**

This amendment replaces the bill. It requires the Commissioner of Corrections to adopt rules, consistent with all federal requirements, including the Religious Land Use and Institutionalized Persons Act of 2000, 42 United States Code, Chapter 21C, to provide for the accommodation of prisoners' religious practices. The rules may limit or prohibit practices that present a threat to the safety, security or orderly management of the facility. The Department of Corrections' religious services draft policy, dated February 28, 2008, must serve as the basis of the rules. The

rules are routine technical.

**Enacted Law Summary**

Public Law 2007, chapter 546 requires the Commissioner of Corrections to adopt rules, consistent with all federal requirements, including the Religious Land Use and Institutionalized Persons Act of 2000, 42 United States Code, Chapter 21C, to provide for the accommodation of prisoners' religious practices. The rules may limit or prohibit practices that present a threat to the safety, security or orderly management of the facility. The Department of Corrections' religious services draft policy, dated February 28, 2008, must serve as the basis of the rules. The rules are routine technical.

## LD 608 An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROTUNDO | ONTP | |

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 684 An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | ONTP | |

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 857 Resolve, To Create A Medical Malpractice Study Group — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | ONTP | |

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 1271** **An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WALKER | ONTP | |

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 1348** **An Act To Amend the Maine Tort Claims Act** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | JT. RULE 309 | |

LD 1348 raises the limitation on damages under the Maine Tort Claims Act from $400,000 to $1,000,000. See also LD 1349.

**LD 1349** **Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | JT RULE 309 | |

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. See also LD 1348.

**LD 1505** **An Act To Adopt the Revised Uniform Anatomical Gift Act** **PUBLIC 601**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | OTP-AM | S-527 |

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.

**Committee Amendment "A" (S-527)**

This amendment makes several revisions to the bill to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State, which is based on information collected through the issuance of driver's licenses. Maine Comments are inserted where appropriate.

**Enacted Law Summary**

Public Law 2007, chapter 601 enacts the Revised Uniform Anatomical Gift Act. It includes revisions to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State. Maine Comments are inserted where appropriate. Chapter 601 provides that the Revised

Uniform Anatomical Gift Act and the other portions of the bill take effect January 1, 2009.

**LD 1524** **An Act To Increase Judicial Salaries** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

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 1540** **An Act To Guarantee Free Speech in Privately Owned Public Gathering Places** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HINCK | ONTP A<br>OTP-AM B<br>OTP-AM C | |

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.

**Committee Amendment "B" (H-877)**

This amendment is a minority report of the Joint Standing Committee on Judiciary. This amendment narrows the bill to address the right to collect petition signatures in support of candidates and state and local initiatives and referenda at shopping malls. A shopping mall is defined as a privately owned enclosed complex that consists of at least 5 retail establishments, grants access to the general public and has at least 200,000 square feet of gross leasable area. This amendment requires that the shopping malls allow such solicitation, subject to reasonable time, place and manner restrictions.

This amendment was not adopted.

**Committee Amendment "A" (H-876)**

This amendment is a minority report of the Judiciary Committee. This amendment narrows the bill to address the right to collect petition signatures in connection with access to the ballot for a candidate, initiative or referendum at shopping centers that are privately owned. A shopping center is defined as a privately owned complex, enclosed or otherwise, that consists of at least 5 establishments in which merchandise is sold at retail, grants access to the general public and has at least 75,000 square feet of gross leasable area. This amendment requires shopping centers to permit the solicitation of petition signatures and to allow the posting of informational material regarding the petition subject to reasonable time, place and manner restrictions.

This amendment was not adopted.

**LD 1747 An Act To Enact the Uniform Power of Attorney Act** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | ONTP | |

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 1792 An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations** **PUBLIC 624**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | OTP-AM MAJ<br>OTP-AM MIN | S-532 |

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.

**Committee Amendment "A" (S-532)**

This amendment is the majority report of the Joint Standing Committee on Judiciary, and it replaces the bill. It requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least $250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

**Committee Amendment "B" (S-533)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment increases the maximum salary compensation that may be paid the directors and officers of nonprofit corporations from $250,000 as proposed in the bill to $300,000.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2007, chapter 624 requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least $250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

**LD 1881 An Act To Improve Transparency and Accountability in Government** **PUBLIC 501**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WESTON | OTP-AM | S-439 |

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.

**Committee Amendment "A" (S-439)**

This amendment replaces the bill. Currently a person may make a Freedom of Access request of such breadth that, as a practical and legal matter, an agency's duty to respond to the request is made difficult. This amendment permits an agency or official to request clarification concerning which public record or public records are being requested. The amendment also requires an agency or official to acknowledge receipt of the request within a reasonable period of time.

**Enacted Law Summary**

Public Law 2007, chapter 501 permits an agency or official to request clarification from a person requesting a public record concerning which public record or public records are being sought. It also requires an agency or official to acknowledge receipt of the request within a reasonable period of time.

**LD 1923 An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman** **PUBLIC 603**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-904 |

LD 1923 is based on the Right To Know Advisory Committee's recommendation to establish a Public Access Ombudsman. The Judiciary Committee may report out legislation based on the Advisory Committee's recommendations pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G. LD 1923 establishes the Public Access Ombudsman within the Department of the Attorney General.

**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.

This amendment was not adopted, but was incorporated into Committee Amendment "B".

**Committee Amendment "A" (H-904)**

This amendment:

1. Revises the establishment of the Public Access Division within the Department of the Attorney General and the appointment of the Public Access Ombudsman. It authorizes the Attorney General to establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available;

2. 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;

3. Deletes the requirement that the Public Access Ombudsman make an annual report in 2008; and

4. Repeals the provisions establishing the Public Access Division and the Public Access Ombudsman June 30, 2009.

**Enacted Law Summary**

Public Law 2007, chapter 607 authorizes the Attorney General to establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available. It 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. It provides for a sunset of the provisions establishing the Public Access Division and the Public Access Ombudsman on June 30, 2009.

**LD 1940** **An Act To Assist Distressed Businesses Organized as Limited Liability Companies** **PUBLIC 496 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLEARY | OTP-AM | H-685 |

This bill allows a foreign limited liability company or a domestic limited liability company, upon filing with the Secretary of State, to be excused from further filings with the Secretary of State as long as the company does not transact any business.

**Committee Amendment "A" (H-685)**

This amendment limits the ability of limited liability companies to temporarily withdraw from transacting business and avoid filing with the State during the dormant period to those limited liability companies organized in Maine; the benefit is not available to foreign limited liability companies. This amendment requires a domestic limited liability company to go through appropriate procedures and file a certificate of resumption with the Secretary of State before it may resume business activities. This amendment requires a domestic limited liability company to pay the same fees for filing certificates of excuse and resumption of business certificates as are imposed on business corporations.

**Enacted Law Summary**

Public Law 2007, chapter 496 limits the ability of limited liability companies to temporarily withdraw from transacting business and avoid filing with the State during the dormant period to those limited liability companies organized in Maine; the benefit is not available to foreign limited liability companies. Chapter 496 requires a domestic limited liability company to go through appropriate procedures and file a certificate of resumption with the Secretary of State before it may resume business activities. Chapter 496 requires a domestic limited liability company to pay the same fees for filing certificates of excuse and resumption of business certificates as are imposed on business corporations.

Public Law 2007, chapter 496 was enacted as an emergency measure effective March 14, 2008.

**LD 1970** **Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group** **RESOLVE 145 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP | |

This resolve extends the reporting deadline from December 5, 2007 to January 20, 2008 for the Tribal-State Work Group that was established in Resolve 2007, chapter 142.

**Enacted Law Summary**

Resolve 2007, chapter 145 extends the reporting deadline from December 5, 2007 to January 20, 2008 for the Tribal-State Work Group that was established in Resolve 2007, chapter 142.

Resolve 2007, chapter 145 was enacted as an emergency measure effective January 24, 2008.

**LD 1988** **An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRYANT B | ONTP | |

This bill limits the liability of a water utility or private company and employees and staff who perform water utility work and service for another water utility during a declared emergency.

**LD 1994** **An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships, Limited Liability Companies and Registered Agents** **PUBLIC 535 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | OTP-AM | S-457 |

This bill makes the several changes and clarifications to the laws relating to marks, corporations, limited partnerships and limited liability companies.

**Committee Amendment "A" (S-457)**

This amendment deletes the section of the bill concerning judicial dissolution of public corporations. It adds a Part B to add specific language in the different laws governing entities to conform to the new registered agents law. The new language directs filers to the law governing clerks and registered agents. It adds an emergency preamble and an emergency clause to make Part B, which addresses the conformity with the registered agents law, take effect July 1, 2008, which is the effective date of the registered agents law enacted by Public Law 2007, chapter 323.

**Enacted Law Summary**

Public Law 2007, chapter 535 makes the following changes and clarifications to the laws relating to marks, corporations, limited partnerships and limited liability companies.

1. It specifies the procedure for a registrant of a mark to follow in order to cancel the registration of that mark.

2. It provides that the name of a corporation that is excused from filing annual reports with the Secretary of State

because it has ceased to carry on activities remains in the Secretary of State's record of corporate names and is protected for 5 years.

3. It specifies the provisions of law for a limited partnership or a limited liability company to follow in order to do business under an assumed name.

4. It amends the laws governing the fee charged in connection with the delivery to the Secretary of State of a certificate of merger or consolidation by a limited liability company.

5. It amends the laws governing fees charged in connection with foreign limited partnerships.

6. It adds specific language in the different laws governing entities to conform to the new registered agents law. The new language directs filers to the law governing clerks and registered agents.

Public Law 2007, chapter 535 was enacted as an emergency measure; Part B, which addresses the conformity with the registered agents law, takes effect July 1, 2008.

**LD 2013** **An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws** **PUBLIC 513**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SIMPSON | OTP-AM | H-720 |

This bill allows the use of a rebuttable presumption that jeopardy exists when a child has contact with a person who was convicted of the criminal offense of sexual abuse of a child whether the person was convicted in Maine or in another state or federal court.

**Committee Amendment "A" (H-720)**

This amendment replaces the bill but carries out the original intent to allow criminal convictions from other jurisdictions to be used as the basis of a rebuttable presumption in various court situations involving contact with children.

**Enacted Law Summary**

Public Law 2007, chapter 513 allows criminal convictions from other jurisdictions to be used as the basis of a rebuttable presumption in various court situations involving contact with children. Chapter 513 allows the use of a rebuttable presumption that jeopardy exists when a child has contact with a person who was convicted of an offense that includes engaging in substantially similar conduct as gross sexual assault regardless of the ages of the person and the victim, if the minor victim submitted to the sexual act as a result of compulsion. Chapter 513 amends Title 19-A, section 1653 to use language consistent with Maine Criminal Code terminology when referring to offenses in other jurisdictions, including a definition of "another jurisdiction."

**LD 2036** **An Act To Clarify Governmental Liability with Respect to Transfer Stations** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | ONTP | |

This bill addresses an inconsistency in the Maine Tort Claims Act as applied in recent Law Court decisions. This bill makes clear that a governmental entity is liable for its negligent acts and omissions in the construction, operation or maintenance of any transfer station. A definition of "transfer station" that tracks the Department of Environmental

Protection's rules is added.

**LD 2037 An Act To Provide Support for At-risk Youth** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A | ONTP | |

This bill creates a program within the Juvenile Court to address punishment and proactive treatment of at-risk youth. Petitions for the program may be filed by a parent, a school official, the Department of Health and Human Services, a guardian ad litem or other legal advocate when a juvenile regularly runs away from home, exhibits extremely disruptive behavior or is habitually truant.

**LD 2047 An Act To Shield Journalists' Confidential Sources** **PUBLIC 654**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HINCK | OTP-AM | H-1010 |

This bill provides protection against compelled disclosure of confidential sources of information, information that identifies confidential sources, confidential information and certain data collected by journalists. The bill provides exceptions for a court to compel disclosure in specific situations. It also provides for a waiver of the protection in specific circumstances. The source of information obtained in violation of this bill is inadmissible in any judicial, legislative, administrative or other proceeding.

**Committee Amendment "A" (H-1010)**

This amendment revises the bill to delete the protection for nonconfidential information. It clarifies that disclosure of information may be compelled in both civil and criminal cases only when the party seeking the identity of the confidential source or the information establishes certain facts by a preponderance of the evidence. It also clarifies that the journalist waives the protection from compelled disclosure by voluntarily disclosing or consenting to the disclosure of the confidential information about the confidential source. This amendment deletes the provision providing that the source of any information obtained in violation of the new law is inadmissible. The definition of "journalist" is deleted to allow the court to determine on a case-by-case basis whether a person claiming the protection from compelled disclosure is eligible for such protection. This amendment deletes the emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2007, chapter 654 provides protection against compelled disclosure of confidential sources of information, information that identifies confidential sources and confidential information collected by journalists. Disclosure of information may be compelled in both civil and criminal cases only when the party seeking the identity of the confidential source or the information establishes certain facts by a preponderance of the evidence. The journalist waives the protection from compelled disclosure by voluntarily disclosing or consenting to the disclosure of the confidential information about the confidential source.

**LD 2093 An Act To Help Prevent Identity Theft** **PUBLIC 626**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TARDY | OTP-AM | H-905 |

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2094.

**Committee Amendment "A" (H-905)**

This amendment replaces the bill. It does not include the prohibition on filing documents that contain an individual's personally identifiable information. This amendment revises the listing of the data elements that are considered "personal information" to be consistent with current state law concerning data breaches. This amendment allows an individual to request that that individual's personal information included in a document recorded with a register of deeds and available on the registry's publicly accessible website be redacted from the record available online. It also includes a mandate preamble.

**Enacted Law Summary**

Public Law 2007, chapter 626 allows an individual to request that that individual's personal information be redacted from a record available on the registry of deeds' publicly accessible website.

**LD 2094 An Act To Protect Personally Identifying Information** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HAYES | ONTP | |

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2093.

**LD 2115 An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WESTON | ONTP | |

This bill limits the liability of suppliers, transporters, handlers and sellers of liquefied petroleum gas for actual and punitive damages related to the modification, repair or use of liquefied petroleum gas equipment or appliances by any other person.

**LD 2128 An Act To Correct the Uniform Limited Partnership Act of 2007** **PUBLIC 502 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOBBINS | OTP-AM | S-440 |

This bill corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

**Committee Amendment "A" (S-440)**

The Maine Revised Statutes, Title 31, former chapter 11 contained the limited partnership laws, and it was repealed by Public Law 2005, chapter 543. This amendment corrects the cross-reference to that repealed chapter.

**Enacted Law Summary**

Public Law 2007, chapter 502 corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

Public Law 2007, chapter 502 was enacted as an emergency measure and applies retroactively to July 1, 2007.

## LD 2161 An Act To Clarify Confidentiality in Child Protective Proceedings

**PUBLIC 473**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | S-406 |

This bill is submitted by the Judiciary Committee pursuant to Public Law 2007, chapter 335. The bill removes language enacted last session due to take effect February 1, 2008 that may violate federal confidentiality provisions. That language allows a parent or legal guardian to release 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 a child protective action. This bill takes effect February 1, 2008 to match the effective date of Public Law 2007, chapter 335.

**Committee Amendment "A" (S-406)**

This amendment replaces the bill. It rewrites the emergency preamble and emergency clause to make the amended bill take effect when approved. This amendment delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases.

**Enacted Law Summary**

Public Law 2007, chapter 473 delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases. See also LD 2233.

Public Law 2007, chapter 473 was enacted as an emergency measure effective January 31, 2008.

## LD 2181 An Act To Protect Consumers' Gift Card Interests

**PUBLIC 696**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SIMPSON | OTP-AM MAJ<br>ONTP MIN | H-940 |

This bill requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than $5 to the consumer as long as the card is redeemed in person by the consumer.

**Committee Amendment "A" (H-940)**

This amendment exempts from the cash refund requirement prepaid cards for telephone service. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and

stored-value cards that cannot be reloaded that are initially worth $5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

**Enacted Law Summary**

Public Law 2007, chapter 696 requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than $5 to the consumer at the request of the consumer, as long as the card is redeemed in person by the consumer. Prepaid cards for telephone service are exempted from the cash refund requirement. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and stored-value cards that cannot be reloaded that are initially worth $5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

## LD 2197 An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes — PUBLIC 526

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill addresses grand jury territorial authority.

**Enacted Law Summary**

Public Law 2007, chapter 526 does the following.

1. It defines grand jury territorial authority expressly, rather than in terms of trial venue for the Superior Court.

2. It identifies the general rule applicable to grand jury jurisdiction. Grand jury territorial authority to indict for crimes coming within the jurisdiction of the Superior Court must be exercised by the grand jury serving the county where the crime was committed.

3. It introduces a new statutory exception relative to grand juries in judicial regions when such regions are created by the Chief Justice of the Supreme Judicial Court for venue purposes, pursuant to Title 4, section 19. Specifically, it provides that each grand jury in a multicounty judicial region may share authority to indict for crimes committed in that judicial region except as limited by rule or administrative order of the Supreme Judicial Court.

4. It expressly recognizes the existence of special laws that constitute exceptions to the general rule.

Chapter 526 also amends Title 15, section 1256 to eliminate that portion that currently contains a definition of a grand jury's territorial jurisdiction, since the new section 1255-A comprehensively addresses a grand jury's jurisdiction. The new language is intended to identify the basic duty imposed upon grand juries, which is to present all crimes over which by law they have jurisdiction.

## LD 2198 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials — PUBLIC 576 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349.

**Enacted Law Summary**

Public Law 2007, chapter 576 amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349. It maintains the minimum content requirements for the training programs but provides that an elected official who completes a training program that contains all the information contained under the Frequently Asked Questions heading on the State's Freedom of Access law website meets the minimum requirements. Current law directs the Right To Know Advisory Committee to approve the training programs; chapter 576 eliminates that role. Current law requires an elected official to send notice of the completion of the required training to the advisory committee. Chapter 576 requires the elected official to make a record of the completion of the training and either keep it or file it with the public entity to which that official was elected. The record of completion is a public record. The advisory committee is directed to recommend to the Legislature a process for collecting the completion data and making it available to the public. Chapter 576 addresses the application of the mandatory training requirement to elected officials. Current law applies beginning July 1, 2008. This chapter revises the application to Legislators to begin for Legislators elected after November 1, 2008. Chapter 576 also specifically spells out the elected officials who are subject to the training and provides a general description of those who, as part of the duties of their offices, exercise executive or legislative powers as elected officials of regional or other political subdivisions.

Public Law 2007, chapter 696 was enacted as an emergency measure effective April 7, 2008.

**LD 2212 An Act Concerning Public Records Exceptions** **PUBLIC 597**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-957 |

This bill implements the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions. This bill amends the laws concerning: personal contact information of public employees; state employee personnel records; reports, records and working papers of the Office of Program Evaluation and Government Accountability; complaint and investigative files maintained by the State Court Administrator; investigations by the Attorney General of the unauthorized practice of law; the records and proceedings of technology centers; and the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council.

The bill directs the Joint Standing Committee on Judiciary to review the recommendations of the Right To Know Advisory Committee about specific statutory provisions and make recommendations about whether the public record exceptions contained in those provisions should be maintained, modified, repealed or clarified. These provisions were identified in the second annual report of the Right To Know Advisory Committee as raising issues for which more information should be provided by interested parties before final recommendations can be made.

**Committee Amendment "A" (H-957)**

This amendment deletes the section of the bill that directs the Joint Standing Committee on Judiciary to review specific public records exceptions and report by December 1, 2008 with recommendations. The committee completed the review and includes the recommendations in this amendment.

This amendment deletes the proposed amendment to the OPEGA statutes. This amendment revises the law governing documents created or stored on a State Government computer to clarify that such documents must be made available in accordance with the freedom of access laws. This amendment narrows the confidentiality of pesticide test results requested by the Board of Pesticides Control to that information that has been determined to be confidential by the Administrator of the United States Environmental Protection Agency in accordance with federal law. This amendment includes language to continue the confidentiality of records of the former Baxter

Compensation Authority consistent with the Baxter Compensation Authority statutes that were repealed upon the termination of the program. This amendment reverses the presumption that information derived by or communicated to the Bureau of Financial Institutions may not be disclosed to the public. This amendment provides that specific categories of information are confidential and may not be disclosed or made public. The existing exceptions to the prohibition on disclosure are retained. The penalty for disclosure in violation of the statute is updated, and the culpable mental state of "intentionally or knowingly" is added.

**Enacted Law Summary**

Public Law 2007, chapter 597 implements many of the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions.

Under current law, personal contact information concerning public employees is not a public record. Public Law 2007, chapter 597 clarifies that the exception also applies to personal contact information of voluntary appointees serving in State Government positions without compensation by cross-referencing the definition of "employee" in the Maine Tort Claims Act. It also addresses a potential conflict with this exception and the law governing state employee personnel records to clarify that personal contact information of state employees and applicants for state employment is not a public record.

Chapter 597 narrows the current exception providing confidentiality to complaint and investigative files maintained by the State Court Administrator to only those complaints and investigations that are related to court and judicial security.

Chapter 597 repeals the exception making confidential any investigations by the Attorney General of the unauthorized practice of law. Title 16, section 614 addresses when investigative records or information held by the Attorney General for any type of investigation may be disclosed to the public. Chapter 597 repeals Title 4, section 809, dealing with investigations by the Attorney General, since it is not necessary.

Chapter 597 narrows the exception in current law that designates the records and proceedings of technology centers as not public for the purposes of the freedom of access laws. It provides that the records and proceedings are public except for certain records designated as confidential, including records that are confidential by other provisions of law, financial statements, credit reports, tax returns and records that contain proprietary information or trade secrets.

Chapter 597 requires that the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council take a publicly recorded vote supported by a majority of the members before closing meetings or records to the public as allowed under current law when public disclosure of the subject matter would adversely affect the competitive position of the milk industry of the State or segments of that industry.

Public Law 2007, chapter 597 revises the law governing documents created or stored on a State Government computer to clarify that such documents must be made available in accordance with the freedom of access laws. This clarifies that documents created or stored on a State Government computer are public records if they meet the definition of "public record" contained in the Maine Revised Statutes, Title 1, chapter 13.

Chapter 597 narrows the confidentiality of pesticide test results requested by the Board of Pesticides Control to that information that has been determined to be confidential by the Administrator of the United States Environmental Protection Agency in accordance with federal law.

Chapter 597 includes language to continue the confidentiality of records of the former Baxter Compensation Authority consistent with the Baxter Compensation Authority statutes that were repealed upon the termination of the program. That provision is retroactive to the date the Baxter Compensation Authority statutes were repealed to ensure the continuity of protection of the records.

Chapter 597 reverses the presumption that information derived by or communicated to the Bureau of Financial

Institutions may not be disclosed to the public. It provides that specific categories of information are confidential and may not be disclosed or made public. The existing exceptions to the prohibition on disclosure are retained. The penalty for disclosure in violation of the statute is updated, and the culpable mental state of "intentionally or knowingly" is added.

**LD 2215** **An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings** **PUBLIC 579**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | OTP-AM | S-490 |

This bill increases the exemption from attachment and execution under the bankruptcy laws of a debtor's interest in the debtor's residence from $35,000 to $100,000 and from $70,000 to $200,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled.

**Committee Amendment "A" (S-490)**

This amendment increases the exemption from attachment and execution in current law, including under the bankruptcy laws, of a debtor's interest in the debtor's residence from $35,000 to $47,500 and from $70,000 to $95,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled. The increases in the amendment are more in line with actual home price increases in the State than those proposed in the bill.

**Enacted Law Summary**

Public Law 2007, chapter 579 increases the exemption from attachment and execution in current law, including under the bankruptcy laws, of a debtor's interest in the debtor's residence from $35,000 to $47,500 and from $70,000 to $95,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled.

**LD 2220** **An Act To Aid Victims of Identity Theft in Securing a Police Report** **PUBLIC 634**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-958 |

The bill is proposed by the Criminal Law Advisory Commission. This bill allows a person who is a victim of identity theft to make a report to the police and obtain a copy of the police report. The bill provides for a simple, expedient and comprehensive post-judgment method of relief when a person's identity has been stolen and falsely used by another person in a criminal proceeding, a civil violation proceeding or a traffic infraction proceeding. It is immaterial as to what the final outcome is in that proceeding. The relief offered is a court determination of factual innocence and the correction of the court records and related criminal justice agency records. This bill does not provide relief to a person who has stolen another person's identity and falsely used in it a criminal, civil violation or traffic infraction proceeding.

**Committee Amendment "A" (H-958)**

This amendment deletes section 2 of the bill, which proposed a procedure to obtain a finding of factual innocence when a person's identity is stolen and falsely used in a court prosecution. It adds a mandate preamble.

**Enacted Law Summary**

Public Law 2007, chapter 634 allows a person who is a victim of identity theft to make a report to the police and

obtain a copy of the police report.

**LD 2221** **An Act To Implement the Recommendations of the Tribal-State Work Group** **PUBLIC 697**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-1043 |

This bill contains statutory recommendations of the Tribal-State Work Group, established by Executive Order 19 FY 06/07 and continued and expanded by Resolve 2007, chapter 142.

This bill revises the headnote of the Maine Revised Statutes, Title 30 to reflect the inclusion of laws that apply to Indian tribes in Maine. This bill provides for jurisdictional parity among the four Indian tribes in Maine: the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Indian Nation, based on the powers, privileges and immunities outlined in AN ACT to Implement the Maine Indian Claims Settlement, enacted in 1980. This bill enacts the Omnibus Tribal Sovereignty Act, which provides a statement of legislative intent and findings and cross-references the powers, privileges and immunities to apply to the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians. This bill repeals sections of AN ACT to Implement the Maine Indian Claims Settlement and The Micmac Settlement Act that provide different powers, privileges and immunities for the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs or that are not consistent with federal law. This bill expands the membership of the Maine Indian Tribal-State Commission to include two representatives of the Aroostook Band of Micmacs and two representatives of the Houlton Band of Maliseet Indians, as well as four additional representatives of the State. It expands the duties of the commission to include a continual review of the effectiveness of AN ACT to Implement the Maine Indian Claims Settlement, The Micmac Settlement Act and the Omnibus Tribal Sovereignty Act. It authorizes the commission to submit legislation directly to the Legislature. It also requires that before the State or any political subdivision commences a court or administrative action involving interpretation of AN ACT to Implement the Maine Indian Claims Settlement, The Micmac Settlement Act or the Omnibus Tribal Sovereignty Act, the dispute must first be presented to the commission for mediation. The mediation provisions are based on current Maine Rules of Civil Procedure concerning mediation.

This bill requires every state agency to provide for a timely and meaningful consultation with each Indian tribe, nation or band before proposing, adopting or implementing legislation or administrative measures that may materially affect the Indian tribe, nation or band. This bill provides that the laws governing freedom of access do not apply to the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Indian Nation. This bill includes a contingent date section to provide that it does not take effect unless approved by the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs, the Penobscot Indian Nation and the Passamaquoddy Tribe within 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. If the bill is approved as required it will take effect 120 days after adjournment of the Second Regular Session of the 123rd Legislature.

**Committee Amendment "A" (H-1043)**

This amendment replaces the bill. This amendment is divided into 3 parts. Part A requires approval by the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians before Part A can take effect. If the required approvals are received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part A takes effect 120 days after adjournment. Part B requires approval by the Houlton Band of Maliseet Indians before Part B can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part B takes effect 120 days after adjournment. Part C requires the approval of the Houlton Band of Maliseet Indians before Part C can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part C takes effect October 1, 2009.

This amendment amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. The amendment deletes language that pertained to the selection of the first chair of the Maine Indian Tribal-State Commission that is no longer necessary. It also includes provisions for the replacement of the chair of the commission.

This amendment provides the Houlton Band of Maliseet Indians with the powers and jurisdiction similar to that of the Passamaquoddy Tribe and the Penobscot Nation. It defines Maliseet Indian territory to consist of the two parcels that are currently the band's trust lands. This amendment also directs that the band engage in discussions and negotiations to resolve transitional and other issues and directs that the band report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the progress of such discussions.

This amendment revises the headnote of Title 30 to include Federally Recognized Indian Tribes and directs the Revisor of Statutes to implement the change.

**Enacted Law Summary**

Public Law 2007, chapter 697 implements some of the recommendations of the Tribal-State Work Group, and enacts changes to the laws relating to the jurisdiction of the Houlton Band of Maliseet Indians.

Chapter 697 is divided into 3 parts. Part A amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. It also revises the headnote of Title 30 to include Federally Recognized Indian Tribes and directs the Revisor of Statutes to implement the change. Part C provides the Houlton Band of Maliseet Indians with the powers and jurisdiction similar to that of the Passamaquoddy Tribe and the Penobscot Nation. It defines Maliseet Indian territory to consist of the two parcels that are currently the band's trust lands. Parts B and C direct that the band engage in discussions and negotiations to resolve transitional and other issues and directs that the band report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the progress of such discussions.

Part A requires approval by the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians before Part A can take effect. If the required approvals are received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part A takes effect 120 days after adjournment. Part B requires approval by the Houlton Band of Maliseet Indians before Part B can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part B takes effect 120 days after adjournment. Part C requires the approval of the Houlton Band of Maliseet Indians before Part C can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part C takes effect October 1, 2009.

**LD 2233** **An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws** **PUBLIC 485 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | H-703 SIMPSON |

This bill is submitted by the Judiciary Committee pursuant to Public Law 2007, chapter 335. The bill removes language due to take effect March 1, 2008 that the federal Department of Health and Human Services has determined violates federal confidentiality provisions. That language allows a parent or legal guardian to release 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 a child protective action. This bill takes effect March 1, 2008 to match the effective date of Public Law 2007, chapter 335 as amended by Public Law 2007, chapter 473. This bill also repeals a sentence added by Public Law 2005, chapter 300 concerning the prohibition on further

dissemination of records and information. Repeal of the sentence does not authorize any person to share a record or information that was received from the Department of Health and Human Services for any reason other than those already permitted by law.

**House Amendment "A" (H-703)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2007, chapter 485 removes language due to take effect March 1, 2008 that the federal Department of Health and Human Services has determined violates federal confidentiality provisions. That language allows a parent or legal guardian to release 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 a child protective action. Chapter 485 also repeals a sentence added by Public Law 2005, chapter 300 concerning the prohibition on further dissemination of records and information. Repeal of the sentence does not authorize any person to share a record or information that was received from the Department of Health and Human Services for any reason other than those already permitted by law.

Public Law 2007, chapter 485 was enacted as an emergency measure effective February 28, 2008.

## LD 2243 An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders — PUBLIC 577

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SIMPSON | OTP-AM | H-870 |

This bill adds sexual assault counselors and family or domestic violence victim advocates to the list of mandated reporters of suspected abuse, neglect or exploitation to both the child protective unit and the adult protective unit within the Department of Health and Human Services. This bill creates an exception for each new reporter in the statutes that would otherwise govern client confidentiality in order to permit this mandatory reporting.

**Committee Amendment "A" (H-870)**

This amendment corrects the probation statutes to delete the reference to whether a Class D crime was committed against a victim of sexual assault or stalking. Public Law 2007, chapter 340 expanded the list of persons eligible to apply for and obtain protection from abuse orders beyond family and household members to include dating partners and victims of sexual assault or stalking. A parallel change was made to the probation statutes to authorize probation when a Class D crime is committed against a family or household member, a dating partner or a victim of sexual assault or stalking. This expansion is too broad because it is not always clear who had been a victim of sexual assault or stalking when dealing with a subsequent crime. Whether the victim and perpetrator are family or household members or dating partners is an easy factual question to answer; whether the victim was ever a victim of sexual assault or stalking is not necessarily as easy to show. The amendment makes clear that probation is available for all violations of protection orders that are Class D crimes; therefore, probation will be available when the basis for issuing the protection order had been that the petitioner was a victim of sexual assault or stalking. This amendment also clarifies the statutes under which a defendant has violated a protective order to specifically list those statutes.

**Enacted Law Summary**

Public Law 2007, chapter 577 adds sexual assault counselors and family or domestic violence victim advocates to the list of mandated reporters of suspected abuse, neglect or exploitation to both the child protective unit and the adult protective unit within the Department of Health and Human Services. Chapter 577 creates an exception for

each new reporter in the statutes that would otherwise govern client confidentiality in order to permit this mandatory reporting.

Chapter 577 corrects the probation statutes to delete the reference to whether a Class D crime was committed against a victim of sexual assault or stalking. It makes clear that probation is available for all violations of protection orders that are Class D crimes; therefore, probation will be available when the basis for issuing the protection order had been that the petitioner was a victim of sexual assault or stalking. Chapter 577 also clarifies the statutes under which a defendant has violated a protective order to specifically list those statutes.

**LD 2248** **An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors** **PUBLIC 552**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill amends the Maine Revised Statutes, Title 15, sections 1004, 1103, and 2115-B by deleting outdated references to Rule 42 of the Maine Rules of Criminal Procedure. In 2003, Rule 42 was abrogated except to serve as a signpost directing the reader to apply the procedures contained in Rule 66 of the Maine Rules of Civil Procedure. See Me. Rptr., 819-831 A.2d XXX.

**Enacted Law Summary**

Public Law 2007, chapter 552 amends the Maine Revised Statutes, Title 15, sections 1004, 1103, and 2115-B by deleting outdated references to Rule 42 of the Maine Rules of Criminal Procedure.

**LD 2252** **An Act To Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 695 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted | |
|---|---|---|---|
| | OTP-AM | H-1036 | |
| | | H-1037 | SIMPSON |
| | | H-1038 | SIMPSON |
| | | H-1044 | SIMPSON |
| | | S-680 | HOBBINS |

This bill, consisting of Parts A and B, corrects technical errors and inconsistencies in the laws of Maine.

**Committee Amendment "A" (H-1036)**

This amendment deletes several sections from Part A of the bill because the corrections are made in other bills or to avoid further conflicts.

This amendment adds Parts C, D, E, F, G, H and I.

Part C consists of technical amendments.

Part D addresses timing issues concerning the repeal of the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation and the effective date of the new Maine Developmental Services Oversight and Advisory Board.

Part E amends Title 28-A, section 1504 to include a new subsection 3-A concerning partial-bottle distilled spirits samples, consistent with the law governing sampling for those licensed as small breweries, farm wineries or wholesalers.

Part F corrects an erroneous cross-reference made in an initiative involving the Department of Professional and Financial Regulation to another initiative within the same department.

Part G amends the ballot language for school unit budgets to clarify that the same wording can be used for all budget votes, including elections involving school units that consist of a municipality.

Part H repeals and replaces Public Law 2007, chapter 539, Part F, section 2 to authorize the Commissioner of Health and Human Services to adopt rules to increase fees assessed under Title 22, section 2494 applying to eating establishments, eating and lodging places, lodging places, recreational camps or camping areas. Part H also amends Public Law 2007, chapter 539, Part F, section 5 concerning the formula related to the jurisdiction of the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources to provide that the Department of Agriculture has jurisdiction over operations of establishments unless sales of food for consumption on the premises or ready-to-eat for off-premises consumption, measured by annual dollar receipts, exceeds 50% of the total annual food-related dollar receipts.

Part I makes changes to resolve conflicts in the law regarding the penalties for scallop fishing violations created by Public Law 2007, chapters 557 and 607. Public Law 2007, chapter 557 increased penalties for violations of scalloping fishing laws in Cobscook Bay and Public Law 2007, chapter 607 made those same penalties apply to scallop fishing violations on a statewide basis. This amendment resolves the conflicts by making the penalties apply statewide including Cobscook Bay.

**House Amendment "A" (H-1037)**

This amendment deappropriates funds in fiscal year 2007-08 that do not take effect until June 30, 2008 pursuant to Public Law 2007, chapter 539 and instead appropriates those funds for indigent defense costs in fiscal year 2007-08.

**Senate Amendment "A" (S-680)**

This amendment adds the chair of the Shellfish Advisory Council as a member of the Marine Resources Advisory Council.

**House Amendment "B" (H-1038)**

This amendment changes the beginning date for certain funds to be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from July 1, 2010 to July 1, 2009. It also removes a duplicative appropriations and allocations section and corrects a clerical error.

**House Amendment "C" (H-1044)**

The involuntary treatment law enacted in Public Law 2007, chapter 580 addresses medication but does not address the laboratory testing that is necessary to monitor and manage the possible side effects. This amendment authorizes laboratory testing for the management and monitoring of the possible side effects of medication.

**Enacted Law Summary**

Public Law 2007, chapter 695 makes several technical corrections and a few substantive changes to the laws of Maine. Parts A, B and C make technical changes.

Part D addresses timing issues concerning the repeal of the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation and the effective date of the new Maine Developmental Services Oversight and Advisory Board.

Part E amends Title 28-A, section 1504 to include a new subsection 3-A concerning partial-bottle distilled spirits samples, consistent with the law governing sampling for those licensed as small breweries, farm wineries or wholesalers.

Part F corrects an erroneous cross-reference made in an initiative involving the Department of Professional and Financial Regulation to another initiative within the same department.

Part G amends the ballot language for school unit budgets to clarify that the same wording can be used for all budget votes, including elections involving school units that consist of a municipality.

Part H amends Public Law 2007, chapter 539, Part F to address authorization for fees and licensing jurisdiction concerning businesses that provide food or lodging.

Part I makes changes to resolve conflicts in the law regarding the penalties for scallop fishing violations created by Public Law 2007, chapters 557 and 607.

Part J deappropriates funds in fiscal year 2007-08 that do not take effect until June 30, 2008 pursuant to Public Law 2007, chapter 539 and instead appropriates those funds for indigent defense costs in fiscal year 2007-08.

Part K adds the chair of the Shellfish Advisory Council as a member of the Marine Resources Advisory Council.

Part L changes the beginning date for certain funds to be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from July 1, 2010 to July 1, 2009. It also removes a duplicative appropriations and allocations section and corrects a clerical error.

The involuntary treatment law enacted in Public Law 2007, chapter 580 addresses medication but does not address the laboratory testing that is necessary to monitor and manage the possible side effects. Part M authorizes laboratory testing for the management and monitoring of the possible side effects of medication.

Public Law 2007, chapter 695 was enacted as an emergency measure effective April 24, 2008.

**LD 2306** **An Act To Amend the Definition of "Penobscot Indian Reservation"** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| LORING | ONTP | |

This bill adds a 714-acre parcel of land located in a portion of the Unorganized Territory known as Argyle in Penobscot County to the definition of the "Penobscot Indian Reservation."

# *Joint Standing Committee on Judiciary*

## SUBJECT INDEX

### *Business & Nonprofit Organizations*

**Enacted**

| | | |
|---|---|---|
| LD 1792 | An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations | PUBLIC 624 |
| LD 1940 | An Act To Assist Distressed Businesses Organized as Limited Liability Companies | PUBLIC 496 |
| LD 1994 | An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships, Limited Liability Companies and Registered Agents | PUBLIC 535<br>EMERGENCY |
| LD 2128 | An Act To Correct the Uniform Limited Partnership Act of 2007 | PUBLIC 502<br>EMERGENCY |

### *Child Protection*

**Enacted**

| | | |
|---|---|---|
| LD 2013 | An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws | PUBLIC 513 |
| LD 2161 | An Act To Clarify Confidentiality in Child Protective Proceedings | PUBLIC 473<br>EMERGENCY |
| LD 2233 | An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws | PUBLIC 485<br>EMERGENCY |
| LD 2243 | An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders | PUBLIC 577 |

### *Confidentiality/Freedom of Access*

**Enacted**

| | | |
|---|---|---|
| LD 1881 | An Act To Improve Transparency and Accountability in Government | PUBLIC 501 |
| LD 1923 | An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman | PUBLIC 603 |
| LD 2047 | An Act To Shield Journalists' Confidential Sources | PUBLIC 654 |
| LD 2093 | An Act To Help Prevent Identity Theft | PUBLIC 626 |

| | | |
|---|---|---|
| LD 2198 | An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials | PUBLIC 576 EMERGENCY |
| LD 2212 | An Act Concerning Public Records Exceptions | PUBLIC 597 |
| LD 2220 | An Act To Aid Victims of Identity Theft in Securing a Police Report | PUBLIC 634 |

Not Enacted

| | | |
|---|---|---|
| LD 2094 | An Act To Protect Personally Identifying Information | ONTP |

## *Courts and Court Procedure*

Enacted

| | | |
|---|---|---|
| LD 2197 | An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes | PUBLIC 526 |
| LD 2248 | An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors | PUBLIC 552 |

## *Courts, Jury Duty*

Not Enacted

| | | |
|---|---|---|
| LD 1 | An Act To Increase Reimbursement for Jury Duty | DIED ON ADJOURNMENT |

## *Courts, Justices and Judges*

Not Enacted

| | | |
|---|---|---|
| LD 1524 | An Act To Increase Judicial Salaries | ONTP |

## *Human Rights and Medical Rights*

Enacted

| | | |
|---|---|---|
| LD 461 | An Act To Implement the Recommendations of the Human Trafficking Task Force | PUBLIC 684 |
| LD 1505 | An Act To Adopt the Revised Uniform Anatomical Gift Act | PUBLIC 601 |

Not Enacted

| | | |
|---|---|---|
| LD 1540 | An Act To Guarantee Free Speech in Privately Owned Public Gathering Places | ACCEPTED ONTP REPORT |

## *Minors and Juveniles*

Not Enacted

| | | |
|---|---|---|
| LD 2037 | An Act To Provide Support for At-risk Youth | ONTP |

## *Real Property*

Enacted

| | | |
|---|---|---|
| LD 2215 | An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings | PUBLIC 579 |

## *Torts and Immunity, General*

Not Enacted

| | | |
|---|---|---|
| LD 1348 | An Act To Amend the Maine Tort Claims Act | DIED ON ADJOURNMENT |
| LD 1349 | Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver | DIED ON ADJOURNMENT |
| LD 1988 | An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility | ONTP |
| LD 2036 | An Act To Clarify Governmental Liability with Respect to Transfer Stations | ONTP |
| LD 2115 | An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas | ONTP |

## *Torts and Immunity, Medical Malpractice*

Not Enacted

| | | |
|---|---|---|
| LD 367 | An Act To Protect Emergency Room Personnel from Civil Liability | ONTP |
| LD 469 | An Act To Disseminate "Lessons Learned" from Medical Injury Claims | ONTP |
| LD 608 | An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases | ONTP |
| LD 684 | An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error | ONTP |
| LD 857 | Resolve, To Create A Medical Malpractice Study Group | ONTP |
| LD 1271 | An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties | ONTP |

## *Tribal-State Relations*

Enacted

| | | |
|---|---|---|
| LD 507 | An Act To Require the Accommodation of Religious Practices in Correctional Facilities | PUBLIC 546 |
| LD 1970 | Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group | RESOLVE 145 EMERGENCY |
| LD 2221 | An Act To Implement the Recommendations of the Tribal-State Work Group | PUBLIC 697 |

Not Enacted

| | | |
|---|---|---|
| LD 2306 | An Act To Amend the Definition of "Penobscot Indian Reservation" | ONTP |

## *Uncategorized*

Enacted

| | | |
|---|---|---|
| LD 2181 | An Act To Protect Consumers' Gift Card Interests | PUBLIC 696 |
| LD 2252 | An Act To Correct Errors and Inconsistencies in the Laws of Maine | PUBLIC 695 EMERGENCY |

Not Enacted

| | | |
|---|---|---|
| LD 1747 | An Act To Enact the Uniform Power of Attorney Act | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON LABOR

May 2008

**MEMBERS:**

SEN. ETHAN STRIMLING, CHAIR
SEN. NANCY B. SULLIVAN
SEN. DANA L. DOW

REP. JOHN L. TUTTLE, JR., CHAIR
REP. TROY DALE JACKSON
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**LD 125** **Resolve, To Expedite a Workers' Compensation Case** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | OTP-AM MAJ<br>ONTP MIN | |

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.

**Committee Amendment "A" (H-642)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, directs the Workers' Compensation Board to hold a hearing to review the case of Joseph Greenier and to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2009, which then may submit legislation relating to the report to the First Regular Session of the 124th Legislature.

**LD 297** **Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | ONTP | |

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.

**LD 412** **An Act To Clarify the Application of Prevailing Wage Requirements** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLARK | OTP-AM MAJ<br>ONTP MIN | |

This bill clarifies that in publicly-funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal acts, 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.

**LD 591** **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | ONTP MAJ<br>OTP-AM MIN | H-635 |

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 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.

**Committee Amendment "A" (H-635)**

This amendment, which is the minority report of the Joint Standing Committee on Labor, clarifies that the employee training requirement imposed by the bill applies only to state public works and only to those works entered into on or after July 1, 2009. It also increases the amount of the contract from $10,000 to $100,000 as the minimum bid for the application of the training requirement.

**LD 869** **Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | ONTP | |

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.

**LD 1032** **An Act To Improve Employment Opportunities for Persons with Disabilities in Maine** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | OTP-AM | S-395 |

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 "B" (S-395)**

This amendment replaces the appropriations and allocations section of the bill to reflect delay in the passage of this carry-over legislation.

**LD 1060** **Resolve, To Study the State's Career Center Network and Create a Sustainable System** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SAVIELLO | ONTP | |

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.

**LD 1223** **An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | |

This bill was reported by Senator Strimling for the Commission to Study Eliminating the Normal Retirment Age for Corrections Officers and Mental Health Workers pursuant to Resolve 2005, chapter 181.

The bill is 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.

**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** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WATSON | ONTP MAJ<br>OTP-AM MIN | |

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.

**LD 1345** **An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | ONTP | |

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.

**LD 1454 An Act To Care for Working Families** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NORTON | OTP-AM MAJ<br>ONTP MIN | |

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.

**Committee Amendment "A" (H-636)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, reduces the amount of paid sick leave required to be provided by employers. Under the bill, an employer is not required to provide an employee more than 9 days of sick leave annually. The amendment reduces the amount an employer is required to provide an employee from 9 days to 5 days of sick leave annually. The amendment also reduces from 5 to 3 the number of consecutive days of sick leave after which an employer may require verification of illness from an employee.

**LD 1585 An Act To Assist the Independent Medical Examiner Program for Workers' Compensation** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | ONTP | |

This bill changes independent medical examiner eligibility criteria which currently provide that a physician is ineligible where any Title 39-A, section 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 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.

**LD 1672 An Act Relating to Death Benefits for Certain Law Enforcement Officers** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-394 |

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 "B" (S-394)**

This amendment replaces the bill but preserves an altered version of that portion of the bill relating to death benefits for certain law enforcement officers.

Under current law, a state benefit of $50,000 is paid to the family of an eligible law enforcement officer who has died in the line of duty. Funding for the benefit comes from the Maine Budget Stabilization Fund. This amendment expands the list of eligible law enforcement officers to include forest rangers, Baxter State Park rangers, detectives employed by the Office of the Attorney General, investigative officers employed by the Department of Corrections, juvenile community corrections officers, probation officers, certain security officers appointed by the Commissioner of Public Safety, and motor vehicle investigators appointed by the Secretary of State. This amendment also removes an obsolete reference to liquor enforcement officers.

**LD 1693** **An Act To Restore Equity to the Maine Public Employees Retirement System** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted | |
|---|---|---|---|
| EDMONDS | OTP-AM MAJ<br>ONTP MIN | S-451 | |
| | | S-621 | RAYE |
| | | S-652 | MILLS P |

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.

**Committee Amendment "A" (S-451)**

This amendment does the following:

1. It reduces the early retirement reduction factor from 6% to 3% for members of the legislative retirement program and the judicial retirement program who are currently subject to the 6% reduction factor. This ensures consistency with the same reduction that is provided to members of the state employee and teacher retirement program under the bill;

2. It allows the Board of Trustees of the Maine Public Employees Retirement System to reduce the payment in fiscal year 2007-08 toward the unfunded actuarial liability of the state employee and teacher retirement program and, if such a reduction is made, to apply the balance of the amount appropriated for that purpose to fund the past service liabilities created by the benefits provided under the amended bill, the increase in normal cost in fiscal year 2008-09 associated with the benefits provided under the amended bill, and any increased unfunded liability payments required in fiscal year 2008-09 resulting from the reduced unfunded liability contribution in fiscal year 2007-08; and

3. It provides that the substantive changes to the Maine Public Employees Retirement System accomplished by this legislation take effect only if the Board of Trustees of the Maine Public Employees Retirement System determine that the reduction in the required unfunded liability payment in fiscal year 2007-08 is consistent with sound actuarial practice.

**Senate Amendment "E" (S-621)**

The bill, as amended by Committee Amendment "A," reduces the penalty for early retirement from 6% to 3% for

members of the state employee and teacher retirement plan, the legislative retirement plan and the judicial retirement plan. This amendment limits the reduction in penalty to only those employees who were already employed in a position that is covered under the State Employee and Teacher Retirement Program, the Legislative Retirement Program or the Judicial Retirement Program prior to the time the penalty was increased from 2.25% to 6% per year and only those employees who do not have the option to retire at 55 years of age under a special plan.

**Senate Amendment "G" (S-652)**

This amendment directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2009.

This unified pension and benefit plan would include the following provisions:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5% of the member's own contribution plus 6% interest if benefits are withdrawn as cash.

The amendment directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission to submit their report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters no later than December 10, 2008 and authorizes the committee to report out a bill to the First Regular Session of the 124th Legislature.

**LD 1697 An Act To Ensure Fair Wages** **PUBLIC 640**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | OTP-AM MAJ<br>ONTP MIN | S-452<br>S-570 STRIMLING<br>S-587 DOW<br>S-628 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 the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W.

The bill removes exemptions to the State's minimum wage and overtime laws. Removed from exempt status are domestic service providers, public and educational non-profit employees, and those working in hotels, motels, restaurants, and other eating establishments.

The bill 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.

**Committee Amendment "A" (S-452)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, does the following:

1. It lessens the increase in the minimum wage proposed in the bill. Rather than raising the minimum wage to $7.70 per hour in 2008 and to $8.40 per hour in 2009, the amendment raises the minimum wage to $7.35 per hour in 2008, to $7.70 per hour in 2009, and to $8.00 per hour in 2010;

2. It amends the date to begin the calculation of the adjusted minimum wage rate using the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, from September 30, 2009 to September 30, 2010; and

3. It removes the bill's proposed changes to the tip credit an employer may consider as part of the wages of a service employee.

**Senate Amendment "A" (S-570)**

This amendment reduces the increase in the minimum wage proposed in Committee Amendment "A" from $7.35 per hour in 2008 and $7.70 per hour in 2009 to $7.25 per hour in 2008 and $7.50 per hour in 2009. This amendment also eliminates the increase proposed for 2010 and eliminates the annual indexing.

**Senate Amendment "A" (S-587)**

This amendment removes provisions regarding employees' remedies and provisions that increase penalties for violation of the minimum wage laws.

**Senate Amendment "C" (S-628)**

This amendment requires the Department of Labor, Bureau of Labor Standards to perform any inspection or investigation associated with the removal of several major exemptions from the minimum wage and overtime provisions under the Act using its existing resources.

**Enacted Law Summary**

Public Law 2007, chapter 640 increases the minimum wage to $7.25 per hour on October 1, 2008 and to $7.50 per hour on October 1, 2009. It removes the exemption of domestic service providers, public and educational non-profit employees, and those working in hotels, motels, restaurants, and other eating establishments from the State minimim wage and overtime laws. It also requires the Department of Labor, Bureau of Labor Standards to use existing resources when performing any inspection or investigation associated with the removal of the exemptions from the minimum wage and overtime laws.

## LD 1931 An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process — PUBLIC 566

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM MAJ<br>ONTP MIN | S-475 |

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.

**Committee Amendment "A" (S-475)**

This amendment maintains current provisions of the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis, but extends the deadline for the merger of bargaining units represented by different collective bargaining agents until August 31, 2012.

**Enacted Law Summary**

Public Law 2007, chapter 566 maintains current provisions of the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis, but extends the deadline for the merger of bargaining units represented by different collective bargaining agents until August 31, 2012.

## LD 1934 An Act To Require the State To Divest Itself of Funds from Companies Doing Business with Iran — DIED BETWEEN HOUSES

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | OTP-AM | S-458 |

This bill requires the Treasurer of State and the Board of Trustees of the Maine Public Employees Retirement System to divest holdings from companies that do business with Iran.

**Committee Amendment "A" (S-458)**

This amendment requires only the Board of Trustees of the Maine Public Employees Retirement System, not the Treasurer of State, to divest state pension and annuity funds from companies that do business with Iran. It also adds a sunset provision repealing the requirement July 1, 2012.

**Senate Amendment "A" (S-530)**

This amendment narrows the requirement of divestiture contained in the bill, as amended by Committee Amendment "A." Under this amendment, the Board of Trustees of the Maine Public Employees Retirement System is required to divest itself of holdings in investments that contribute to the development of petroleum or natural gas resources of the Islamic Republic of Iran in an amount that totals more than $20,000,000 since Augusta 5, 1996. This

amendment also adds a contingent repeal to the legislation.

**LD 1996** **An Act To Allow Changes of Beneficiaries under the Maine Public Employees Retirement System** **PUBLIC 523 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BENOIT | OTP-AM | S-453 |

Current law allows a retiree to make a one-time change of the retiree's previously designated beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or former spouse of the retiree. This bill would allow a retiree to change a previously designated beneficiary more than once.

**Committee Amendment "A" (S-453)**

This amendment creates a one-time exception to the current law. This amendment would allow a retiree to change the retiree's previously chosen new beneficiary back to the original beneficiary.

**Enacted Law Summary**

Public Law 2007, chapter 523 creates an exception to the one-time beneficiary change permitted to a retiree under the Maine Public Employees Retirement System if the beneficiary is not the spouse or former spouse of the retiree. It permits the retiree who previously chose to exercise the one-time change in beneficiary to revert back to the originally named beneficiary.

Public Law 2007, chapter 523 was enacted as an emergency measure effective March 27, 2008.

**LD 2007** **An Act To Make Technical Corrections to the Employment Security Law** **PUBLIC 506 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | OTP-AM | S-437 |

This bill corrects a wording error in the definition of the Competitive Skills Scholarship Fund planned yield and updates a reference to the former Division of Labor Market Information within the Department of Labor. It is now called the Center for Workforce Research and Information.

**Committee Amendment "A" (S-437)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2007, chapter 506 corrects a wording error in the definition of the Competitive Skills Scholarship Fund planned yield and updates a reference to the former Division of Labor Market Information within the Department of Labor. It is now called the Center for Workforce Research and Information.

Public Law 2007, chapter 506 was enacted as an emergency measure effective March 20, 2008.

**LD 2055** **An Act To Improve the Elections Process under the Maine Labor Relations Board Laws** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | ONTP | |

This bill amends the labor relations laws for municipal public employees, state employees, judicial employees, and employees of the University of Maine System, the Maine Maritime Academy and the Maine Community College System as follows:

1. It requires the Executive Director of the Maine Labor Relations Board to conduct a hearing in the event of a dispute over the appropriateness of the composition of the proposed bargaining unit. The hearing must be scheduled to occur within 15 days of the filing of the petition, with the goal of completing the election within 45 days;

2. It requires an employer to recognize an employee organization that demonstrates majority support by the bargaining unit employees. Current law allows an employer to voluntarily recognize an employee organization or to ask for an election. Under this bill, unless the employer shows good cause to the board to believe that the majority support was obtained by fraud or duress, the employer must recognize the employee organization; and

3. It makes final the review by the Maine Labor Relations Board of a decision of the executive director. Current law allows a party to appeal the board's decision to the Superior Court. This bill removes that right and also removes the procedural specifications for how the board is to issue its decision.

The bill also standardizes the language of these labor relations laws, amending the laws to bring them into conformity with current drafting standards.

**LD 2095** **An Act To Ensure the Freedom of Family Child Care Providers To Jointly Negotiate with the State** **PUBLIC 672**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | OTP-AM MAJ<br>ONTP MIN | H-901<br>S-612 DIAMOND<br>S-692 ROTUNDO |

This bill does the following:

1. It provides for collective bargaining between the State and "Family child care providers" as defined in the bill;

2. It provides that the State be considered a public employer with regard to collective bargaining;

3. It specifies the issues the public employer and the bargaining agent are obligated to confer and negotiate in good faith upon. They include: subsidy reimbursement rates and procedures; access to health care insurance and other benefits; training and education opportunities for providers; mechanisms for improving the quality of care and the enforcement of regulations affecting the licensing of family child care providers; and governing the participation of providers in the child care subsidy program;

4. The bill delineates the procedure of submitting negotiated cost items for inclusion in the Governor's operating budget and that if the Legislature rejects any of the cost items submitted to it, those cost items be returned to the parties for further bargaining;

5. It states that only one bargaining unit may be recognized and that it consists of all family child care providers in the State;

6. It recognizes the initial bargaining agent selected by the family child care providers in October 2007;

7. It allows the bargaining agent and the State to agree to authorized deductions of service fees from subsidy payments by the State without signed authorization from the employee;

8. The bill states that family child care providers are deemed self-employed for any purpose except those designated in the bill; and

9. It states the intent to apply state action exemption to the application of federal and state antitrust laws to the family child care providers and their representatives.

**Committee Amendment "A" (H-901)**

This amendment adds to the definition section of the bill. In addition to "Family child care provider," it defines "Collective bargaining," and "Issues of mutual concern."

The amendment further delineates the collective bargaining process, adding contract grievance arbitration, payment procedures, member dues, and representation or service fees for nonmembers, while stating specifically that retirement benefits or coverage by the state employee health insurance program are not issues of mutual concern and may not be bargained for.

The amendment provides a procedure to resolve collective bargaining disputes. It also ensures that the Department of Health and Human Services and the family child care providers' collective bargaining agent work collaboratively in the establishment of this relationship.

**Senate Amendment "A" (S-612)**

This amendment grandfathers the membership, as of May 1, 2008, of an active regional or local family child care provider association incorporated as a nonprofit corporation with the Secretary of State. This grandfathered status allows, but does not require, the local association members to elect to become a member of the collective bargaining agent or to pay service fees pursuant to the collective bargaining agreement.

**Senate Amendment "B" (S-692)**

This amendment requires the Commissioner of Administrative and Financial Services to review vacant positions throughout State Government and identify one additional position to be eliminated to achieve a minimum savings of $106,952 in the General Fund.

**Enacted Law Summary**

Public Law 2007, chapter 672 provides for collective bargaining between the State and family child care providers.

It does the following:

1. It defines "Collective bargaining," "Family child care provider," and "Issues of mutual concern." Issues of mutual concern include training and other requirements and opportunities that are appropriate for providers; reimbursement rates; payment procedures; contract grievance arbitration; member dues deduction; representation or service fees for nonmembers; and any other changes to current practice that would improve recruitment and retention of qualified providers, would improve the quality of the programs provided, would encourage providers to seek additional education and training, and would promote the health and safety of providers and the children in their care.

2. It provides that the State be considered a public employer with regard to collective bargaining;

3. It delineates the procedure for collective bargaining of issues of mutual concern between the State and providers;

4. It supplies the process for submitting negotiated cost items for inclusion in the Governor's operating budget to the Legislature. It further explains that if the Legislature rejects any of the cost items submitted to it, those cost items be returned to the parties for further bargaining;

5. It states that only one bargaining unit may be recognized and that it consists of all family child care providers in the State;

6. It recognizes the initial bargaining agent selected by the family child care providers in October 2007;

7. It provides a procedure to resolve collective bargaining disputes;

8. It states that family child care providers are deemed self-employed for any purpose except those designated in the law;

9. It grandfathers the membership, as of May 1, 2008, of an active regional or local family child care provider association incorporated as a nonprofit corporation with the Secretary of State. This grandfathered status allows the local association members to elect whether to become a member of the collective bargaining agent or to pay service fees pursuant to the collective bargaining agreement;

10. It requires the Department of Health and Human Services and the family child care providers' collective bargaining agent work collaboratively in establishing a constructive relationship; and

12. It further requires the Commissioner of Administrative and Financial Services to review vacant positions throughout State Government and identify one additional position to be eliminated to achieve a minimum savings of $106,952 in the General Fund.

**LD 2127** **An Act To Increase the Per Diem for Members of the Workers' Compensation Board** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

This bill increases the compensation for Workers' Compensation Board members from $100 to $200 per day.

**LD 2132** **An Act To Amend the Family Medical Leave Laws To Include Siblings** **PUBLIC 519**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE<br>STRIMLING | OTP-AM | H-725 |

This bill allows an employee to take family medical leave for a sibling with a serious health condition or who dies.

**Committee Amendment "A" (H-725)**

This amendment modifies the bill to allow an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty if the sibling and the employee are jointly responsible for

each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

**Enacted Law Summary**

Public Law 2007, chapter 519 allows an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty if the sibling and the employee are jointly responsible for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

**LD 2146** **An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System** **PUBLIC 491**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | OTP | |

Public Law 2007, chapter 58 changed the name of the Maine State Retirement System to "Maine Public Employees Retirement System" to better reflect the broad range of groups that the system serves. This bill implements the effect of the name change.

**Enacted Law Summary**

Public Law 2007, chapter 491 implements the effect of the name change by clarifying how the various retirement plans and other programs administered by the Maine Public Employees Retirement System are referenced in the system's governing statutes.

**LD 2150** **An Act To Clarify Retirement Programs for Participating Local Districts** **PUBLIC 490 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CLARK | OTP | |

This bill makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system. These changes are proposed in anticipation of school district consolidation and other local and regional consolidation efforts and to promote choice of retirement plans for employers and employees.

**Enacted Law Summary**

Public Law 2007, chapter 490 makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system.

Public Law 2007, chapter 490 was enacted as an emergency measure effective March 7, 2008.

**LD 2177** **An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters** **PUBLIC 542**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-464 |

This bill implements the intent of PL 2005, chapter 636, Part B. It allows law enforcement officers and firefighters to carry service credit and compensation from a prior retirement plan to a new retirement plan within the Maine Public Employees Retirement System as long as they pay the additional cost of doing so.

**Committee Amendment "A" (S-464)**

This amendment makes clear that employer contributions are transferred to the new retirement plan when a law enforcement officer or firefighter elects to pay for portability of service and compensation under this bill.

**Enacted Law Summary**

Public Law 2007, chapter 542 allows law enforcement officers and firefighters to carry service credit and compensation, including employer's contributions, from a prior retirement plan to a new retirement plan within the Maine Public Employees Retirement System as long as the law enforcement officers and firefights elect to pay for the portability of service and compensation.

## LD 2205 An Act To Further Clarify Worker Payments for Clothing and Equipment — PUBLIC 524

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SMITH N | OTP | |

This bill prohibits an employer from charging an employee for uniforms, personal protective equipment and other tools of the trade. This bill clarifies that shirts and other items with a company logo are uniforms. It allows an employer to deduct the cost of cleaning and maintenance of a uniform upon written agreement with the employee. The bill also corrects a conflict created when Public Law 2007, chapter 357 and Public Law 2007, chapter 415 both substantively affected the same provision of law.

**Enacted Law Summary**

Public Law 2007, chapter 524 prohibits an employer from charging an employee for uniforms, personal protective equipment and other tools of the trade. It clarifies that shirts and other items with a company logo are uniforms. It allows an employer to deduct the cost of cleaning and maintenance of a uniform upon written agreement with the employee.

## LD 2273 Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry — RESOLVE 189 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | | S-492 MARTIN |

This resolve provides for the immediate suspension until June 1, 2009 of the requirements of the Maine Revised Statutes, Title 26, chapter 18, which regulates rates of compensation for forest products harvesting and hauling services, except for the section of that chapter that allows harvesters or haulers to form an association for rate determination proceedings. The suspension may be lifted by the Governor prior to June 1, 2009 if the Legislature is not in session.

This resolve also requires the Department of the Attorney General to conduct a study of the statewide market for forest products harvesting and hauling services and to submit legislation implementing the department's recommendations. The final report must be submitted by January 15, 2009.

**Senate Amendment "A" (S-492)**

This amendment changes the reference to the committee of jurisdiction and clarifies that certain records obtained by the Department of the Attorney General in conducting its study may be kept confidential pursuant to law.

**Enacted Law Summary**

Resolve 2007, chapter 189 provides for the immediate suspension until June 1, 2009 of the requirements of the Maine Revised Statutes, Title 26, chapter 18, which regulates rates of compensation for forest products harvesting and hauling services, except for the section of that chapter that allows harvesters or haulers to form an association for rate determination proceedings. The suspension may be lifted by the Governor prior to June 1, 2009 if the Legislature is not in session.

This resolve also requires the Department of the Attorney General to conduct a study of the statewide market for forest products harvesting and hauling services and to submit legislation implementing the department's recommendations. The final report must be submitted by January 15, 2009.

Resolve 2007, chapter 189 was enacted as an emergency measure effective April 8, 2008.

**LD 2285** **An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog"** **PUBLIC 664**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ | H-943 |
| | ONTP MIN | S-598 STRIMLING |

This bill implements the recommendations of the task force convened by the Commissioner of Labor to evaluate and recommend, among other things, revisions to the definition of "service dog" pursuant to Resolve 2007, chapter 96.

The bill defines "service animal" as animals determined necessary for individuals with both physical and mental disabilities. The bill replaces the current statutory terms "guide dog," "trained dog" and "personal care dog" with the new term "service animal" or "service dog."

The bill clarifies the procedures and criteria for licensing a service dog with a municpality.

The bill amends the Maine Human Rights Act by adding language protecting the use of service animals in housing and in public. It also increases the maximum fine for misrepresentation of a service animal from $100 to $500.

**Committee Amendment "A" (H-943)**

This amendment clarifies the definition of "service animal" by stating it "must be necessary to mitigate the effects of a physical or mental disability" as determined by a medical professional or is an animal "individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability."

It further amends the bill by striking out references to the mentally disabled in sections of the Maine Revised Statutes, Title 17, chapter 47, subchapter 2.

**Senate Amendment "A" (S-598)**

This amendment retains reference to the mentally disabled in sections of the Maine Revised Statutes, Title 17, chapter 47, subchapter 2.

**Enacted Law Summary**

Public Law 2007, chapter 664 defines "service animal" as any animal determined necessary to mitigate the effects of a physical or mental disability or as any animal trained to do work for individuals with physical or mental

disabilities. It replaces the current statutory terms "guide dog," "trained dog" and "personal care dog" with the new term "service animal" or "service dog." It clarifies the procedures and criteria for licensing a service dog with a municipality. It amends the Maine Human Rights Act by adding language protecting the use of service animals in housing and in public. It also increases the maximum fine for misrepresentation of a service animal from $100 to $500.

**LD 2318 Resolve, To Appoint Members to and Establish Terms for the Workers' Compensation Board** **RESOLVE 208**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TUTTLE | | S-625 STRIMLING |

This resolve does the following:

1. Requires the employer and labor organizations designated in the Maine Revised Statutes, Title 39-A, section 151, subsection 1 to each submit to the Governor, no later than July 20, 2008, a list of no fewer than 12 names of proposed board members to the Workers' Compensation Board;

2. Requires the Governor to nominate, by February 1, 2009, 3 management representatives and 3 labor representatives to serve on the Workers' Compensation Board;

3. Requires incumbent members of the Workers' Compensation Board representing management and labor to resign their positions on the board effective no later March 1, 2009;

4. Establishes the conditions under which incumbent members of the board may be appointed under this resolve; and

5. Establishes the terms of the members appointed to the Workers' Compensation Board pursuant to this resolve.

**Senate Amendment "A" (S-625)**

This amendment specifies that the employer and labor organizations designated to submit names of proposed board members each submit 3 lists of no fewer than 4 names, rather than one list of no fewer than 12 names as proposed in the bill.

**Enacted Law Summary**

Resolve 2007, chapter 208 does the following:

1. It requires the employer and labor organizations designated in the Maine Revised Statutes, Title 39-A, section 151, subsection 1 to each submit to the Governor, no later than July 20, 2008, 3 lists of no fewer than 4 names of proposed board members to the Workers' Compensation Board;

2. It requires the Governor to nominate, by February 1, 2009, 3 management representatives and 3 labor representatives to serve on the Workers' Compensation Board;

3. It requires incumbent members of the Workers' Compensation Board representing management and labor to resign their positions on the board effective no later March 1, 2009;

4. It establishes the conditions under which incumbent members of the board may be appointed under this resolve; and

5. It establishes the terms of the members appointed to the Workers' Compensation Board pursuant to this resolve.

# *Joint Standing Committee on Labor*

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**Not Enacted**

| | | |
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Not Enacted

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Not Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Enacted

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Not Enacted

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| LD 125 | Resolve, To Expedite a Workers' Compensation Case | ACCEPTED ONTP REPORT |
| LD 1585 | An Act To Assist the Independent Medical Examiner Program for Workers' Compensation | ONTP |
| LD 2127 | An Act To Increase the Per Diem for Members of the Workers' Compensation Board | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

May 2008


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**LD 701** **An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town** **VETOED**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| LORING<br>SCHNEIDER | OTP-AM | H-788<br>H-923 PATRICK<br>S-582 MARRACHE |

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 "B" (H-788)**

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:

1. 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;

2. Two and one half percent to the University of Maine System Scholarship Fund;

3. Two and one half percent to the Maine Community College System to fund its scholarships program;

4. Five percent to the Maine Community College System;

5. Five percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;

6. Five percent to the Maine Technology Institute;

7. 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;

8. 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

9. Five percent to be distributed to other federally recognized Indian tribes in the State that are not licensed to operate slot machines.

**House Amendment "B" (H-923)**

This amendment incorporates the changes made by House Amendment "A" to Committee Amendment "B" and reduces the initial application fee and the annual renewal fee for a license to operate slot machines held by a federally recognized Indian tribe licensed to operate high-stakes beano to reflect the lower number of slot machines that are authorized to be operated.

**Senate Amendment "A" (S-582)**

This amendment restricts eligibility for a license to operate slot machines to a federally recognized Indian tribe located on Indian Island.

**LD 1150 An Act To Establish Random Audits of Voting Machines** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE<br>EDMONDS | ONTP | |

This bill, which was carried over from the First Regular Session, establishes a procedure for regular scientific audits of the State's election machinery on a biennial basis, by means of manually recounting the ballots from a random sample from 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 1393 An Act Regarding Grassroots Lobbying** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | S-479 |

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 from the First Regular Session to be used as a vehicle to consider proposals regarding lobbying and lobbyist disclosure made by other bills that were voted ought not to pass.

**Committee Amendment "A" (S-479)**

This amendment replaces the bill. The amendment defines "grassroots lobbying." It provides that a person who already files reports as a lobbyist must disclose grassroots lobbying payments and expenditures in their monthly reports. For a person who does not file reports as a lobbyist, the amendment requires disclosure of grassroots lobbying expenditures once $2,000 has been spent on grassroots lobbying.

**LD 1394 An Act Regarding Campaign Finance Disclosure by Political Action Committees** **PUBLIC 477**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | S-402 |

This bill, which was carried over from the First Regular session, 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 refers to 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.

**Committee Amendment "A" (S-402)**

This amendment replaces the bill. It amends the definition of "political action committee" by adding clarifying language and by including in the definition, any organization whose major purpose is not influencing candidate elections but spends more than $5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office. The amendment specifies that political action committees must file a report with the Commission on Governmental Ethics and Election Practices within 7 days of meeting the definition of "political action committee" and clarifies what must be included in the report. This amendment also changes the reporting threshold from $1,500 to $5,000 for persons who are not political action committees but make expenditures, including paid staff resources, for the purposes of influencing a ballot measure. Those required to file a report under this requirement are called ballot question committees. Ballot question committees, under this amendment, are required to report expenditures and contributions from a single source aggregating in excess of $100 in any election that were made for the purpose of influencing a ballot measure. The amendment specifies what is considered a contribution for the purposes of filing a ballot measure committee report and details record-keeping requirements.

**Enacted Law Summary**

Public Law 2007, chapter 477 amends the definition of "political action committee" by adding clarifying language and by including in the definition, any organization whose major purpose is not influencing candidate elections but spends more than $5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office. It specifies that political action committees must file a report with the Commission on Governmental Ethics and Election Practices within 7 days of meeting the definition of "political action committee" and clarifies what must be included in the report. It also changes the reporting threshold from $1,500 to $5,000 for persons who are not political action committees but make expenditures, including paid staff resources, for the purposes of influencing a ballot measure. Those who file a report under this requirement are called ballot question committees. Under chapter 477, ballot question committees, are required to report expenditures and contributions from a single source aggregating in excess of $100 in any election that were made for the purpose of influencing a ballot measure. Finally, this law specifies what is considered a contribution for the purposes of filing a ballot measure committee report and details record-keeping requirements.

**LD 1744 An Act To Join the Interstate Compact on the National Popular Vote** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP MAJ<br>ONTP MIN | |

This bill was carried over from the First Regular Session, 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 1799** **An Act To Establish Open Ballot Voting in Maine** **DIED IN CONCURRENCE**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE | OTP-AM MAJ<br>ONTP MIN | |

This bill, which was carried over from the First Regular Session, establishes a definition of minor party and establishes a system where minor parties may nominate, by convention, candidates from "major" parties as their own candidate for general election. Under this bill, a minor party is formed if a designated candidate received votes in the last election equal to or greater than 2 ½% of the total votes cast for governor in either of the two preceding general elections or if the proposed minor party obtains signatures on a petition to establish the party equal to or greater than 2 ½% of the total votes cast for governor at the last election. Once established as a minor party, a candidate is selected by the party at convention. For major party candidates to be nominated by a minor party, a nominating petition for that candidate must list the minor party. Once nominated, that candidate is listed on the ballot next to the name of each party for which that candidate received a nomination.

**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** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MOORE G<br>SNOWE-MELLO | ONTP MAJ<br>OTP-AM MIN | |

This bill, which was carried over from the First Regular session, permits the operation of 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. 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 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** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | JT RULE 309 | |

This bill is a concept draft pursuant to Joint Rule 208 and was carried over from the First Regular session. 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. The recommendations from the committee proposed amending the definition of gross slot machine income and net slot machine income as well as changes to how the revenue from slot machines is distributed to the general fund.

**LD 1966** **Resolve, To Allow John Jorgensen To Sue the State** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BENOIT | ONTP | |

This resolve authorizes John Jorgensen to bring a civil action against the Department of Transportation for damages in connection with actions taken by the Department of Transportation. The resolve allows up to $4,000,000 in damages for injuries incurred in an accident that has already resulted in medical bills of nearly $600,000 for Mr. Jorgensen.

**LD 1985** **An Act To Meet the Emergency Needs of Maine Veterans** **PUBLIC 678 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM | S-468<br>S-691 ROTUNDO |

This bill increases from $500 to $5,000 the amount of a grant that may be made by the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to a veteran who suffers an emergency, such as the loss of that veterans home to fire, flood or hurricane, that is not fully compensable by insurance, or an illness or the illness of an immediate family member or similar emergency. It also provides an appropriation of $250,000 to fund the grants.

**Committee Amendment "A" (S-468)**

This amendment provides criteria for the award of grants under the emergency veterans assistance program. It strikes the increased distribution amounts proposed by the bill. The amendment replaces the appropriations and allocations section of the bill so that the money provided will be used to fund additional veterans services officers.

**Senate Amendment "A" (S-691)**

This amendment removes the General Fund appropriation to the Department of Defense, Veterans and Emergency Management of $250,000 in fiscal year 2008-09 for a Veterans Services Officer position in Portland, a mobile Veterans Service Officer position, an Office Associate position, and related administrative and operating costs, and instead adds a one-time General Fund appropriation of $85,000 to the Department of Defense, Veterans and Emergency Management in fiscal year 2008-09 for a contracted mobile Veterans Service Officer position and related administrative and operating costs and increases the amounts transferred to the General Fund from the Accident, Sickness and Health Insurance Internal Service Fund and the Retiree Health Insurance Internal Service Fund from savings achieved through changes adopted by the State Employee Health Commission by $117,873 in fiscal year 2008-09.

**Enacted Law Summary**

Public Law 2007, chapter 678 provides criteria for the award of grants under the emergency veterans assistance program. It also provides for a one-time appropriation of $85,000 to the Bureau of Veterans Services within the Department of Defense, Veterans and Emergency Management for a contracted mobile Veterans Services Officer.
It also requires a study to determine the need and potential benefits of continuing this position as well as that of a Veterans Services Officer in Portland.

Public Law 2007, chapter 678 was enacted as an emergency measure effective April 23, 2008.

## LD 1987 An Act To Allow Direct-to-consumer Wine Sales

**DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROMLEY | ONTP MAJ<br>OTP-AM MIN | S-575 |

This bill establishes a new license that allows an out-of-state alcoholic beverage producer, supplier, importer, wholesaler, distributor or retailer to ship wine directly to consumers in Maine. To obtain this non-resident shipper license, the applicant must first obtain a certificate of approvial license from the state and show proof of their out-of-state alcoholic beverage license. The registration and annual renewal fee for the non-resident shipper license is $100.

The bill requires that a person who wishes to have wine directly shipped to them must be at least 21 years of age and register with the Division of Liquor Licensing within the Department of Public Safety. Shipments of wine delivered under a non-resident shipper license are required to be labeled that they contain alcohol and can not be delivered to someone younger than age 21.

The bill requires a non-resident shipper to submit an annual report listing the number of wine bottles shipped during

the prior calendar year and provides that the the Division of Liquor Licensing may audit the shipper's records at any time. The bill requires a non-resident shipper to pay sales taxes and register with the Bureau of Revenue Services as a retailer. Finally, the bill requires the adoption of rules to allow for compliance with Maine's bottle deposit law.

**Committee Amendment "A" (S-575)**

This amendment strikes the section of the bill that establishes a nonresident shipper's license and replaces it with a section that establishes a direct shipper license. A direct shipper license allows in-state or out-of-state licensed entities to ship up to 12 cases of wine to recipients who are 21 years of age or older. The direct shipper or 3rd-party carrier contracted by the shipper must determine proof of age in order to make a delivery. Wine shipments must be conspicuously labeled that they contain alcohol and may be delivered only to a person 21 years of age or older. The amendment clarifies that a direct shipper is required to pay all applicable taxes, including excise and premium taxes on wine. The amendment also provides greater detail in what is required to be reported by direct shippers and lists specific penalties for specific violations of laws governing the direct shipment of wine.

## LD 2015 An Act To Ensure Integrity in Financing Publicly Funded Campaigns — PUBLIC 567

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | OTP-AM | H-793 |

This bill prohibits a Maine Clean Election Act candidate from spending Maine Clean Election Act funds on himself or herself, a member of the candidates immediate family or a business affiliated with the candidate. It also prohibits the use of Maine Clean Election Act funds to pay or reimburse a member of the candidates immediate family for services provided to the candidates campaign.

**Committee Amendment "A" (H-793)**

This amendment replaces the bill. The amendment prohibits the use of funds from the Maine Clean Election Fund as payment to a member of a candidate's household, unless the candidate provides evidence that the payment was for a legitimate campaign expense for goods and services priced at a fair market value and that the household member provides those goods or services as a regular part of their occupation or business. The amendment also requires that candidates who are not certified as Maine Clean Election Act candidates disclose when they use campaign funds to pay a household member for campaign-related goods or services.

**Enacted Law Summary**

Public Law 2007, chapter 567 prohibits the use of funds from the Maine Clean Election Fund as payment to a member of a candidate's household, unless the candidate provides evidence that the payment was for a legitimate campaign expense for goods and services priced at a fair market value and that the household member provides those goods or services as a regular part of their occupation or business. It also requires that candidates who are not certified as Maine Clean Election Act candidates disclose when they use campaign funds to pay a household member for campaign-related goods or services.

## LD 2068 An Act To Amend the Laws Governing Lobbyist Disclosure — PUBLIC 630

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | OTP-AM MAJ<br>OTP-AM MIN | H-895 |

This bill makes changes to the laws regarding lobbyist disclosure procedures. It eliminates from the definition of "expenditure" compensation paid to a lobbyist and the costs of so-called "gross roots" lobbying. It adds the term

"domestic partner" in the definition of "immediate family." It broadens the requirement that state employees who influence legislation register with the Commission on Governmental Ethics and Election Practices. It repeals the Maine Revised Statutes, Title 3, section 315, the substance of which is retained in section 315-A. It requires the commission to publish an online photographic guide to lobbyists organized by legislative committee and requires that lobbyists submit photographs unless the lobbyists have waivers from the commission. It requires lobbyists to submit additional information about their employers when they register. It provides the commission authority to audit and investigate information contained in lobbyists' and employers' registrations and reports and grants the commission subpoena power to accomplish this.

**Committee Amendment "A" (H-895)**

This amendment is the majority report of the committee. It establishes a definition of "covered official" and "domestic partner" as that term is used in the definition of "immediate family." It also establishes a definition of "legislative designee" to describe employees of state agencies who lobby the Legislature on behalf of the state agency and requires them to register as designees within 15 days of the beginning of a regular legislative session. The amendment requires a legislative designee to complete a registration form that includes the business address and website of the designee's agency, a description of the agency and the legislative interests the designee is intending to influence. The amendment requires this information, like similar information reported by lobbyists, to be available on a publicly accessible website. The amendment makes clarifications to the reporting requirements for lobbyists to correct ambiguous language. Finally, the amendment authorizes the Commission on Governmental Ethics and Election Practices to conduct investigations with regard to alleged violations of the laws governing lobbying.

**Enacted Law Summary**

Public Law 2007, chapter 630 establishes a definition of "covered official" and "domestic partner" as that term is used in the definition of "immediate family." It also establishes a definition of "legislative designee" to describe employees of state agencies who lobby the Legislature on behalf of the state agency and requires them to register as designees within 15 days of the beginning of a regular legislative session. This law requires a legislative designee to complete a registration form that includes the business address and website of the designee's agency, a description of the agency and the legislative interests the designee is intending to influence. It also requires this information, like similar information reported by lobbyists, to be available on a publicly accessible website. Chapter 630 makes clarifications to the reporting requirements for lobbyists to correct ambiguous language. Finally, this law authorizes the Commission on Governmental Ethics and Election Practices to conduct investigations with regard to alleged violations of the laws governing lobbying.

**LD 2069** **An Act To Update Department of Defense, Veterans and Emergency Management Laws** **PUBLIC 521 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| COTTA | OTP-AM | H-752 |

This bill amends various provisions of the laws governing veterans' services and benefits. It amends the section of law governing eligibility for burial at the Maine Veterans Cemetery to include a person who died while serving in the Active Guard Reserve and whose death is determined to be in the line of duty. It also amends the section of law governing eligibility for temporary and emergency assistance offered to veterans to specify that the veteran must be a current resident of the state for at least a one year period.

The bill addresses provisions in the law governing educational benefits offered to veterans and their dependents by clarifying the definition of child to mean a "natural" child or a child who was adopted prior to the age of 18. It also removes the age limit of 25 years regarding being eligible for tuition benefits and specifies that a widow or widower is eligible for the education benefits if they have not remarried after the death of the veteran spouse and that these benefits are available to only one spouse per veteran. The bill also provides that the benefit recipient must be a state resident throughout the duration of time when the benefits offered under the educational benefits program. Lastly,

the bill replaces 8 semesters with 120 credit hours when describing the extent of the benefits provided.

**Committee Amendment "A" (H-752)**

This amendment strikes the one-year residency requirement for eligibility for certain veterans benefits and adds a provision that directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to verify residency. The amendment also makes retroactive to September 1, 2007 the section of the bill that clarifies that education benefits for spouses of veterans are good for 120 credit hours. Finally, this amendment adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2007 chapter 521 makes various changes to the laws governing veterans' services and benefits. It amends the section of law governing eligibility for burial at the Maine Veterans Cemetery to include a person who died while serving in the Active Guard Reserve and whose death is determined to be in the line of duty. It also changes the section of law governing eligibility for temporary and emergency assistance offered to veterans to require the Bureau of Veterans Services to verify Maine residency.

Chapter 521 also addresses provisions in the law governing educational benefits offered to veterans and their dependents by clarifying the definition of child to mean a "natural" child or a child who was adopted prior to the age of 18. It also removes the age limit of 25 years old regarding being enrolled in a degree program to be eligible for tuition benefits and specifies that a widow or widower is eligible for the education benefits if they have not remarried after the death of the veteran spouse and that these benefits are available to only one spouse per veteran. The law provides that the benefit recipient must be a state resident throughout the duration of time when the benefits offered under the educational benefits program. Lastly, chapter 521 replaces 8 semesters with 120 credit hours when describing the extent of the benefits provided and makes this change retroactive to September 2007.

Public Law 2007, chapter 521 was enacted as an emergency measure effective May 27, 2008.

## LD 2070 An Act To Improve the Campaign Finance Laws and Their Administration

**PUBLIC 571**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | OTP-AM | H-824 |

This bill makes several changes to the provisions of law governing the Commission on Governmental Ethics and Election Practices. It clarifies existing language that disqualifies a person from serving on the commission if that person is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee and makes the appropriate statutory references in this regard. It also provides that a member of the commission may be removed by the Governor upon the direction of both branches of the Legislature or by impeachment as provided in the Constitution of Maine. The bill creates a new section of law that describes what constitutes a conflict of interest for a commission member and what is required when a member has such a conflict of interest.

The bill provides that working papers as part of an audit are confidential and are not permitted to be disclosed to anyone except the commission, the audited entity, necessary people conducting the audit and law enforcement.

The bill adds a new provision in law that restricts the use of contributor information contained in commission reporting databases for commercial purposes. It allows for traditional uses for this information like using the information to send political literature, for get out the vote activities and contacting Mainers to raise funds to influence Maine elections. It would prohibit using the database to sell goods and services, or to sell the information to other database companies, fundraising by charities and fundraising by non-electoral political organizations.

The bill also adds language regarding the submission of reports required by the commission and clarifies that reports due to municipal clerks must be submitted by the close of business in the municipal clerk's office.

The bill provides that a list in electronic format of the names and addresses of persons who make $5 MCEA qualifying contributions over the internet are available only to the candidate or someone designated by the candidate.

Finally, this bill proposes a new provision to address using Maine Clean Election Act funds to family members. It states that when a certified candidate pays an immediate family member or a business or non-profit affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship.

**Committee Amendment "A" (H-824)**

This amendment adds language requiring disclosure statements from members of the Commission on Governmental Ethics and Election Practices and clarifies a process established in the bill for the removal of members from the commission. The amendment strikes language regarding complaints alleging conflict of interest on behalf of members of the Commission on Governmental Ethics and Election Practices. The amendment clarifies the portions of the bill that create an exception to the law governing public records to narrow its scope. Finally, the amendment corrects an error in existing law regarding seed money contributions under the Maine Clean Election Act.

**Enacted Law Summary**

Public Law 2007, chapter 571 makes changes to the laws governing the Maine Commission on Governmental Ethics and Election Practices and the laws governing campaign finance. It clarifies existing language that disqualifies a person from serving on the commission if that person is an officer, director, employee or primary decision maker of a party committee, political action committee or candidate committee and makes the appropriate statutory references in this regard. It also provides that a member of the commission may be removed by the Governor upon the direction of both branches of the Legislature or by impeachment as provided in the Constitution of Maine. The law describes what constitutes a conflict of interest for a commission member and what is required when a member has such a conflict of interest. It also specifies meeting notice requirements and the procedure for telephone meetings held by the Commission.

Chapter 571 specifies when investigative working papers are confidential and provides what information is available to the public regarding Maine Clean Election Act qualifying contributions made via the internet. The law also adds a new provision that restricts the use of contributor information contained in commission reporting databases for commercial purposes.

This law adds language regarding the submission of reports required by the commission and clarifies that reports due to municipal clerks must be submitted by the close of business in the municipal clerk's office.

Chapter 571 also corrects an error regarding seed money contributions collected by candidates to receive money from the Maine Clean Election Act fund. Finally, it proposes a new provision to address using Maine Clean Election Act funds to family members. It states that when a certified candidate pays an immediate family member or a business or non-profit affiliated with a member of the candidate's immediate family, the candidate must disclose the family relationship.

Public Law 2007, chapter 571 was enacted as an emergency measure and took effect on April 7, 2008.

**LD 2110 An Act To Amend the Election Laws** **PUBLIC 515**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | OTP-AM | H-737 |

This bill amends the section of law in Title 5 that implements the Constitutional requirement that a statement from the Treasurer of State accompany a bond question on the ballot for ratification by the voters. The bill would allow

for that statement to be included on a separate piece of paper to accompany the ballot. It would be provided to voters at the voting place as well as distributed with absentee ballots.

Current law allows for a person to register as a voter anew in a municipality by mail and states that the applicant's qualification as a voter is presumed. However, the bill also specifies that an application for voter registration received by email does not establish a presumption that the applicant is a qualified voter.

The bill also adds to what is required to be included on the printed incoming voting list. The additional field to be included would indicate whether or not that particular voter is required to show identification prior to voting. The bill replaces the requirement that the incoming voter list be available before election day with the requirement that the "current voter list" be available. It requires what is to be included on a current voter list to be available before the polls are opened on election day. It states that the list must include only the following: name; residence address; enrollment status; electoral district; voter status as active or inactive; voter record number; and special designations indicating uniformed service voters, overseas voters or township voters. It also describes what information is kept confidential for those voters in the Address Confidentiality Program. Current law provides that the incoming voter list be sealed after the election for a period of 10 days. This bill reduces that time to 5 business days after the election once the clerk verifies that no recount has been requested. It also provides that a recount is automatic for races where the difference in votes between the candidates is less than 1% of the total votes cast in that race.

The bill provides language that would give municipalities the option of accepting absentee ballot applications by email. The municipality would be required to notify the Secretary of State at least 120 days before an election if they choose to accept these email applications. The list of municipalities that offer this would be posted on the website of the Secretary of State. The form for this application would be designed or approved by the Secretary of State.

Finally, this bill reduces the number of days from 10 to 5 by which the municipal election clerk must update the list of absentee voters in the Central Voter Registration System.

**Committee Amendment "A" (H-737)**

This amendment strikes from the bill the provisions that would make a recount automatic for races with a margin of less than 1% of the total votes cast in a race. In order for a recount to occur under this amendment it must be requested by the apparent losing candidate.

**Enacted Law Summary**

Public Law 2007 chapter 515 makes several changes to the laws governing elections. It provides that a statement from the Treasurer of State that accompanies a bond question on the ballot for ratification by the voter may be included on a separate piece of paper to accompany the ballot. It would be provided to voters at the voting place as well as distributed with absentee ballots.

Current law allows for a person to register as a voter anew in a municipality by mail and states that the applicant's qualification as a voter is presumed. Chapter 515 specifies that an application for voter registration received by email does not establish a presumption that the applicant is a qualified voter.

Chapter 515 adds to what is required to be included on the printed incoming voting list to indicate whether or not a particular voter is required to show identification prior to voting. The law replaces the requirement that the incoming voter list be available before election day with the requirement that the "current voter list" be available and requires what is to be included on a current voter list to be available before the polls are opened on election day. It states that the list must include only the following: name; residence address; enrollment status; electoral district; voter status as active or inactive; voter record number; and special designations indicating uniformed service voters, overseas voters or township voters. It also describes the information that is kept confidential for those voters in the Address Confidentiality Program. Current law provides that the incoming voter list be sealed after the election for a period of 10 days. This law reduces that time to 5 business days after the election once the clerk verifies that no

recount has been requested.

The law provides that for races where the difference in votes between the candidates is less than 1% of the total votes cast in that race, a recount will occur only if requested.

Chapter 515 gives municipalities the option of accepting absentee ballot applications by email. The municipality would be required to notify the Secretary of State at least 120 days before an election if they choose to accept these email applications. The list of municipalities that offer this would be posted on the website of the Secretary of State. The form for this application would be designed or approved by the Secretary of State.

Finally, this law reduces the number of days from 10 to 5 by which the municipal election clerk must update the list of absentee voters in the Central Voter Registration System.

**LD 2130** **Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting** **RESOLVE 164**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>ONTP MIN | H-738 |

This bill allows an otherwise eligible person to preregister to vote upon reaching 16 years of age. Once preregistered, that person is automatically registered to vote when that person reaches 18 years of age or when that person meets the voting age qualification for voting in a primary election under the Maine Revised Statutes, Title 21-A, section 111-A, whichever occurs first. The bill directs the Secretary of State to adopt such routine technical rules as are necessary to implement this process. The bill requires that preregistration forms be publicly available at all offices of the Department of the Secretary of State, Bureau of Motor Vehicles and be provided to all municipal registrars. The Secretary of State is also directed to undertake efforts to ensure that youth are aware of the preregistration option.

**Committee Amendment "A" (H-738)**

This amendment replaces the bill with a resolve directing the Secretary of State to work with the Legislative Youth Advisory Council to develop a program that would distribute informational literature about voting to public high schools in the State and branches of the Bureau of Motor Vehicles. It also requires the Secretary of State to submit recommended legislation by March 1, 2009 incorporating this program into the duties of the Secretary of State required by statute.

**Enacted Law Summary**

Resolve 2007 chapter 164 directs the Secretary of State to work with the Legislative Youth Advisory Council to develop a program that would distribute informational literature about voting to public high schools in the State and branches of the Bureau of Motor Vehicles. It also requires the Secretary of State to submit recommended legislation by March 1, 2009 incorporating this program into the duties of the Secretary of State required by statute.

**LD 2134** **An Act To Allow for Annual Super Tournament Games by Nonprofit Charitable Organizations** **HELD BY GOVERNOR**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | OTP-AM MAJ<br>ONTP MIN | S-576 |

This bill makes the following changes to the laws governing games of cards, including cribbage, sponsored by charitable and fraternal organizations.

1. It increases the allowable daily entry fee from $1 to $5.

2. It increases the license fee from $7.50 to $30.

3. It specifies that a game of cards may not consist of more than 60 players at any one time.

This bill also authorizes the Chief of the State Police to issue a tournament game license for cribbage, with a maximum of 1,000 players, once per calendar year.

**Committee Amendment "A" (S-576)**

This amendment replaces the bill. The amendment allows for organizations eligible to conduct tournament games to get a license to conduct one super tournament annually. A super tournament license allows for a maximum of 1,000 players. The license has the same $100 maximum entry fee as regular tournaments but a super tournament may not collect more than $10,000 in entry fees.

**LD 2178** **An Act To Increase Public Confidence in Government by Expanding Public Disclosure** **PUBLIC 704**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM MAJ<br>OTP-AM MIN | H-959 FITTS<br>S-523 |

This bill expands the list of information that Legislators and executive branch officials are required to list on financial disclosures to include information on real estate interests, investment interests, positions held as officers and directors of entities and the names of and interests held by immediate family members of Legislators and executive branch officials. The bill also requires that completed disclosure forms of Legislators and executive employees, including the Governor, be made available over the Internet. The requirement for Internet publication of the completed forms applies to Legislators' disclosure of sources of income, reportable liabilities, bids on government contracts and updating statements and candidate disclosure forms and executive employee statements of sources of income.

**Committee Amendment "A" (S-523)**

This amendment is the majority report. This amendment adds to the list of things to be disclosed as proposed in the bill. New disclosures regarding real property and investment interests will begin to be reported in 2010 after the reporting form designed by the Commission on Governmental Ethics and Election Practices is reviewed by the joint standing committee of the Legislature having jurisdiction over governmental ethics matters. It adds a requirement that job titles be disclosed for each reportable source of income for Legislators, executive employees and members of their immediate families. The amendment specifies that the value of real property and investments is disclosed by indicating a range of value. It also clarifies that when reporting the location of reportable real property, the township or municipality where the property is located is sufficient.

**House Amendment "E" (H-959)**

This amendment removes the requirement that Legislators and certain executive branch employees disclose the range of income derived from each source with respect to income earned by immediate family members of Legislators and certain executive branch employees. It also removes the requirement that Legislators and certain executive branch employees disclose certain real property and investment interests. It provides that statements filed by executive branch employees regarding positions held by those employees and their immediate family members

must be filed with the Commission on Governmental Ethics and Election Practices rather than with the Secretary of State.

**Enacted Law Summary**

Public Law 2007, chapter 704 requires that members of the Legislature and certain executive branch employees include sources of income of their spouse, domestic partner and any dependent children when reporting sources of income of income over $1000. It also requires new reports by 2010, from Legislators and certain executive branch employees including their spouses, domestic partners and dependent children. This report will disclose any offices, trusteeships, directorships and other position with a firm, corporation, association, partnership or business held during a preceding calendar year. These reports will be maintained by the Commission on Governmental Ethics and Election Practices and will be posted on a publicly accessible website.

**LD 2206 An Act To Amend the Tournament Games Laws** **PUBLIC 610**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | OTP-AM | S-546 |

This bill provides that a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization is authorized to hold a maximum of 6 "Texas hold 'em" poker tournaments annually without obtaining a license from the Chief of the State Police if the organization possesses a building or facility in which to hold the tournaments and has been in existence and founded, chartered or organized in the State for at least 7 years.

**Committee Amendment "A" (S-546)**

This amendment replaces the bill. It changes the per player fee structure for tournament games to be a flat $200 license fee. It provides that the organization licensed to conduct tournament games may add to the player entry fee to defray the cost of the license. The amendment also removes the provision that requires the licensee to distribute 75% of the proceeds remaining after paying prizes to players to the specific charitable purposes listed on the application.

**Enacted Law Summary**

Public Law 2007, chapter 610 changes the per player fee structure for tournament games to be a flat $200 license fee. It provides that the organization licensed to conduct tournament games may add to the player entry fee to defray the cost of the license. It also removes the provision that requires the licensee to distribute 75% of the proceeds remaining after paying prizes to players to the specific charitable purposes listed on the application.

**LD 2219 An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics** **PUBLIC 642**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CUMMINGS | OTP-AM MAJ | H-939 |
| EDMONDS | OTP-AM MIN | S-601 MARRACHE |

This bill creates a removal procedure for members of the Commission on Governmental Ethics and Election Practices by impeachment or by allowing the Governor to remove members with the concurrence of the Joint Standing Committee of the Legislature having jurisdiction over election practices and legislative ethics. The bill clarifies the jurisdiction of the Commission on Governmental Ethics and Election Practices to include citizen complaints about abuses of legislative ethics. It amends the procedures through which complaints are made by allowing any person to file and complaint and makes changes to the procedures for confidentiality and public access

to nonconfidential records. The bill amends the definition of "gift" and lowers the threshold when gifts to legislators are to be reported. The bill redefines "conflict of interest" and "undue influence." It requires lobbyists to submit a digital picture and a list of the committees they will be lobbying and the publishing of a lobbyist facebook so that Legislators will have a better sense of who the lobbyist they interact with represents. It prohibits candidates and their spouses from serving as campaign treasurers and deputy treasurers. It requires another reporting period for campaign reports to give the public another chance to see how campaigns are being conducted. It establishes a contribution limit to political action committees of $10,000 per election cycle. It requires members of the commission to file financial interests and affiliation disclosures.

**Committee Amendment "B" (H-939)**

This amendment is the minority report of the committee. This amendment:

1. Removes sections that addressed qualifications and removal of members of the Commission on Governmental Ethics and Election Practices that were addressed in another bill;

2. Changes the definition of "gift" within the laws governing legislative ethics to exclude legal services provided in a matter of legislative ethics;

3. Clarifies that written advisory opinions issued and considered at a public meeting by the Commission on Governmental Ethics and Election Practices are submitted to the Clerk of the House and the Secretary of the Senate and are entered into the legislative record;

4. Strikes language that allows a vote of 2 commissioners on the Commission on Governmental Ethics and Election Practices to be sufficient to order an investigation and hearings on matters of legislative ethics;

5. Specifies that complainants who file a complaint alleging violation of legislative ethics in bad faith will be referred to the Attorney General for investigation;

6. Clarifies confidentiality provisions with regard to complaints filed against Legislators alleging a violation of legislative ethics;

7. Clarifies language in current law that provides that a presiding officer may require a member to vote on a matter in which the Legislator might have a conflict of interest in accordance with the Joint Rules of the Legislature or if the presiding officer advises that no conflict exists;

8. Strikes the changes made by the bill regarding conflict of interest and undue influence;

9. Strikes changes to lobbying registration requirements that are addressed in another bill;

10. Removes the provision that a candidate and the candidate's spouse may not serve as treasurer or deputy treasurer of that candidate's campaign and replaces it with a provision that a Maine Clean Election Act candidate may not serve as that candidate's treasurer or deputy treasurer;

11. Strikes the $10,000 contribution limitation for political action committees and ballot measure committees; and

12. Adds a reporting requirement directing the Commission on Governmental Ethics and Election Practices to report in 2010 the impact of the changes made by the amended version of the bill.

**Senate Amendment "A" (S-601)**

This amendment allows a Legislator against whom a complaint alleging a violation of legislative ethics is made to request that the complaint be made public even if the commission decides not to pursue the complaint.

**Enacted Law Summary**

Public Law 2007, chapter 642 makes changes to the laws governing legislative ethics and campaign finance laws. It amends the definition of gift to exclude legal services received by a legislator regarding a matter of legislative ethics and provides that any person, not just a legislator may file a complaint with the Commission on Governmental Ethics and Election Practices alleging conflict of interest by a legislator. The law also provides when certain records pertaining to a complaint an investigation regarding legislative ethics are confidential.

Chapter 642 prohibits a candidate from serving as their own treasurer or deputy treasure in a campaign. This law also requires that an additional campaign finance report be filed by candidates on the 42nd day prior to a general election.

This law requires the Commission on Governmental Ethics and Election Practices to issue a report by January 15, 2010 on the impact of the changes made by chapter 642.

## LD 2232 An Act To Amend the Games of Cards Law — PUBLIC 554

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | OTP-AM MAJ<br>ONTP MIN | H-787 |

This bill amends current law regarding games of cards. It increases the daily allowable entry fee for a game of cards from $1 to $5, increases the license fee from $7.50 to $30 and specifies that a game of cards under the $30 license may not consist of more than 20 players at any one time at any one location.

**Committee Amendment "A" (H-787)**

This amendment clarifies existing statutes regarding licensed card games for which the entry fee is the wager and card games in which wagers are placed per hand or per deal. The amendment retains from the bill an increase in the maximum entry fee for card games from $1 to $5 and an increase in the license fee for these card games from $7.50 to $30 per year. The amendment also limits the number of players at these card games to 40.

**Enacted Law Summary**

Public Law 2007, chapter 554 increases the maximum amount that can be collected as an entry fee from $1 to $5 for games of cards that use the collected entry fees as the prize for winning the game of cards. It also increases the license fee for such card games from $7.50 to $30 and limits the number of players under that license to 30.

## LD 2236 An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance — HELD BY GOVERNOR

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HANLEY S | OTP-AM MAJ<br>OTP-AM MIN | H-962<br>S-664 ROTUNDO |

This bill allows nonprofit organizations to conduct games of chance without a license.

**Committee Amendment "B" (H-962)**

This amendment replaces the bill. The amendment provides that organizations may conduct games of chance without a license unless they collect more than $30,000 in entry fees, chances or wagers in a calendar year. An

unlicensed game of chance would be limited to $10,000 in entry fees, chances or wagers at any one event. An organization conducting a game of chance without a license must still register its name and tax identification number and the time, date and location of the event. The registration fee is $30.

**Senate Amendment "A" (S-664)**

This amendment reduces the annual limit of money collected when operating games of chance without a license from $30,000 to $15,000.

**LD 2258** **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 202 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 202 approved changes to the rules governing the Maine Clean Election Act provisionally adopted by the Commission on Governmental Ethics and Election Practices. The changes clarified the provisions governing distribution of matching funds to gubernatorial candidates to be consistent with statute and specified that Maine Clean Election Act fund distributed to a candidate must be kept in a segregated account.

This Resolve was finally passed as an emergency measure and became effective on April 14, 2008.

**LD 2261** **An Act To Allow a Casino in Oxford County** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP | |

This initiated bill authorizes Evergreen Mountain Enterprises, LLC to operate a gaming facility at a single site in Oxford County. 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 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 initiated bill removes the limit on the total number of slot machines that are allowed to be registered in this State. The minimum age to play a slot machine or gaming device is lowered from 21 years of age to 19 years of age. The initiated 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 initiated bill provides for regulation of the gaming facility by the Department of Public Safety, Gambling Control Board. The initiated bill requires the gaming operator to collect and distribute 1% of adjusted 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 total gross gaming device income. This money paid to the State must be used for the following purposes:

1. Five percent of the total gross gaming device income must be distributed to repay student loans of residents of this State;

2. Four percent of the total gross gaming device income must be distributed to the research and development of an east-west highway in the State;

3. Three percent of the total gross 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 total gross 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;

5. Two percent of the total gross gaming device income must be distributed for revenue sharing with municipalities, with the intent of providing local property tax relief;

6. Two percent of the total gross 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;

7. Two percent of the total gross gaming device income must be used to assist the elderly with the cost of prescription drugs;

8. Two percent of the total gross gaming device income must be used for the improvement of secondary rural roads in the State;

9. Two percent of the total gross gaming device income must be distributed for the expansion of facilities and course selection in the Maine Community College System;

10. One percent of the total gross gaming device income must be distributed for the program cost portion of general purpose aid for local schools;

11. One percent of the total gross gaming device income must be distributed to Maine's Renewable Resource Fund for the development of new renewable sources of energy;

12. One percent of the total gross 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;

13. One percent of the total gross 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;

14. One percent of the total gross 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. If the Legislature refuses to accept these funds for this purpose, these funds must go to funding affordable health care and Dirigo Health;

15. One percent of the total gross 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, for those who convert vehicles into biodiesel-capable vehicles and for users of biofuel for home and business heating, and grants for residents of this State to develop such clean and efficient fuel technologies;

16. One percent of the total gross 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;

17. One percent of the total gross gaming device income must be distributed to the Land for Maine's Future Fund established in the Maine Revised Statutes, Title 5, section 6203 to secure the traditional heritage of this State of public access to the land and water resources of this State and to secure the continued quality and availability of natural resources important to the interests and continued heritage of the people of the State;

18. One percent of the total gross gaming device income must be distributed to public access television stations in this State for the improvement of technology and programming;

19. One percent of the total gross 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;

20. One percent of the total gross 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;

21. Two percent of the total gross gaming device income must be forwarded directly to any municipality in which the gaming facility is located; and

22. One percent of the total gross gaming device income must be forwarded directly to Oxford County to pay for mitigation of costs resulting from gaming operations.

**LD 2293 Resolve, To Improve the Absentee Voting System on November 3, 2008** **RESOLVE 215**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM | S-616 |

This resolve provides that a person may not vote by absentee ballot in the presence of the clerk on November 3, 2008, but may still obtain a ballot by written request to vote outside of the clerk's office.

**Committee Amendment "A" (S-616)**

This amendment replaces the resolve, which would prohibit a voter from voting in the presence of a municipal clerk by absentee ballot on the day before election day. It authorizes a municipal clerk to prohibit voting by absentee ballot in the presence of the clerk on November 3, 2008 as long as a municipal clerk gives notice to the political parties and to the Secretary of State at least 30 days before election day. Even when a municipality prohibits absentee voting in the presence of a municipal clerk, a voter may still request an absentee ballot from the clerk on November 3, 2008 and vote outside of the clerk's office. It also changes the title of the resolve.

**Enacted Law Summary**

Resolve 2007, chapter 215 authorizes a municipal clerk to prohibit voting by absentee ballot in the presence of the clerk on November 3, 2008 as long as a municipal clerk gives notice to the political parties and to the Secretary of State at least 30 days before election day. Even when a municipality prohibits absentee voting in the presence of a municipal clerk, a voter may still request an absentee ballot from the clerk on November 3, 2008 and vote outside of the clerk's office.

**LD 2315** **RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting** **INDEF PP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | OTP-AM MAJ<br>ONTP MIN | |

This resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a process to allow qualified voters to vote at polling places in or outside their election districts during the 15-day period immediately preceding an election or to vote by mail.

# *Joint Standing Committee on Legal and Veterans Affairs*

## SUBJECT INDEX

### *Alcoholic Beverages*

**Not Enacted**

| | | |
|---|---|---|
| **LD 1987** | **An Act To Allow Direct-to-consumer Wine Sales** | **DIED BETWEEN HOUSES** |

### *Beano and Games of Chance*

**Enacted**

| | | |
|---|---|---|
| **LD 2206** | **An Act To Amend the Tournament Games Laws** | **PUBLIC 610** |
| **LD 2232** | **An Act To Amend the Games of Cards Law** | **PUBLIC 554** |

**Not Enacted**

| | | |
|---|---|---|
| **LD 2134** | **An Act To Allow for Annual Super Tournament Games by Nonprofit Charitable Organizations** | **HELD BY GOVERNOR** |
| **LD 2236** | **An Act To Clarify the Laws on Licensing for Charitable and Fraternal Organizations and Games of Chance** | **HELD BY GOVERNOR** |

### *Campaign Finance and Maine Clean Election Act*

**Enacted**

| | | |
|---|---|---|
| **LD 1394** | **An Act Regarding Campaign Finance Disclosure by Political Action Committees** | **PUBLIC 477** |
| **LD 2015** | **An Act To Ensure Integrity in Financing Publicly Funded Campaigns** | **PUBLIC 567** |
| **LD 2258** | **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 202 EMERGENCY** |

### *Claims Against the State*

**Not Enacted**

| | | |
|---|---|---|
| **LD 1966** | **Resolve, To Allow John Jorgensen To Sue the State** | **ONTP** |

### *Defense, Veterans and Emergency Management*

Enacted

| | | |
|---|---|---|
| LD 1985 | An Act To Meet the Emergency Needs of Maine Veterans | PUBLIC 678 EMERGENCY |
| LD 2069 | An Act To Update Department of Defense, Veterans and Emergency Management Laws | PUBLIC 521 EMERGENCY |

## *Elections*

Enacted

| | | |
|---|---|---|
| LD 2110 | An Act To Amend the Election Laws | PUBLIC 515 |

Not Enacted

| | | |
|---|---|---|
| LD 1150 | An Act To Establish Random Audits of Voting Machines | ONTP |
| LD 1744 | An Act To Join the Interstate Compact on the National Popular Vote | INDEF PP |
| LD 1799 | An Act To Establish Open Ballot Voting in Maine | DIED IN CONCURRENCE |

## *Governmental Ethics and Election Practices*

Enacted

| | | |
|---|---|---|
| LD 2070 | An Act To Improve the Campaign Finance Laws and Their Administration | PUBLIC 571 EMERGENCY |
| LD 2178 | An Act To Increase Public Confidence in Government by Expanding Public Disclosure | PUBLIC 704 |
| LD 2219 | An Act To Promote Transparency and Accountability in Campaigns and Governmental Ethics | PUBLIC 642 |

## *Lobbying and Lobbyists*

Enacted

| | | |
|---|---|---|
| LD 2068 | An Act To Amend the Laws Governing Lobbyist Disclosure | PUBLIC 630 |

Not Enacted

| | | |
|---|---|---|
| LD 1393 | An Act Regarding Grassroots Lobbying | DIED BETWEEN HOUSES |

## *Slot machines*

Not Enacted

| | | |
|---|---|---|
| LD 701 | An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town | VETOED |

| | | |
|---|---|---|
| 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 | ACCEPTED<br>ONTP REPORT |
| 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 | INDEF PP |
| LD 2261 | An Act To Allow a Casino in Oxford County | ONTP |

## *Voting*

Enacted

| | | |
|---|---|---|
| LD 2130 | Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting | RESOLVE 164 |
| LD 2293 | Resolve, To Improve the Absentee Voting System on November 3, 2008 | RESOLVE 215 |

Not Enacted

| | | |
|---|---|---|
| LD 2315 | RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting | INDEF PP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2008


**STAFF:**

CURTIS C. BENTLEY, LEGISLATIVE ANALYST

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REP. WESLEY E. RICHARDSON

**LD 798** **An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | ONTP | |

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.

**LD 1570** **An Act To Support Commercial Groundfishing** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RECTOR | ONTP | |

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 is used for harvesting northeast multispecies fish.

**LD 1594** **An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY A | ONTP | |

LD 1594 changes the closed period for hauling lobster traps from June 1st through October 31st to June 1st through August 31st.

**LD 1957** **An Act To Restore Diadromous Fish in the St. Croix River** **PUBLIC 587 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM MAJ<br>OTP-AM MIN | S-505 |

LD 1957 requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2008 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that allows the passage of alewives.

**Committee Amendment "A" (S-505)**

This amendment is the majority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife shall ensure that only the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

**Committee Amendment "B" (S-506)**

This amendment is minority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that only the fishway on the Woodland Dam on the

St. Croix River allows the passage of alewives. It also provides that the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Passamaquoddy Tribe must develop a memorandum of agreement that recognizes their joint management responsibilities within the St. Croix River as those responsibilities pertain to the coexistence of diadromous species and resident species within the watershed. The agreement must contain provisions regarding the passage of alewives over the Grand Falls Dam on the St. Croix River and requires the parties to report back to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 5, 2012.

**Enacted Law Summary**

Public Law 2007, chapter 587 provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

Public Law 2007, chapter 587 was enacted as an emergency measure effective April 9, 2008.

## LD 1958 An Act To Make Marine Resources Management More Responsive — PUBLIC 574

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM | S-474 |

This bill changes the rules that are adopted to limit the taking of a marine organism for the purpose of protecting another marine organism from major substantive rules to routine technical rules in order to allow the Department of Marine Resources to respond more effectively to fisheries management needs.

**Committee Amendment "A" (S-474)**

Current law provides that a rule adopted by the Commissioner of Marine Resources that limits the taking of one marine organism to protect another marine organism is a major substantive rule. This amendment authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective only until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of this amendment are repealed July 31, 2012.

**Enacted Law Summary**

Public Law 2007, chapter 574 authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of Public Law 2007, chapter 574 are repealed on July 31, 2012.

## LD 1980 An Act To Preserve the Cobscook Bay Scallop Fishery — PUBLIC 557

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM | S-472 |

This bill requires the suspension of a person's scallop fishing license if that person is convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill also establishes mandatory fines and allows for the seizure of all scallops on board for violations of the scallop fishing laws in Cobscook Bay.

**Committee Amendment "A" (S-472)**

This amendment conforms the prohibitions in the bill with the work of the Maine Criminal Justice Information System Policy Board to create a one-to-one relationship between each violation and a unique statutory citation.

**Enacted Law Summary**

Public Law 2007, chapter 557 requires the suspension of a person's scallop fishing license if that person is convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill also establishes mandatory fines and allows for the seizure of all scallops on board for violations of the scallop fishing laws in Cobscook Bay.

## LD 2006 An Act To Give Municipalities Control of Mussels Located in Intertidal Zones — PUBLIC 494

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | OTP-AM | S-434 |

Under current law, a municipality may adopt shellfish conservation programs. This bill expands the definition of "shellfish" to include mussels.

**Committee Amendment "A" (S-434)**

This amendment replaces the bill and allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. It provides that the commissioner must limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

**Enacted Law Summary**

Public Law 2007, chapter 494 allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. Public Law 2007, chapter 494 requires the commissioner to limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

## LD 2038 An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats — PUBLIC 606 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GERZOFSKY | OTP-AM MAJ<br>OTP-AM MIN | H-741<br>H-947 GERZOFSKY<br>H-954 MAZUREK |

LD 2038 authorizes a municipality to contract with a private entity to conduct water sampling in an area closed by regulation to shellfish harvesting. The municipality may submit sampling results to the Commissioner of Marine Resources for consideration in determining whether or not to reopen the area to shellfish harvesting.

**Committee Amendment "A" (H-741)**

This amendment is the majority report of the committee and replaces the bill with the following:

1. It establishes the Shellfish Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to Maine's shellfish industry, including how best to maintain the quality of coastal waters and to expedite the opening of closed shellfish flats;

2. It directs the Department of Marine Resources, working with the federal Food and Drug Administration, interested parties and the Shellfish Advisory Council, to implement the recommendations made pursuant to Resolve 2007, chapter 82;

3. It directs the Department of Marine Resources to undertake within one year 2 or more projects in which a municipality contracts with a private laboratory certified by the department to conduct water quality testing; and

4. It directs the Department of Marine Resources and the Shellfish Advisory Council to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2009 on activities undertaken pursuant to the directives in this amendment.

**House Amendment "B" (H-947)**

This amendment delays the implementation of the review concerning additional staff to comply with the National Shellfish Sanitation Program model ordinance requirements. It requires the Department of Marine Resources to report by January 15, 2009 with a plan to implement that recommendation. The amendment also increases by 6 months the time during which the 2 or more water quality test projects must occur.

**House Amendment "C" (H-954)**

This amendment requires the Department of Marine Resources to report by May 1, 2009 on the progress of any water quality test project undertaken for testing by private laboratories.

**Enacted Law Summary**

Public Law 2007, chapter 606 does the following:

1. It establishes the Shellfish Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to Maine's shellfish industry, including how best to maintain the quality of coastal waters and to expedite the opening of closed shellfish flats;

2. It directs the Department of Marine Resources, working with the federal Food and Drug Administration, interested parties and the Shellfish Advisory Council, to implement the recommendations made pursuant to Resolve 2007, chapter 82, except the recommendation of the review requiring additional staff to comply with the National Shellfish Sanitation Program model ordinance requirements. The Department of Marine Resources must provide a plan to the joint standing committee of the Legislature having jurisdiction over marine resource matters to implement that recommendation by January 15, 2009;

3. It directs the Department of Marine Resources to undertake within 18 months 2 or more projects in which a municipality contracts with a private laboratory certified by the department to conduct water quality testing; and

4. It directs the Department of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by May 1, 2009 on the progress of any water quality test project undertaken for testing by private laboratories.

Public Law 2007, chapter 606 was enacted as an emergency measure effective April 14, 2008.

**LD 2039** **Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry** **RESOLVE 222**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GERZOFSKY | OTP-AM | H-723 |
| | | S-678 ROTUNDO |

This resolve directs the Department of Marine Resources to institute a system by rule for the sale of soft-shell clams at landings by holders of commercial shellfish licenses to holders of wholesale seafood licenses and holders of retail seafood licenses.

**Committee Amendment "A" (H-723)**

This amendment replaces the resolve and directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. The Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

**Senate Amendment "A" (S-678)**

This amendment amends Committee Amendment "A" by removing the appropriations and allocations section.

**Enacted Law Summary**

Resolve 2007, chapter 222 directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. It provides that the Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

**LD 2071** **An Act To Amend Maine's Scallop Laws** **PUBLIC 607**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERCY | OTP-AM | H-863 |
| | | H-889 PERCY |
| | | S-597 DAMON |

Current law specifies that a boat must carry a scallop boat license before a person may engage in scalloping activities.

LD 2071 creates a requirement that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops. It also restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license in either the 2006 license year or the 2007 license year prior to April 15, 2007. The Commissioner of Marine Resources is required to establish a limited entry system for persons who did not possess a scallop license in the prior calendar year. This bill also increases the ring size used in the scallop fishery to 4 inches and expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

**Committee Amendment "A" (H-863)**

This amendment does the following:

1. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;

2. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;

3. Provides for a $40 surcharge for noncommercial scallop licenses;

4. Increases the number of people eligible to obtain a scallop fishing license in 2009 by increasing the eligibility period from those who held a scallop license between 2006 and April 15, 2007 to those who held a scallop license between 2005 and March 3, 2008;

5. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;

6. Directs the Commissioner of Marine Resources to adopt by rule the maximum size for the mouth of a drag or combination of drags used together that is no more than 5 feet, 6 inches across;

7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan; and

8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of $500 is imposed, for the 2nd offense a mandatory fine of $750 is imposed and for the 3rd and subsequent offenses a mandatory fine of $750 is imposed.

**House Amendment "A" (H-889)**

This amendment adds a repeal date of July 1, 2012 to the new provision establishing a limited entry system for scallop licensing.

**Senate Amendment "B" (S-597)**

The amendment increases the number of people eligible to obtain a scallop fishing license by increasing the eligibility period from between 2005 and March 3, 2008 to between 2005 and May 1, 2008. The amendment also strikes the language that deals with drag width.

**Enacted Law Summary**

Public Law 2007, chapter 607 does the following:

1. Requires that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops;

2. Restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license between 2005 and May 1, 2008. This provision is repealed on July 1, 2012;

3. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;

4. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;

5. Provides for a $40 surcharge for noncommercial scallop licenses;

6. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;

7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan;

8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of $500 is imposed, for the 2nd offense a mandatory fine of $750 is imposed and for the 3rd and subsequent offenses a mandatory fine of $750 is imposed; and

9. Expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

**LD 2129** **An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry** **PUBLIC 692**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WEBSTER | OTP-AM MAJ | H-728 |
| | OTP-AM MIN | H-789 PERCY |
| | | S-535 DAMON |

LD 2129 makes the shellfish sanitation hotline and the Department of Marine Resources' website the means by which the department notifies shellfish harvesters of the opening and closing of clam flats and not by newspaper publication.

**Committee Amendment "B" (H-728)**

This amendment is the minority report and replaces the bill. It removes the requirement that rules relating to the status of shellfish areas adopted by the Department of Marine Resources be published in a newspaper. Instead, the amendment requires the Department of Marine Resources to place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. It gives the Commissioner of Marine Resources the option to publish changes to shellfish areas in the newspaper in cases of emergency. It also repeals the provisions of this bill on July 31, 2009.

**House Amendment "A" (H-789)**

This amendment removes the language that repeals the shellfish area closure status notification. The amendment also changes the reporting date of the report to be filed by the Department of Marine Resources from January 5, 2009 to March 1, 2010.

**Senate Amendment "A" (S-535)**

The bill, as amended by Committee Amendment "B," eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. This amendment directs that the resulting

savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

**Enacted Law Summary**

Public Law 2007, chapter 692 eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. Instead, Public Law 2007, chapter 692 requires the Department of Marine Resources to place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. It also directs that the resulting savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

## LD 2137 An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites — PUBLIC 522

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MCDONOUGH | OTP-AM | H-711 |

LD 2137 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. This bill establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

**Committee Amendment "A" (H-711)**

This amendment makes technical corrections to certain statutory references in the bill.

**Enacted Law Summary**

Public Law 2007, chapter 522 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. Public Law 2007, chapter 522 establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

## LD 2156 An Act To Amend the Laws Governing Marine Resources — PUBLIC 615

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM | S-615 |

This bill makes the following changes to the laws governing marine resources:

1. Modifies the definition of "common carrier" to ensure that the intrastate transportation of marine organisms by common carrier is allowed;

2. Provides the Commissioner of Marine Resources the authority to dispose of property as well as acquire and hold property;

3. Corrects a conflict created when Public Law 2007, chapters 176 and 240 both amended a provision of law that governs the Marine Resources Advisory Council. It corrects the conflict by incorporating the changes made by both laws;

4. Corrects a reference regarding where United States Coast Guard funding should be deposited within the Department of Marine Resources;

5. Creates the Watercraft Fund within the Department of Marine Resources;

6. Creates the Halibut Fund within the Department of Marine Resources;

7. Creates an exception to the prohibition against the possession, buying or selling of Atlantic salmon for those fish that have been legally obtained from a licensed private fee pond and are tagged in conformance with rules adopted by the Commissioner of Marine Resources;

8. Creates a mandatory suspension based on 3 or more convictions of possessing oversize sea urchins;

9. Clarifies that an individual who is under 18 years of age and living year round on an island that is not connected to the mainland by an artificial structure may not be subject to being placed on a waiting list when issued a license in a limited-entry zone;

10. Provides for a portion of the fees for Class I and Class III lobster and crab fishing licenses for applicants 70 years of age and older to be deposited in the Lobster Fund;

11. Creates an exemption to limited entry in the elver fishery to allow a person whose elver fishing license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;

12. Creates an exemption to allow dead marine mammals to be brought to shore for the purpose of research with written permission of the Commissioner of Marine Resources and subject to conditions imposed by the commissioner

13. Prohibits a person from fishing for or taking mussels between sunset and sunrise;

14. Provides that half of the research surcharge on a sea urchin and scallop diving tender license is deposited into the Scallop Research Fund and half is deposited into the Sea Urchin Research Fund;

15. Creates an exemption to limited entry in the sea urchin fishery to allow a person whose urchin license was suspended for longer than a year to purchase a license in the year after the suspension is concluded

16. Clarifies that an individual with a wholesale seafood license with lobster permit may ship lobster out of state, but may only transport within the State, unless they also hold a lobster transportation permit; and

17. Adds areas covered by limited purpose leases for commercial aquaculture research and development or for scientific research, emergency aquaculture leases for shellfish relocation and the limited-purpose aquaculture license to the areas where fishing near floating equipment is prohibited.

**Committee Amendment "A" (S-615)**

This amendment reduces the fee for a nonresident lobster and crab landing permit from $2,047.25 to $500 and

increases the surcharge on that license from $93.75 to $250. Money raised from the surcharge on that license goes into the Lobster Promotion Fund. It makes a technical change to the law regarding lobster fishing in the Monhegan Lobster Conservation Area. It authorizes the Commissioner of Marine Resources to grant an exception for research purposes to the law prohibiting a person from depositing a dead marine animal in the intertidal zone. This amendment limits the prohibition in the bill for harvesting mussels between sunset and sunrise to draggers and authorizes the Commissioner of Marine Resources to allow the harvest of mussels during that time in areas designated as seed mussel areas.

**Enacted Law Summary**

Public Law 2007, chapter 615 makes the following changes to the laws governing marine resources:

1. Modifies the definition of "common carrier" to ensure that the intrastate transportation of marine organisms by common carrier is allowed;

2. Provides the Commissioner of Marine Resources the authority to dispose of property as well as acquire and hold property;

3. Corrects a conflict created when Public Law 2007, chapters 176 and 240 both amended a provision of law that governs the Marine Resources Advisory Council. It corrects the conflict by incorporating the changes made by both laws;

4. Corrects a reference regarding where United States Coast Guard funding should be deposited within the Department of Marine Resources;

5. Creates the Watercraft Fund within the Department of Marine Resources;

6. Creates the Halibut Fund within the Department of Marine Resources;

7. Creates an exception to the prohibition against the possession, buying or selling of Atlantic salmon for those fish that have been legally obtained from a licensed private fee pond and are tagged in conformance with rules adopted by the Commissioner of Marine Resources;

8. Creates a mandatory suspension based on 3 or more convictions of possessing oversize sea urchins;

9. Clarifies that an individual who is under 18 years of age and living year round on an island that is not connected to the mainland by an artificial structure may not be subject to being placed on a waiting list when issued a license in a limited-entry zone;

10. Provides for a portion of the fees for Class I and Class III lobster and crab fishing licenses for applicants 70 years of age and older to be deposited in the Lobster Fund;

11. Creates an exemption to limited entry in the elver fishery to allow a person whose elver fishing license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;

12. Authorizes the Commissioner of Marine Resources to grant an exception for research purposes to the law prohibiting a person from depositing a dead marine animal in the intertidal zone;

13. Prohibits a person from fishing for or taking mussels between sunset and sunrise except the Commissioner of Marine Resources may allow the harvest of mussels during that time in areas designated as seed mussel areas.
14. Provides that half of the research surcharge on a sea urchin and scallop diving tender license is deposited into the Scallop Research Fund and half is deposited into the Sea Urchin Research Fund;

15. Creates an exemption to limited entry in the sea urchin fishery to allow a person whose urchin license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;

16. Clarifies that an individual with a wholesale seafood license with lobster permit may ship lobster out of state, but may only transport within the State, unless they also hold a lobster transportation permit;

17. Adds areas covered by limited purpose leases for commercial aquaculture research and development or for scientific research, emergency aquaculture leases for shellfish relocation and the limited-purpose aquaculture license to the areas where fishing near floating equipment is prohibited;

18. Reduces the fee for a nonresident lobster and crab landing permit from $2,047.25 to $500 and increases the surcharge on that license from $93.75 to $250. Money raised from the surcharge on that license goes into the Lobster Promotion Fund; and

19. Makes a technical change to the law regarding lobster fishing in the Monhegan Lobster Conservation Area.

**LD 2158** **Resolve, Regarding Legislative Review of Portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources**

**RESOLVE 169**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-724 |

This resolve provides for legislative review of portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, proposed fee, a major substantive rule of the Department of Marine Resources.

**Committee Amendment "A" (H-724)**

This amendment approves the final adoption of the major substantive rule regarding halibut tag fees if the rule is amended to set the tag fee at $1 and to allow the Department of Marine Resources to increase the fee to cover increased tag, administration and mailing costs. It must also provide that a portion of the tag fee may be used to fund Atlantic halibut research.

**Enacted Law Summary**

Resolve 2007, chapter 169 approves the final adoption of the major substantive rule regarding halibut tag fees if the rule is amended to set the tag fee at $1 and to allow the Department of Marine Resources to increase the fee to cover increased tag, administration and mailing costs. It also provides that the final rule must allow a portion of the tag fee be used to fund Atlantic halibut research.

Resolve 2007, chapter 169 was enacted as an emergency measure effective March 27, 2008.

# *Joint Standing Committee on Marine Resources*

## SUBJECT INDEX

### *Aquaculture*

**Enacted**

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### *Clams*

**Enacted**

| | | |
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| LD 2038 | An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats | PUBLIC 606 EMERGENCY |
| LD 2039 | Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry | RESOLVE 222 |
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**Enacted**

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### *Diadromous Fish*

**Enacted**

| | | |
|---|---|---|
| LD 1957 | An Act To Restore Diadromous Fish in the St. Croix River | PUBLIC 587 EMERGENCY |

### *Groundfish*

**Enacted**

| | | |
|---|---|---|
| LD 2158 | Resolve, Regarding Legislative Review of Portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources | RESOLVE 169 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 1570 | An Act To Support Commercial Groundfishing | ONTP |

## *Lobster*

**Not Enacted**

| | | |
|---|---|---|
| LD 1594 | An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps | ONTP |

## *Miscellaneous*

**Enacted**

| | | |
|---|---|---|
| LD 2156 | An Act To Amend the Laws Governing Marine Resources | PUBLIC 615 |

## *Mussels*

**Enacted**

| | | |
|---|---|---|
| LD 2006 | An Act To Give Municipalities Control of Mussels Located in Intertidal Zones | PUBLIC 494 |

## *Scallops and Sea Cucumbers*

**Enacted**

| | | |
|---|---|---|
| LD 1980 | An Act To Preserve the Cobscook Bay Scallop Fishery | PUBLIC 557 |
| LD 2071 | An Act To Amend Maine's Scallop Laws | PUBLIC 607 |

**Not Enacted**

| | | |
|---|---|---|
| LD 798 | An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON NATURAL RESOURCES

May 2008

**MEMBERS:**

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## LD 810 An Act To Improve Solid Waste Management — PUBLIC 583

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DUCHESNE | OTP-AM | H-799 |

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.

**Committee Amendment "A" (H-799)**

This amendment extends the statutory recycling and source reduction requirements to solid waste processing facilities. The amendment affirms that it is the policy of the State to use the solid waste hierarchy provided in the Maine Revised Statutes, Title 38 as a guiding principle in decision making related to solid waste management and clarifies that the State's policy applies to solid waste generated in the State and solid waste imported into the State. The amendment requires the Executive Department, State Planning Office to include analyses of marketplace consolidation and solid waste landfill fill rates in the annual solid waste generation and disposal capacity report. The amendment directs the Department of Environmental Protection to prepare a report on solid waste odor management. The amendment directs the Department of Environmental Protection and the State Planning Office to develop a system by which solid waste management activities are performed by the agencies. The amendment requires the Department of Environmental Protection to prepare a report detailing a method for setting mandatory recycling standards for all solid waste disposal facilities.

**Enacted Law Summary**

Public Law 2007, chapter 583 extends the statutory recycling and source reduction requirements to solid waste processing facilities. It affirms that it is the policy of the State to use the solid waste hierarchy provided in the Maine Revised Statutes, Title 38 as a guiding principle in decision making related to solid waste management and clarifies that the State's policy applies to solid waste generated in the State and solid waste imported into the State. It requires the Executive Department, State Planning Office to include analyses of marketplace consolidation and solid waste landfill fill rates in the annual solid waste generation and disposal capacity report. It directs the Department of Environmental Protection to prepare a report on solid waste odor management. It directs the Department of Environmental Protection and the State Planning Office to develop a system by which solid waste management activities are performed by the agencies. It requires the Department of Environmental Protection to prepare a report detailing a method for setting mandatory recycling standards for all solid waste disposal facilities.

## LD 1392 An Act To Update the Dioxin Monitoring Program — PUBLIC 565

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-483 |

This bill repeals the laws governing the dioxin monitoring program, which 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.

**Committee Amendment "A" (S-483)**

This amendment caps the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring.

**Enacted Law Summary**

Public Law 565 changes the laws governing the surface water ambient toxic monitoring program to include relevant provisions of the laws governing the dioxin monitoring program, which laws were sunset in December 2007. Under chapter 565, the total fees that bleach kraft pulp mills subject to the Maine Revised Statutes, Title 38, section 420, subsection 2, paragraph I may be assessed for dioxin monitoring are capped at $10,000 per fiscal year. Chapter 565 also 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 monitoring plan.

**LD 1933** **An Act To Extend the Deadline for Applications for Loans Associated with the Remediation of a Waste Oil Site in Plymouth** **PUBLIC 479 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP | |

This bill extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

**Enacted Law Summary**

Public Law 2007, chapter 479 extends from 180 to 365 the number of days provided for those seeking to borrow funds from the Finance Authority of Maine to apply for funding to assist with the remediation of the Plymouth waste oil site.

Public Law 2007, chapter 479 was enacted as an emergency measure effective February 14, 2008.

**LD 1945** **An Act To Update the Regional Greenhouse Gas Initiative** **PUBLIC 608**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-768 |
| | | H-932 FITTS |

This bill makes the following changes to the laws governing the regional greenhouse gas initiative.

1. It specifies that the State may not assess any indirect charges on any revenue received from the sale of carbon dioxide allowances.

2. It clarifies that funds from the Energy and Carbon Savings Trust, which under current law may be used by the Department of Environmental Protection for administering the allowance auction, may also be used by the Department of Environmental Protection for participating in the regional organization.

3. It specifies that the Commissioner of Environmental Protection and the members of the Public Utilities Commission may act as representatives for the State in the regional organization and may contract with organizations and entities to carry out the purposes of the regional greenhouse gas initiative.

4. It amends the definitions of "fossil fuel fired" and "carbon dioxide budget unit" to reflect changes that were incorporated into the regional greenhouse gas initiative model rules.

5. It specifies that the department can initiate air emissions licensing of carbon dioxide budget sources and participate in auctions prior to January 1, 2009.

6. It requires the Department of Environmental Protection to set aside a portion of the State's annual carbon dioxide emissions budget in a voluntary renewable market set-aside account.

**Committee Amendment "A" (H-768)**

This amendment makes the following changes to the voluntary renewable energy market set-aside provision contained in the bill. It removes the cap on allowances. It replaces the term "citizens" with "persons." It qualifies renewable energy credits as "eligible" renewable energy credits and defines the term.

**House Amendment "A" (H-932)**

This amendment amends Committee Amendment "A." The amendment sets a 2% cap on the portion of the State's annual carbon dioxide emissions budget that is set aside in a voluntary renewable market set-aside account through January 31, 2010. It also requires the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as to whether that 2% cap is appropriate. The amendment also directs the Energy and Carbon Savings Trust in consultation with the Department of Environmental Protection to determine the cap for portions set aside after January 31, 2010.

**Enacted Law Summary**

Public Law 2007, chapter 608 makes the following changes to the laws governing the regional greenhouse gas initiative.

1. It specifies that the State may not assess any indirect charges on any revenue received from the sale of carbon dioxide allowances.

2. It clarifies that funds from the Energy and Carbon Savings Trust, which under current law may be used by the Department of Environmental Protection for administering the allowance auction, may also be used by the Department of Environmental Protection for participating in the regional organization.

3. It specifies that the Commissioner of Environmental Protection and the members of the Public Utilities Commission may act as representatives for the State in the regional organization and may contract with organizations and entities to carry out the purposes of the regional greenhouse gas initiative.

4. It amends the definitions of "fossil fuel fired" and "carbon dioxide budget unit" to reflect changes that were incorporated into the regional greenhouse gas initiative model rules.

5. It specifies that the department can initiate air emissions licensing of carbon dioxide budget sources and participate in auctions prior to January 1, 2009.

6. It requires the Department of Environmental Protection to set aside a portion of the State's annual carbon dioxide emissions budget in a voluntary renewable market set-aside account. It sets a 2% cap on the portion of the State's annual carbon dioxide emissions budget that is set aside in a voluntary renewable market set-aside account through January 31, 2010. It also requires the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as to whether that 2% cap is appropriate and it directs the Energy and Carbon Savings Trust in consultation with the Department of Environmental Protection to determine the cap for portions set aside after January 31, 2010.

**LD 1946** **An Act To Address Uncertified Practice of Underground Oil Storage Tank Installation and Inspection** **PUBLIC 497**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-692 |

The bill amends the law governing certification of underground oil storage tank installers and inspectors by the Board of Underground Oil Storage Tank Installers to provide a process to investigate allegations of uncertified practice and take action. The process established in the bill is consistent with the process given to other boards under the jurisdiction of the Department of Professional and Financial Regulation in Title 10, section 8003-C.

**Committee Amendment "A" (H-692)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2007, chapter 497 amends the law governing certification of underground oil storage tank installers and inspectors by the Board of Underground Oil Storage Tank Installers to provide a process to investigate allegations of uncertified practice and take action. The process established in chapter 497 is consistent with the process given to other boards under the jurisdiction of the Department of Professional and Financial Regulation in Title 10, section 8003-C.

**LD 1947** **An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program** **PUBLIC 618**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-894 |

This bill amends the law to clarify the application of the waste motor oil disposal site remediation program.

1. It specifies that the premium is imposed on motor vehicle oil changes on construction equipment and logging equipment that are registered for road use.

2. It specifies that the premium applies to the changing of engine oil, transmission fluid, hydraulic fluid, gearbox oil and differential fluid and does not apply to the changing of brake fluid.

3. It specifies that if a motor vehicle oil change consists of the changing of multiple fluids, the premium is imposed on each type of fluid change.

4. It specifies that a premium is collected on all motor vehicle oil changes regardless of the ultimate disposition or use of the oil.

5. It specifies that an organization that is exempt from sales tax pursuant to the Maine Revised Statutes, Title 36, section 1760 is not exempt from the waste oil remediation premium.

**Committee Amendment "A" (H-894)**

This amendment replaces the bill. It repeals the premium on oil changes and enacts a premium on the first sale or distribution of bulk motor vehicle oil in the State. The premium is set at $1.10 per gallon on bulk oil used in gasoline engines and 35¢ per gallon for bulk oil used in diesel combustion engines. The amendment changes the end

date for the premium from no later than December 31, 2028 to no later than December 31, 2030. The amendment clarifies enforcement authority of the State Tax Assessor and clarifies the definition of "response costs." The amendment also requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to notify the Finance Authority of Maine of successor gasoline or diesel oil standards.

**Enacted Law Summary**

Public Law 2007, chapter 618 repeals the premium on oil changes and enacts a premium on the first sale or distribution of bulk motor vehicle oil in the State. The premium is set at $1.10 per gallon on bulk oil used in gasoline engines and 35¢ per gallon for bulk oil used in diesel combustion engines. Chapter 618 changes the end date for the premium from no later than December 31, 2028 to no later than December 31, 2030. It clarifies enforcement authority of the State Tax Assessor and clarifies the definition of "response costs." It also requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to notify the Finance Authority of Maine of successor gasoline or diesel oil standards.

**LD 1950** **An Act To Repeal the Premium Imposed on Motor Vehicle Oil Changes** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHATZ | ONTP | |

This bill repeals the premium imposed on motor vehicle oil changes.

**LD 1952** **An Act To Streamline the Administration of Significant Vernal Pool Habitat Protection** **PUBLIC 533 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-758 |

This bill narrows the requirement for notification concerning significant wildlife habitats from those listed in the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraph B to those listed in section 480-B, subsection 10, paragraph B, subparagraphs (2) and (3), thereby removing vernal pools from the operation of that notification statute. The bill provides further requirements for the Department of Environmental Protection to incorporate into rules regarding the identification of significant vernal pool habitats. The bill further requires the Department of Inland Fisheries and Wildlife to amend its regulatory definition of "significant vernal pools" consistent with this change where applicable.

The bill requires the Department of Environmental Protection to amend its rules on significant vernal pool habitat in the following three ways:

1. To allow DEP or DIFW to determine that a vernal pool habitat is not significant if the habitat has not previously been determined to be significant and:

A. The vernal pool is in southern Maine and dries out after spring filling and before July 15th; or

B. The vernal pool is in northern Maine and dries out after spring filling and before July 31st.

2. To require that certain specified rare species be considered when determining whether a vernal pool habitat is significant.

3. To provide that in order to be identified as part of significant vernal pool habitat, the vernal pool may not have a permanent inlet or outlet. The bill defines "permanent inlet or outlet" to mean a "river, stream or brook" which is a defined term in law.

**Committee Amendment "A" (H-758)**

This amendment further narrows the requirement for notification concerning significant wildlife habitats to shorebird nesting, feeding and staging areas. It clarifies that for purposes of identifying a significant vernal pool habitat, the consideration of rare species is limited to the species identified in the bill. It clarifies that in order to be identified as part of a significant vernal pool habitat, the vernal pool may not have a permanently flowing inlet or outlet. It also adds an emergency preamble and an emergency clause.

**Enacted Law Summary**

Public Law 2007, chapter 533 narrows the requirement for notification concerning significant wildlife habitats by removing significant vernal pool habitat and high and moderate value waterfowl and wading bird habitat from the operation of that notification requirement.

The bill requires the Department of Environmental Protection to amend its rules on significant vernal pool habitat in the following three ways:

1. To allow DEP or DIFW to determine that a vernal pool habitat is not significant if the habitat has not previously been determined to be significant and:

A. The vernal pool is in southern Maine and dries out after spring filling and before July 15th; or

B. The vernal pool is in northern Maine and dries out after spring filling and before July 31st.

2. To require that for purposes of determining whether a vernal pool habitat is significant, the rare species that must be considered are limited to: Ribbon Snakes, Wood Turtles, Swamp Darner Dragonflies and Comet Darner Dragonflies.

3. To provide that in order to be identified as part of significant vernal pool habitat, the vernal pool may not have a permanently flowing inlet or outlet.

Public Law 2007, chapter 533 was enacted as an emergency measure effective March 31, 2008.

## LD 1964 Resolve, To Require Rulemaking Concerning Landfill Gas and Odor Management — RESOLVE 170

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | OTP-AM | S-450 |

This resolve directs the Executive Department, State Planning Office and the Department of Environmental Protection to adopt, after public hearing, major substantive rules establishing buffer zones for landfill construction and expansion that protect the public and nearby property owners from the visual effects, odor and noise of landfills.

**Committee Amendment "A" (S-450)**

This amendment replaces the resolve. It requires the Board of Environmental Protection to adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. It also requires the Department of Environmental Protection to report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

**Enacted Law Summary**

Resolve 2007, chapter 170 requires the Board of Environmental Protection to adopt rules concerning landfill gas and odor management that incorporate quantitative standards that can be used to measure compliance. It also requires the Department of Environmental Protection to report on the status of the rules to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

## LD 1969 An Act To Raise the Meal Allowance for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission — PUBLIC 617

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | OTP-AM MAJ<br>OTP-AM MIN | S-489 |

This bill increases from $55 to $100 the per diem fees for members of the Maine Land Use Regulation Commission and the Board of Environmental Protection.

**Committee Amendment "A" (S-488)**

This amendment is the majority report. The amendment retains from the bill the increase in per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission. It also specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance. This amendment was not adopted.

**Committee Amendment "B" (S-489)**

This amendment is the minority report. The amendment provides that the per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission remain at the legislative per diem rate. The amendment specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance.

**Enacted Law Summary**

Public Law 2007, chapter 617 provides that the per diem fees for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission remain at the legislative per diem rate. It specifies that members are entitled to expenses and it authorizes a meal allowance not to exceed the legislative meal allowance.

## LD 1971 An Act Concerning Gasoline Station Vapor Recovery Requirements — PUBLIC 559

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NASS R | OTP-AM | S-465 |

This bill sets a date of August 1, 2008 for the repeal of the Maine Revised Statutes, Title 38, section 585-E, which concerns gasoline station vapor recovery requirements.

**Committee Amendment "A" (S-465)**

The amendment exempts from vapor recovery requirements gasoline stations that exceed an annual 1 million gallon gasoline throughput, that require excavation of underground storage tanks in order to repair or replace components of the Stage II vapor recovery system or that are constructed after the effective date of the amendment. The amendment also changes the repeal date of the Stage II vapor recovery system requirement to January 1, 2012. The amendment also repeals sections of law that required a report by February 1, 1996, required the Governor to confer

with the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1996 and require the Board of Environmental Protection to adopt rules if the United States Environmental Protection Agency disapproves the State's 15% reduction plan and the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters before it proposes revision of a Stage II vapor recovery system rule.

**Enacted Law Summary**

Public Law 2007, chapter 559 exempts from vapor recovery requirements gasoline stations that exceed an annual 1 million gallon gasoline throughput, that require excavation of underground storage tanks in order to repair or replace components of the Stage II vapor recovery system or that are constructed after the effective date of the public law. It also changes the repeal date of the Stage II vapor recovery system requirement to January 1, 2012. Chapter 559 also repeals sections of law that required a report by February 1, 1996, required the Governor to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1996 and require the Board of Environmental Protection to adopt rules if the United States Environmental Protection Agency disapproves the State's 15% reduction plan and the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resources matters before it proposes revision of a Stage II vapor recovery system rule.

**LD 1983** **An Act To Protect Public Safety, Provide for the Prudent Use of Landfill Capacity and Save Taxpayers Money** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | ONTP | |

This bill provides that a person may not deliver waste of any kind in a vehicle with a gross vehicle weight of more than 50,000 pounds to a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility if that facility or landfill is owned by the State and has been expanded or built out on or after the effective date of this legislation. It also provides that the operator of a solid waste disposal facility, solid waste facility, solid waste landfill or waste facility that has been expanded or built out on or after the effective date of this legislation and is owned by the State may not accept for delivery at that facility or landfill waste of any kind that has been hauled in a vehicle with a gross vehicle weight of more than 50,000 pounds. The bill requires the Executive Department, State Planning Office and the Department of Environmental Protection to determine the solid waste disposal capacity needs of the State as of January 1, 2008 for 3, 5 and 10 years and report their findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than November 5, 2008. Based on the capacity needs as of January 1, 2008, using the data from the report issued pursuant to this legislation the State Planning Office and the Department of Environmental Protection shall determine the capacity of state-owned landfills. The State Planning Office and the Department of Environmental Protection shall determine the State Planning Office's and the Department of Environmental Protection's ability to control the different and various waste streams flowing into state-owned landfills, broken down by waste stream and by the sources of these waste streams whether in state or out of state. The Department of Environmental Protection shall determine how best to control the flow of waste coming into the State in order to ensure the longevity of state-owned landfills and save taxpayers money. The Department of Environmental Protection shall adopt major substantive rules to extend the life of state-owned landfills.

**LD 2009** **Resolve, Regarding Legislative Review of Portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Air Quality Control**

**RESOLVE 190**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-797 |

This resolve provides for legislative review of portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality Control.

**Committee Amendment "A" (H-797)**

This amendment clarifies that in order to be eligible for the sell-through exemption contained in the rule the outdoor wood boiler must have been purchased, paid for in full and in the State prior to April 1, 2008. It authorizes the optional use of setbacks from neighboring dwellings for the installation of new outdoor wood boilers and requires that setbacks next to state licensed school, daycare or healthcare facilities conform to the general setback requirements. It also requires the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on the implementation of the rule. Finally, it directs the Board of Environmental Protection to adopt rules to control the sale, installation, use and siting of outdoor wood boilers that combust biomass pellets as a fuel source.

**Enacted Law Summary**

Resolve 2007, chapter 190 authorizes final adoption of portions of Chapter 150: Control of Emissions from Outdoor Wood Boilers, a major substantive rule of the Department of Environmental Protection, Bureau of Air Quality Control if certain changes are made to the rule. Chapter 190 clarifies that in order to be eligible for the sell-through exemption contained in the rule the outdoor wood boiler must have been purchased, paid for in full and in the State prior to April 1, 2008. It also authorizes the optional use of setbacks from neighboring dwellings for the installation of new outdoor wood boilers and requires that setbacks next to state licensed school, daycare or healthcare facilities conform to the general setback requirements.

Chapter 190 requires the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on the implementation of the rule. It also directs the Board of Environmental Protection to adopt rules to control the sale, installation, use and siting of outdoor wood boilers that combust biomass pellets as a fuel source.

Resolve 2007, chapter 190 was finally passed as an emergency measure effective April 9, 2008.

**LD 2016** **An Act To Safeguard Imperiled or Critically Imperiled Natural Communities within Protected Natural Resources**

**ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERCY | ONTP | |

This bill provides protection under the Natural Resource Protection Act for imperiled or critically imperiled natural communities, as identified by the Department of Conservation, that are located within protected natural resources.

**LD 2017 An Act To Provide for Enforcement of the Office Paper Recycling Program** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WAGNER | ONTP | |

Current law requires an employer of 15 or more people to implement an office paper and corrugated cardboard recycling program. This bill requires the Department of Environmental Protection to adopt major substantive rules regarding enforcement of the recycling program, including civil penalties.

**LD 2018 An Act To Require the Accurate Designation of Floodplain Areas** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HILL | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require that the most current topographic and geographic information system data available be used when making municipal maps and changes to those maps, including those used for the designation of floodplain boundaries.

**LD 2046 An Act Concerning Certain Excavations** **PUBLIC 616**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FLOOD | OTP-AM | H-897 |

The bill clarifies that new protections to waterfowl wading habitat apply to new excavations and do not apply to gravel pits and quarries authorized by the Department of Environmental Protection prior to June 8, 2006. The bill also amends the performance standards for gravel pits and quarries to clarify that the department may allow excavation if a permit has been obtained under the Natural Resources Protection Act.

**Committee Amendment "A" (H-897)**

This amendment replaces the bill. The amendment clarifies the Natural Resources Protection Act permitting requirements for excavation within high and moderate value inland waterfowl and wading bird habitat. The amendment exempts from the site location of development law accessory uses and facilities within an excavation or quarry operating under the performance standards as long as the performance standards are at least as restrictive as the standards imposed under the site law. The amendment adds a lighting standard to the performance standards for gravel pits and quarries. The amendment directs the Department of Environmental Protection to compile and share information regarding inland waterfowl and wading bird habitat with gravel pits and quarries that were authorized prior to June 8, 2006.

**Enacted Law Summary**

Public Law 2007, chapter 616 clarifies the Natural Resources Protection Act permitting requirements for excavation within high and moderate value inland waterfowl and wading bird habitat. It exempts from the site location of development law accessory uses and facilities within an excavation or quarry operating under the performance standards as long as the performance standards are at least as restrictive as the standards imposed under the site law. It adds a lighting standard to the performance standards for gravel pits and quarries. It directs the Department of Environmental Protection to compile and share information regarding inland waterfowl and wading bird habitat with

gravel pits and quarries that were authorized prior to June 8, 2006.

**LD 2048** **An Act To Protect Children's Health and the Environment from Toxic Chemicals in Toys and Children's Products** **PUBLIC 643**

| Sponsor(s) | Committee Report | Amendments Adopted | |
|---|---|---|---|
| PINGREE | OTP-AM MAJ | H-898 | |
| | OTP-AM MIN | H-948 | PINGREE |
| | | H-973 | TARDY |
| | | S-622 | RAYE |
| | | S-629 | HOBBINS |
| | | S-632 | MARTIN |
| | | S-643 | MARTIN |

This bill requires manufacturers of children's products that contain chemicals of high concern to disclose information to the Department of Environmental Protection on their chemical use if the department designates the chemical as a priority chemical based on potential exposure of a child or fetus to that chemical. The bill authorizes the department to require replacement of a priority chemical in children's products with a safer alternative whenever it determines that a safer alternative is available for a specified use. The bill exempts use of priority chemicals for industrial or manufacturing purposes, in motor vehicles and components, as fuels or that are generated as combustion by-products. The bill authorizes the department to participate in an interstate clearinghouse to share information and cooperate with other states to promote safer chemicals in consumer products. The bill requires the department to report to the Legislature on implementation plans and related issues.

**Committee Amendment "A" (H-898)**

This amendment is the majority report. The amendment adds a declaration of policy. The amendment deletes the requirement to identify 100 priority chemicals of high concern. The amendment adds a provision authorizing the Department of Environmental Protection to include on the list of chemicals of high concern chemicals identified by specified entities. Prior to designating priority chemicals, the Department of Environmental Protection is required to consult with affected industries, independent experts and other interested parties and with the Department of Health and Human Services, Maine Center for Disease Control and Prevention. The amendment replaces a mandatory review and determination of safer alternatives by the Commissioner of Environmental Protection with authority granted to the Board of Environmental Protection to adopt rules restricting the sale of children's products containing priority chemicals if safer alternatives are available. The amendment authorizes the Commissioner of Environmental Protection to designate mercury or a mercury compound as a priority chemical for the purpose of adopting rules to prohibit the sale of a mercury-added product that is not currently regulated under the Maine Revised Statutes, Title 38, section 1661-C or 1667. The amendment repeals the biennial reporting requirement on brominated flame retardants for the purpose of freeing up existing resources to implement this chapter.

**House Amendment "A" (H-948)**

This amendment amends Committee Amendment "A" by clarifying the definition of "consumer product" to exclude paper or forest products. It allows additional information on priority chemicals to be provided by the manufacturer and distributor of children's products. It clarifies application of the new law on priority chemicals used in industry. It adds an exemption for watercraft. It also clarifies that the requirements are not exempt for packaging food and beverage products for the use of children under 3 years of age.

**House Amendment "B" (H-973)**

Under the provisions of Committee Amendment "A," the Department of Environmental Protection is allowed to assess a fee on a manufacturer or distributor to cover the costs to prepare an independent report regarding safer

alternatives and to cover the department's reasonable costs in managing information it receives from a manufacturer or distributor. This amendment specifies that the determination of the fee amount must be done through major substantive rulemaking.

**Senate Amendment "E" (S-622)**

This amendment:

1. Changes the definition of "children's product" to specify that it applies to a product containing a chemical of high concern that will likely result in exposure to that chemical by a child or fetus;

2. Requires the Department of Environmental Protection and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to be in concurrence regarding the identification of chemicals of high concern and the identification of priority chemicals; and

3. Requires the Commissioner of Environmental Protection to convene a stakeholder group prior to designating priority chemicals that includes representatives of nonprofit health organizations, business and environmental groups, consumer product manufacturers, chemical manufacturers, retailers, trade associations and other parties affected by this legislation and to invite independent experts with relevant experience in chemicals to participate. The commissioner is required to seek recommendations from the stakeholder group regarding protocols for designating priority chemicals, rulemaking to implement the requirements of the toxic chemicals in children's products provisions and other issues of concern to the stakeholder group.

**Senate Amendment "I" (S-629)**

Under Committee Amendment "A," the identification of priority chemicals by the Commissioner of Environmental Protection is exempt from the Maine Administrative Procedure Act. This amendment removes that exemption and requires the identification to be done through routine technical rulemaking.

**Senate Amendment "K" (S-632)**

This amendment exempts a service provider whose name appears on a telecommunications device from the disclosure requirements of the Maine Revised Statutes, Title 38, section 1695.

**Senate Amendment "L" (S-643)**

This amendment changes the definition of the term "manufacturer" to specify that this term includes the first domestic distributor of the consumer product as opposed to simply the domestic distributor of the consumer product.

**Enacted Law Summary**

Public Law 2007, chapter 643 requires the Department of Environmental Protection in concurrence with the Maine Center for Disease Control and Prevention to publish a list of chemicals of high concern. To be included in the list a chemical must have been identified as: a carcinogen, reproductive or developmental toxicant or endocrine disruptor; persistent, bioaccumulative and toxic; or very persistent and very bioaccumulative.

It authorizes the Commissioner of Environmental Protection to designate a chemical of high concern as a priority chemical if the commissioner in concurrence with the Maine CDC makes certain findings that are identified in the law. The commissioner is required to designate at least two priority chemicals by January 1, 2011. Rules adopted to implement the law regarding the designation of priority chemicals are routine technical rules. Chapter 643 also requires the Commissioner of Environmental Protection to convene a stakeholder group prior to designating priority chemicals that includes representatives of nonprofit health organizations, business and environmental groups, consumer product manufacturers, chemical manufacturers, retailers, trade associations and other parties affected by this legislation and to invite independent experts with relevant experience in chemicals to participate. The commissioner is required to seek recommendations from the stakeholder group regarding protocols for designating priority chemicals, rulemaking to implement the requirements of the toxic chemicals in children's products

provisions and other issues of concern to the stakeholder group.

If a children's product contains a priority chemical, the manufacturer or distributor of that product must notify the department. Supplemental information, including information on alternatives, may be required by the department. Under chapter 643, if the Department of Environmental Protection assesses a fee on a manufacturer or distributor to cover the costs to prepare an independent report regarding safer alternatives or to cover the department's reasonable costs in managing information it receives from a manufacturer or distributor, the determination of the fee must be done through major substantive rulemaking.

The Board of Environmental Protection may adopt major substantive rules prohibiting the manufacture or sale of a children's product containing a priority chemical if it finds that distribution of the product exposes children and vulnerable populations to the priority chemical and safer alternatives to the priority chemical are available at a comparable cost. If the Board of Environmental Protection prohibits the manufacture or sale of a children's product the manufacturer or distributor of the product must file a compliance plan with the commissioner or seek a waiver.

The law does not apply to: used products, chemicals for industrial or manufacturing purposes, motor vehicles or watercraft, chemicals generated solely as combustion by-products, retailers (unless they knowingly sell the children's product after receiving prior notification), products containing mercury that are regulated prior to the effective date of this law, telecommunications service providers and containers or packaging for a food or beverage product unless that product is intentionally marketed or intended for the use of children under 3 years of age. In addition, other items are excluded from the definition of "consumer product" and are therefore not covered by this law.

Chapter 643 authorizes the Department of Environmental Protection to participate in an interstate clearinghouse to promote safer chemicals in consumer products.

**LD 2056 An Act To Conserve Gasoline and Preserve Clean Air** **PUBLIC 582**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HINCK | OTP-AM | H-765 |
| | | H-820 HINCK |

This bill sets limits on idling of motor vehicles. It provides that a person who owns a location where a diesel-powered commercial motor vehicle loads or unloads may not cause such a vehicle to idle for a period longer than 30 minutes while waiting to load or unload at that location. It provides that an owner or operator of a diesel-powered commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exemptions, such as while waiting to load or unload a vehicle. It provides that an owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exceptions. It requires a warning to be issued for a first violation and a fine to be adjudged for a subsequent violation.

**Committee Amendment "A" (H-765)**

This amendment expands the application of the idling requirements and exemptions to include all commercial motor vehicles, not only diesel-powered. The amendment also:

1. Amends the general requirement for loading and unloading locations to require that, to the maximum extent practicable, a person who owns a location where a commercial motor vehicle, not subject to an exemption, loads or unloads must minimize delays in loading and unloading operations in order to reduce idling times;

2. Amends the exemption for emergency vehicles;

3. Creates an exemption for a utility vehicle idling during electric utility service restoration operations or when

needed to protect temperature-sensitive electrical testing equipment;

4. Amends the exemption for idling when the temperature is 32 degrees Fahrenheit or below;

5. Creates an exemption for idling for the purpose of providing heat when the temperature is below 0 degrees Fahrenheit; and

6. Amends the penalty provisions to provide that a violation of the requirements of the law is a traffic infraction under the Maine Revised Statutes, Title 29-A, chapter 23, subchapter 6.

**House Amendment "B" (H-820)**

This amendment amends Committee Amendment "A." It clarifies that a commercial motor vehicle that is used in interstate commerce or on a highway in intrastate commerce is subject to the idling requirements. It amends the requirements for a person who owns a location where a commercial motor vehicle loads or unloads. It changes a time limitation for motor vehicles that idle when the temperature is 32 degrees Fahrenheit or below.

**Enacted Law Summary**

Public Law 2007, chapter 582 sets limits on idling of motor vehicles. It provides that a person who owns a location where a commercial motor vehicle, that is not subject to an exemption, loads or unloads may not cause a driver of that vehicle to idle for a period longer than 30 minutes by requesting that the vehicle continue running while waiting to load or unload at that location. It also requires such an owner to minimize delays in loading and unloading operations in order to reduce idling times. It provides that an owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exemptions. It provides that an owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period, subject to certain exceptions. It sets penalties for violations of the idling limitations.

**LD 2072** **An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act** **PUBLIC 534**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-743 |
| | | H-749 EBERLE |

The bill:

1. Requires owners and operators of underground oil storage tanks to have the tanks inspected at least once every 3 years by a certified underground oil storage tank inspector or installer who is not the tank owner or operator, an employee of the tank owner or operator or a person having daily on-site responsibility for the tank. This provision does not change the requirement for the tanks to be inspected annually;

2. Requires annual inspection reports to be submitted to the Department of Environmental Protection within 30 days of the inspection date;

3. Gives the Department of Environmental Protection authority to prohibit the delivery of oil to underground oil storage tanks that are not inspected, operated and maintained in compliance with the law; and

4. Directs the Department of Environmental Protection to develop a training program for owners and operators of federally regulated underground oil storage tanks.

**Committee Amendment "A" (H-743)**

This amendment requires a threat of release to be imminent in order for the Commissioner of Environmental Protection to issue an administrative order to cease operation of an underground oil storage tank. It also removes the authority of the Department of Environmental Protection to allow a tank owner or operator to affix a red tag to a tank and instead requires department staff to affix the tag.

**House Amendment "A" (H-749)**

This amendment removes language that would require the Commissioner of Environmental Protection to find that the threat of an oil release is imminent before the commissioner can issue an administrative order prohibiting the operation of an oil storage tank that is out of compliance with the operation and maintenance requirements of Maine law. The amendment authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat.

**Enacted Law Summary**

Public Law 2007, chapter 534 does the following:

1. It requires owners and operators of underground oil storage tanks to have the tanks inspected at least once every 3 years by a certified underground oil storage tank inspector or installer who is not the tank owner or operator, an employee of the tank owner or operator or a person having daily on-site responsibility for the tank. This provision does not change the requirement for the tanks to be inspected annually;

2. It requires annual inspection reports to be submitted to the Department of Environmental Protection within 30 days of the inspection date;

3. It gives the Department of Environmental Protection authority to prohibit the delivery of oil to underground oil storage tanks that are not inspected, operated and maintained in compliance with the law. It authorizes the owner or operator of an oil storage tank that is subject to an administrative order prohibiting operation of the tank to dispense any remaining oil in the tank if the commissioner finds that doing so does not pose a threat of release of product or would reduce that threat; and

4. It directs the Department of Environmental Protection to develop a training program for owners and operators of federally regulated underground oil storage tanks.

## LD 2073 An Act To Prevent Contamination of Drinking Water Supplies — PUBLIC 569

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DUCHESNE | OTP-AM | H-821 |

The bill restricts certain types of development near drinking water wells to prevent contamination by oil and hazardous matter. The bill gives municipal code enforcement officers the authority to enforce the restrictions.

**Committee Amendment "A" (H-821)**

This amendment strikes the provisions in the bill that call for the new wellhead protection requirements to be administered and enforced primarily at the local level. It amends the definition of "aboveground oil storage tank," adds a definition of the term "aboveground heating oil supply tank" and clarifies the definition of "double-walled tank." It amends the provisions regarding installation requirements for aboveground heating oil supply tanks. It strikes the provision in the bill that requires the registration of aboveground oil storage facilities in wellhead protection zones and over sand and gravel aquifers. It eliminates language authorizing the Commissioner of Environmental Protection to enjoin the operation of a facility installed in violation of the new siting restrictions and replaces it with more comprehensive enforcement language. It requires the Department of Defense, Veterans and

Emergency Management, Maine Emergency Management Agency, in coordination with the Department of Public Safety, Office of the State Fire Marshal and the Department of Environmental Protection, to review and make recommendations on improving the current framework for registering aboveground oil storage facilities.

**Enacted Law Summary**

Public Law 2007, chapter 569 restricts certain types of development near drinking water wells to prevent contamination by oil and hazardous matter. It directs the Board of Environmental Protection to adopt major substantive rules that restrict the siting of certain facilities within significant sand and gravel aquifers mapped by the Department of Conservation, Bureau of Geology and Natural Areas, Maine Geological Survey. It requires the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, in coordination with the Department of Public Safety, Office of the State Fire Marshal and the Department of Environmental Protection, to review and make recommendations on improving the current framework for registering aboveground oil storage facilities.

**LD 2119 An Act To Amend Certain Laws Related to Environmental Protection** **PUBLIC 655**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | H-987 KOFFMAN |
| | | S-482 |

The bill:

1. Increases the per diem for members of the Maine Land Use Regulation Commission and the Board of Environmental Protection to $100 per day when in attendance at meetings and hearings;

2. Amends the law that provides for special fees by eliminating the cap and including the costs of any appeals;

3. Repeals a requirement that the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly report by January 1, 1998 and on or before January 1st of every odd-numbered year thereafter to the joint standing committees of the Legislature having jurisdiction over natural resource matters and inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats;

4. Amends the oil storage laws to clarify that the term "responsible party" as used in those laws includes the owner or operator of an oil storage tank and any person who causes a discharge from the tank;

5. Amends the law requiring payment of registration fees on oil storage tanks to reduce the frequency of payment;

6. Clarifies the circumstances under which abandoned underground oil storage tanks may be returned to service;

7. Amends the law governing closure of municipal landfills to make it clear that municipalities must inspect, monitor and maintain their closed landfills as necessary to ensure that the landfill caps and other closure measures remain effective;

8. Amends the law requiring the Department of Environmental Protection to pay 90% of municipal landfill remediation costs to incorporate a cross-reference to other provisions of law that reduce the department share to 50% and zero in certain circumstances;

9. Eliminates the requirement that the Department of Environmental Protection report to the Legislature regarding the progress, adequacy of funding and any legislation needed to achieve reduction of tire stockpiles and beneficial reuse of tires;

10. Changes the interest rate on reimbursements to the Maine Hazardous Waste Fund to 15% to be consistent with other interest provisions administered by the Department of Environmental Protection;

11. Amends the laws governing tire stockpile abatement and uncontrolled hazardous substance sites to make the language regarding recovery of natural resources damages consistent with corresponding language under the oil spill cleanup laws;

12. Amends the law banning the sale of mattresses, mattress pads and residential upholstered furniture that contain the flame retardant decabromodiphenyl ether to make it clear that these products may not be sold in Maine after January 1, 2008 regardless of how the chemical is applied to or incorporated into the product; and

13. Repeals the requirement to report annually on the removal, collection and recycling of mercury switches in motor vehicles and directs the Department of Environmental Protection to recommend repeal of the switch removal and recycling requirements when the commissioner determines that the number of mercury switches available for collection is too small to warrant continuation of the program.

**Committee Amendment "A" (S-482)**

This amendment makes the following changes to the bill.

1. It removes from the bill proposed increases in the per diem for members of the Board of Environmental Protection and the Maine Land Use Regulation Commission.

2. It amends the special fee provisions and requires the Department of Environmental Protection to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

3. It modifies the requirements for bringing abandoned underground oil storage tanks into service.

4. It allows the Commissioner of Environmental Protection discretion to not collect finance charges if the amounts are small or unlikely to be collected.

5. It clarifies that a determination that a solid waste disposal facility provides a substantial public benefit does not necessarily have to be made before the commissioner may find that acceptance of out-of-state waste at the facility provides a substantial public benefit.

6. It changes language regarding rule-making authority of the Department of Environmental Protection relating to flame retardants to be consistent with other changes in the bill.

**House Amendment "A" (H-987)**

This amendment removes the provisions of Committee Amendment "A" that increased the maximum special fee to $250,000 until September 1, 2009.

**Enacted Law Summary**

Public Law 2007, chapter 655:

1. Amends the law that provides for special fees and requires the Department of Environmental Protection to submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

2. Allows the Commissioner of Environmental Protection discretion to not collect finance charges if the amounts are small or unlikely to be collected;

3. Repeals a requirement that the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife jointly report by January 1, 1998 and on or before January 1st of every odd-numbered year

thereafter to the joint standing committees of the Legislature having jurisdiction over natural resource matters and inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats;

4. Amends the oil storage laws to clarify that the term "responsible party" as used in those laws includes the owner or operator of an oil storage tank and any person who causes a discharge from the tank;

5. Amends the law requiring payment of registration fees on oil storage tanks to reduce the frequency of payment;

6. Clarifies the circumstances under which abandoned underground oil storage tanks may be returned to service;

7. Amends the law governing closure of municipal landfills to make it clear that municipalities must inspect, monitor and maintain their closed landfills as necessary to ensure that the landfill caps and other closure measures remain effective;

8. Amends the law requiring the Department of Environmental Protection to pay 90% of municipal landfill remediation costs to incorporate a cross-reference to other provisions of law that reduce the department share to 50% and zero in certain circumstances;

9. Eliminates the requirement that the Department of Environmental Protection report to the Legislature regarding the progress, adequacy of funding and any legislation needed to achieve reduction of tire stockpiles and beneficial reuse of tires;

10. Changes the interest rate on reimbursements to the Maine Hazardous Waste Fund to 15% to be consistent with other interest provisions administered by the Department of Environmental Protection;

11. Amends the laws governing tire stockpile abatement and uncontrolled hazardous substance sites to make the language regarding recovery of natural resources damages consistent with corresponding language under the oil spill cleanup laws;

12. Amends the law banning the sale of mattresses, mattress pads and residential upholstered furniture that contain the flame retardant decabromodiphenyl ether to make it clear that these products may not be sold in Maine after January 1, 2008 regardless of how the chemical is applied to or incorporated into the product;

13. Repeals the requirement to report annually on the removal, collection and recycling of mercury switches in motor vehicles and directs the Department of Environmental Protection to recommend repeal of the switch removal and recycling requirements when the commissioner determines that the number of mercury switches available for collection is too small to warrant continuation of the program; and

14. It clarifies that a determination that a solid waste disposal facility provides a substantial public benefit does not necessarily have to be made before the commissioner may find that acceptance of out-of-state waste at the facility provides a substantial public benefit.

**LD 2126** **An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State** **PUBLIC 584**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MACDONALD | OTP-AM | H-798 |

This bill is a concept draft pursuant to Joint Rule 208. The bill seeks to meet Maine's climate goals and to promote development of new clean energy and carbon reduction technologies by requiring that new industrial and electrical

generating facilities that use coal as a feedstock attain the lowest achievable emissions rate, as defined in the Maine Revised Statutes, Title 38, section 582, subsection 7-E-2, for emissions of greenhouse gases into the atmosphere. The provisions of the bill would apply to new enterprises that generate electricity or other products for commerce; require an air emissions license pursuant to Title 38, section 590 or 591-A; use coal as an energy feedstock; and emit 5,000 or more tons of carbon dioxide per year. The Department of Environmental Protection shall enforce the provisions of this bill through new source review under the federal Clean Air Act, 42 United States Code, Sections 7401 to 7671q (2007). In calculating emissions under this bill, the department shall consider the net emissions from the full life cycle of all fuel feedstocks, except that carbon dioxide that is captured at the facility and that is permanently disposed of in geological formations in compliance with applicable laws and rules may not be counted as emissions from the facility. At a minimum, the department's determination of the lowest achievable emissions rate must require a rate of emissions of greenhouse gases that is no higher than the rate of emissions of greenhouse gases for a facility that uses natural gas as its energy feedstock.

**Committee Amendment "A" (H-798)**

This amendment requires the Board of Environmental Protection to establish greenhouse gas emission standards for coal gasification facilities that generate electricity or liquid fuels. Rules to establish the standards are major substantive rules and must be submitted to the Legislature for review by January 5, 2011. Until the effective date of the major substantive rules authorized by the Legislature or until August 1, 2011, whichever is earlier, a moratorium is placed on the authorization of coal gasification facilities. The amendment provides for the discounting of carbon dioxide emissions that are captured and permanently isolated from the atmosphere in compliance with all applicable laws and rules in the calculation of greenhouse gas emissions.

**Enacted Law Summary**

Public Law 2007, chapter 584 requires the Board of Environmental Protection to establish greenhouse gas emission standards for coal gasification facilities that generate electricity or liquid fuels. Rules to establish the standards are major substantive rules and must be submitted to the Legislature for review by January 5, 2011. Until the effective date of the major substantive rules authorized by the Legislature or until August 1, 2011, whichever is earlier, a moratorium is placed on the authorization of coal gasification facilities. Chapter 584 provides for the discounting of carbon dioxide emissions that are captured and permanently isolated from the atmosphere in compliance with all applicable laws and rules in the calculation of greenhouse gas emissions.

## LD 2160 An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution — PUBLIC 568

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WEBSTER | OTP-AM | H-822 |

This bill requires a person transferring property containing a subsurface waste water disposal system in a coastal shoreland area to provide the transferee with certification that the system has been inspected within the last 3 years or that it is impossible to perform an inspection prior to the transfer. If the system has been inspected and found to be malfunctioning, the system must be repaired prior to the transfer or the repair must be a condition of sale. If it is impossible to inspect the system prior to the transfer, the system must be inspected and, if malfunctioning, repaired within 1 year after the transfer. The certification must be filed with the municipality and the local plumbing inspector. The bill retains the current notification requirements for property transferred in freshwater shoreland areas.

The bill also creates a process for coordinating resolution of water quality problems related to subsurface waste water disposal systems in shellfish harvesting areas, including notification, inspection and abatement order requirements. It also requires the Department of Health and Human Services in coordination with the Department of Marine Resources and the Department of Environmental Protection to adopt routine technical rules establishing requirements for the certification of individuals to inspect subsurface waste water disposal systems. It also requires

the Department of Health and Human Services, the Department of Environmental Protection, the Department of Marine Resources and the Executive Department, State Planning Office to jointly develop recommendations on strategies to further abate water quality problems that affect shellfish harvesting and recreational uses of waters and that are the result of malfunctioning subsurface waste water disposal systems or licensed overboard discharge systems.

**Committee Amendment "A" (H-822)**

This amendment replaces the provisions in the bill regarding notice and inspection requirements of subsurface waste water disposal systems upon the transfer of property in the coastal shoreland zone. It also clarifies the provisions in the bill that create a process for coordinating response to water quality problems that are related to subsurface waste water disposal systems in shellfish growing areas. It also gives to the Department of Health and Human Services in coordination with the Department of Marine Resources and the Department of Environmental Protection discretion regarding the adoption of rules establishing certification requirements for subsurface waste water disposal system inspectors. It also adds a mandate preamble.

**Enacted Law Summary**

Public Law 2007, chapter 568 establishes new notice requirements and inspection requirements for subsurface waste water disposal systems upon the transfer of property in the coastal shoreland zone. It creates a process for coordinating response to water quality problems related to subsurface waste water disposal systems in shellfish harvesting areas, including notification, inspection and abatement order requirements. It authorizes the Department of Health and Human Services in coordination with the Department of Marine Resources and the Department of Environmental Protection to adopt routine technical rules establishing requirements for the certification of individuals to inspect subsurface waste water disposal systems. It requires the Department of Health and Human Services, the Department of Environmental Protection, the Department of Marine Resources and the Executive Department, State Planning Office to jointly develop recommendations on strategies to further abate water quality problems that affect shellfish harvesting and recreational uses of waters and that are the result of malfunctioning subsurface waste water disposal systems or licensed overboard discharge systems.

**LD 2164** **Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 175**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This resolve provides for legislative review of portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

Resolve 2007, chapter 175 authorizes final adoption of portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a major substantive rule of the Department of Environmental Protection.

Resolve 2007, chapter 175 was enacted as an emergency measure effective March 31, 2008.

**LD 2169** **An Act To Authorize a General Fund Bond Issue for Drinking Water Management and Wastewater Management** **PUBLIC 673**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM | S-449 |
| | | S-666 ROTUNDO |

Part A of this bill requires disturbed areas created after January 1, 2008 that are associated with utility substations to meet only the basic standards for storm water management under the rules of the Department of Environmental Protection. The funds provided by the bond issue in Part B, in the amount of $1,700,000, will be used to support drinking water programs and to support the construction of wastewater treatment facilities and will leverage $8,500,000 in other funds.

**Committee Amendment "A" (S-449)**

This amendment removes Part A of the bill, which proposed to amend the laws pertaining to storm water management. The amendment also increases the bond issue for the drinking water revolving loan fund to $1,700,000 and it increases the bond issue for the clean water treatment facility revolving loan fund to $1,700,000. It also increases the match amount relating to each fund from $4,250,000 to $8,500,000.

**Senate Amendment "A" (S-666)**

This amendment changes the references from clean water to wastewater for the treatment facility state revolving loan fund.

**Enacted Law Summary**

Public Law 2007, chapter 673 authorizes, upon ratification of the voters, the issuance of bonds for the drinking water revolving loan fund and the wastewater treatment facility state revolving loan fund.

**LD 2207** **An Act To Diminish Global Warming** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | ONTP | |

This bill prohibits, beginning January 1, 2010, the sale and distribution in the State of incandescent lamps. The bill also establishes a system of deposit and redemption for used compact fluorescent lamps, referred to as returnable light bulbs, and creates the Returnable Light Bulb Fund, a dedicated fund for use in the payment of deposits and redemptions and for holding funds not required for either purpose.

**LD 2210** **An Act To Promote the Use of Safer Chemicals in Consumer Products** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN<br>DOW | ONTP | |

This bill requires a manufacturer or a distributor of a product that contains a toxic, carcinogenic or very bioaccumulative chemical to disclose information on its chemical use if the Board of Environmental Protection designates the chemical as a priority chemical. Upon review of the information, the board then may adopt rules banning the sale of a product that contains the chemical.

**LD 2216** **An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality** **PUBLIC 589**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN | OTP-AM | H-753 |
| | | S-493 MARTIN |

This bill adjusts the annual fee surcharge to licensed air emission sources. The additional revenue raised when applying this new surcharge to the most current toxicity information available, as determined by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and the most current emissions inventory, as determined by the Department of Environmental Protection, will be used to sustain funding for the core program of the Department of Environmental Protection, Bureau of Air Quality. The bill also reduces the administrative procedures for billing of annual license fees. Instead of sending out bills for licenses that expire each month, the bureau will send out bills only once each quarter for the licenses that expire during that quarter. The nonpayment period for each license is extended from 30 to 60 days to accommodate this change in billing procedures. Finally, the bill changes the definition of "air quality score" to "toxicity score."

**Committee Amendment "A" (H-753)**

This amendment establishes the frequency of stack tests for chlorine or chlorine dioxide as no more than once every 5 years. It also changes the frequency of required particulate matter stack tests from every 2 years to every 5 years. The amendment allows the Department of Environmental Protection to increase the frequency of testing if other information indicates possible air emission compliance issues or if there are more stringent federal requirements.

**Senate Amendment "A" (S-493)**

This amendment establishes a minimum revenue threshold for funding state air quality protection and improvement activities from the collection of air emissions license fee surcharge money. If the minimum annual revenue threshold is not met, the commissioner may increase the annual fee surcharge up to $4 per 1,000 air quality units. It also establishes a reporting requirement on the adequacy of the minimum revenue threshold in terms of its ability to support ongoing air quality protection and improvement activities, including any fee adjustments and the justification for those adjustments. This amendment also requires air quality monitoring in the Town of Bradley for a limited period of time.

**Enacted Law Summary**

Public Law 2007, chapter 589 establishes a minimum revenue threshold for funding state air quality protection and improvement activities from the collection of air emissions license fee surcharge money. If the minimum annual revenue threshold is not met, the commissioner may increase the annual fee surcharge up to $4 per 1,000 air quality units. It also establishes a reporting requirement on the adequacy of the minimum revenue threshold in terms of its ability to support ongoing air quality protection and improvement activities, including any fee adjustments and the justification for those adjustments.

Chapter 589 also makes the following changes.

1. It reduces the administrative procedures for billing of annual license fees. Instead of sending out bills for licenses that expire each month, the bureau will send out bills only once each quarter for the licenses that expire during that quarter. The nonpayment period for each license is extended from 30 to 60 days to accommodate this change in billing procedures.

2. It changes the definition of "air quality score" to "toxicity score."

3. It establishes the frequency of stack tests for chlorine or chlorine dioxide as no more than once every 5 years and

it changes the frequency of required particulate matter stack tests from every 2 years to every 5 years. It allows the Department of Environmental Protection to increase the frequency of testing if other information indicates possible air emission compliance issues or if there are more stringent federal requirements.

4. It requires air quality monitoring in the Town of Bradley for a limited period of time.

**LD 2223** **An Act To Expand the Natural Resources Protection Act Compensation Program** **PUBLIC 527**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | S-456 MARTIN |

This bill expands the section of the Natural Resources Protection Act concerning compensation for unavoidable impacts to freshwater and coastal wetlands to also address compensation for unavoidable impacts to significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas.

**Senate Amendment "A" (S-456)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2007, chapter 527 expands the section of the Natural Resources Protection Act concerning compensation for unavoidable impacts to freshwater and coastal wetlands to also address compensation for unavoidable impacts to significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas.

**LD 2227** **An Act To Minimize the Potential for Slope Failure in Gravel Pits** **PUBLIC 507**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill, submitted by the Joint Standing Committee on Natural Resources pursuant to Public Law 2007, chapter 364, amends the water quality protection and storm water management performance standard for excavations in gravel pits. It requires that measures be taken to prevent storm water from ponding at the base of a reclaimed slope or a working pit that is adjacent to steep slopes and a protected natural resource.

**Enacted Law Summary**

Public Law 2007, chapter 507 amends the water quality protection and storm water management performance standard for excavations in gravel pits. It requires that measures be taken to prevent storm water from ponding at the base of a reclaimed slope or a working pit that is adjacent to steep slopes and a protected natural resource.

**LD 2230** **An Act To Amend the Laws Governing Reports Related to Natural Resources** **PUBLIC 619**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-544 |

This bill makes the following changes to the laws governing reports related to natural resources.

1. It provides for biennial reporting by the Land and Water Resources Council. Current law requires an annual report.

2. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the Radioactive Waste Fund.

3. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on fees for radiation protection services.

4. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on certain permitting and licensing activities.

5. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on water use reporting. It requires the Department of Environmental Protection to report water use data to the Water Resources Planning Committee.

6. It eliminates the requirement that the Department of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on low-emission vehicle standards.

7. It eliminates the requirement that the Department of Environmental Protection report to the Legislature regarding tire stockpiles.

8. It repeals the laws that establish and govern the Radioactive Waste Advisory Commission Fund, including a requirement that the Commissioner of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the fund, to reflect the repeal of the laws that established and governed the Advisory Commission on Radioactive Waste and Decommissioning. It also amends a provision that refers to this repealed advisory commission.

**Committee Amendment "A" (S-544)**

This amendment changes a reporting requirement on the California low-emission vehicle standards from an annual report to a periodic report. It also removes from the bill the repeal of a reporting requirement regarding tire stockpiles because the reporting requirement was repealed in another law.

**Enacted Law Summary**

Public Law 2007, chapter 619 makes the following changes to the laws governing reports related to natural resources.

1. It provides for biennial reporting by the Land and Water Resources Council. Current law requires an annual report.

2. It eliminates the requirement that the Department of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the Radioactive Waste Fund.

3. It eliminates the requirement that the Department of Health and Human Services report annually to the joint

standing committee of the Legislature having jurisdiction over natural resources matters on fees for radiation protection services.

4. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on certain permitting and licensing activities.

5. It eliminates the requirement that the Commissioner of Environmental Protection report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters on water use reporting. It requires the Department of Environmental Protection to report water use data to the Water Resources Planning Committee.

6. It changes a Department of Environmental Protection reporting requirement on the California low-emission vehicle standards from an annual report to a periodic report.

7. It repeals the laws that establish and govern the Radioactive Waste Advisory Commission Fund, including a requirement that the Commissioner of Health and Human Services report annually to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding the fund, to reflect the repeal of the laws that established and governed the Advisory Commission on Radioactive Waste and Decommissioning. It also amends a provision that refers to this repealed advisory commission.

**LD 2235** **An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions** **PUBLIC 558**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN<br>MARTIN | OTP-AM | H-779 |

This bill moves storm water management law fees from the storm water management law into the Department of Environmental Protection's fee schedule and breaks existing fees into processing and certification or license fees consistent with other fees. It amends wastewater discharge fees. It provides that when a waste discharge licensee continues to discharge following expiration of a license, the license fees must continue to be paid. It repeals the Maine Revised Statutes, Title 38, section 353-B, subsection 6, which established fees that applied during the initial year after the effective date of Title 38, section 353-B.

**Committee Amendment "A" (H-779)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2007, chapter 558 moves storm water management law fees from the storm water management law into the Department of Environmental Protection's fee schedule and breaks existing fees into processing and certification or license fees consistent with other fees. It amends wastewater discharge fees. It provides that when a waste discharge licensee continues to discharge following expiration of a license, the license fees must continue to be paid. It repeals the Maine Revised Statutes, Title 38, section 353-B, subsection 6, which established fees that applied during the initial year after the effective date of Title 38, section 353-B.

## LD 2249 An Act To Protect Lake Water Quality — PUBLIC 593

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-864 |

This bill is submitted by the Joint Standing Committee on Natural Resources pursuant to Public Law 2007, chapter 65. It authorizes municipalities to assess annual fees under certain conditions to property owners whose properties are accessed by a private road. It requires excavation contractors working in the shoreland zone to ensure that a person certified in erosion control practices is in charge of erosion control practices at the site. It changes the phosphorous compensation fee. It authorizes the Department of Environmental Protection to allow applicants to meet municipal mitigation requirements in lieu of paying a compensation fee.

**Committee Amendment "A" (H-864)**

The amendment removes from the bill the authority for municipalities to assess annual fees under certain conditions to property owners whose properties are accessed by a private road. The amendment clarifies that on-site supervision by an excavation contractor certified in erosion control must be of a sufficient duration to ensure that proper erosion and sedimentation control practices are followed and that the requirement that a contractor certified in erosion control be on site does not apply to activities resulting in less than one cubic yard of earth material being added or displaced. The amendment directs the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report evaluating strategies to diminish the impact of private roads, driveways and boat ramps on lake water quality.

**Enacted Law Summary**

Public Law 2007, chapter 593 requires excavation contractors working in the shoreland zone to ensure that a person certified in erosion control practices is in charge of erosion control practices at the site. It changes the phosphorous compensation fee. It authorizes the Department of Environmental Protection to allow applicants to meet municipal mitigation requirements in lieu of paying a compensation fee. It directs the Department of Environmental Protection to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report evaluating strategies to diminish the impact of private roads, driveways and boat ramps on lake water quality.

## LD 2263 An Act Establishing an Outdoor Wood Boiler Fund — PUBLIC 680

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | S-567 |

This bill creates the Outdoor Wood Boiler Fund with which outdoor wood boilers determined by the Department of Environmental Protection to constitute a nuisance condition or threat to public health or safety will be purchased by the State and retired or replaced with units that do not create a nuisance condition or threat to public health or safety. The bill also provides the Commissioner of Environmental Protection the authority to shut down any outdoor wood boiler that creates a nuisance condition or threat to public health or safety.

**Committee Amendment "A" (S-567)**

This amendment clarifies the emergency powers of the Commissioner of Environmental Protection relating to outdoor wood boilers that create a nuisance condition or a danger to public health or safety. The amendment adds the upgrade of outdoor wood boilers to the authorized uses of the Outdoor Wood Boiler Fund. The amendment also repeals the section of law that establishes the Outdoor Wood Boiler Fund on August 31, 2013. This amendment adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 680 creates, until August 31, 2013, the Outdoor Wood Boiler Fund which the Department of Environmental Protection shall use to upgrade, purchase and replace outdoor wood boilers that the department has determined constitute a nuisance condition or threat to public health or safety. The bill also provides the Commissioner of Environmental Protection with emergency powers if the commissioner finds that an outdoor wood boiler creates a nuisance condition or threat to public health or safety.

# *Joint Standing Committee on Natural Resources*

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**Enacted**

| | | |
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| LD 2126 | An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State | PUBLIC 584 |
| LD 2164 | Resolve, Regarding Legislative Review of Portions of Chapter 157: CO2 Budget Trading Program Waiver and Suspension, a Major Substantive Rule of the Department of Environmental Protection | RESOLVE 175 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2207 | An Act To Diminish Global Warming | ONTP |

### *Air Quality - Outdoor Wood Boilers*

**Enacted**

| | | |
|---|---|---|
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**Enacted**

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**Enacted**

| | | |
|---|---|---|
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**Enacted**

| | | |
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**Enacted**

| | | |
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**Not Enacted**

| | | |
|---|---|---|
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**Enacted**

| | | |
|---|---|---|
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**Not Enacted**

| | | |
|---|---|---|
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## *Oils - Groundwater*

**Enacted**

| | | |
|---|---|---|
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| **LD 2072** | **An Act To Conform the Laws Governing Underground Oil Storage Tanks to the Requirements of the Federal Energy Policy Act** | **PUBLIC 534** |
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Enacted

| | | |
|---|---|---|
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| LD 1947 | An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program | PUBLIC 618 |

Not Enacted

| | | |
|---|---|---|
| LD 1950 | An Act To Repeal the Premium Imposed on Motor Vehicle Oil Changes | ONTP |

### *Recycling*

Not Enacted

| | | |
|---|---|---|
| LD 2017 | An Act To Provide for Enforcement of the Office Paper Recycling Program | ONTP |

### *Reports*

Enacted

| | | |
|---|---|---|
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Enacted

| | | |
|---|---|---|
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| LD 1964 | Resolve, To Require Rulemaking Concerning Landfill Gas and Odor Management | RESOLVE 170 |

Not Enacted

| | | |
|---|---|---|
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### *Toxic chemicals*

Enacted

| | | |
|---|---|---|
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Not Enacted

| | | |
|---|---|---|
| LD 2210 | An Act To Promote the Use of Safer Chemicals in Consumer Products | ONTP |

### *Wastewater*

Enacted

| | | |
|---|---|---|
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## *Water*

Enacted

| | | |
|---|---|---|
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# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

May 2008


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**LD 1876 Resolve, Regarding the Maine State Cultural Building in Augusta** **RESOLVE 151**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-669 |

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 having jurisdiction over state and local government matters the authority to submit legislation to the Second Regular Session of the 123rd Legislature.

**Committee Amendment "B" (H-669)**

This amendment directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 151 directs the Director of the Bureau of General Services within the Department of Administrative and Financial Services, in consultation with the Secretary of State, to provide a report regarding the status and future of the Maine State Cultural Building. It authorizes the director to apply for grant funding for this purpose, including from the New Century Community Program. The director must report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 1, 2009, and the committee may submit legislation to the First Regular Session of the 124th Legislature.

**LD 1878 An Act To Generate Savings by Changing Public Notice Requirements** **HELD BY GOVERNOR**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HAYES<br>SCHNEIDER | OTP-AM MAJ<br>ONTP MIN | H-684 |

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 a statement with the printing of each public notice that notices will not be printed in newspapers after December 31, 2007 as well as the address of the Internet site and telephone number of the government entity or LURC. 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 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 having jurisdiction over state and local government matters that removes any statutory requirement that a government entity publish notices in newspapers.

**Committee Amendment "B" (H-684)**

This amendment strikes out the section of the bill that phases out the publication of rulemaking notices in the newspaper and that requires placing those notices solely on a publicly accessible website. The amendment changes the requirements for public notice of proposed rules in the newspaper with the intention to make the notices shorter. It removes from the newspaper notice the requirement to refer to the statutory or federal authority for the rule and replaces the requirement for the express terms of the proposed rule with a general statement on the substance. The notice must include the name, address, and email of the departmental contact person. The amendment removes the requirement for adopted rules to be published in the newspaper although a department may still choose to do so.

**LD 1941** **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville** **RESOLVE 150**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THERIAULT | OTP-AM | H-672 |
| | | H-681 BARSTOW |

LD 1941 authorizes the Commissioner of Administrative and Financial Services to convey a parcel of land in Frenchville to an abutter.

**Committee Amendment "A" (H-672)**

This amendment replaces the bill. The amendment authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

**House Amendment "A" (H-681)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Resolve 2007, chapter 150 authorizes the sale of a piece of state property to the landowner whose land surrounds the section of property. The Commissioner of Administrative and Financial Services may sell the State's interest in a

parcel of land in Frenchville within the next 3 years if it is determined that it is not necessary for the statewide radio and network system. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over state and local government matters on any action taken pursuant to this resolve by February 1, 2011. The commissioner may also negotiate with the landowner for an alternative site for the radio tower.

**LD 1962** **An Act To Amend the Informed Growth Act** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HASTINGS | ONTP MAJ<br>OTP-AM MIN | |

LD 1962 provides an option for a municipality to waive the right to apply the provisions of the Informed Growth Act at any time by a vote of its legislative body. If the vote is taken at a town meeting or by a city council, it must also be approved by the citizens at a referendum.

**Committee Amendment "A" (S-436)**

This amendment, which the minority report, retains the provisions of the bill allowing a municipality to waive the requirements of the Informed Growth Act by a vote of its legislative body but does not require a subsequent referendum.

**LD 1965** **An Act To Amend the Lucerne-in-Maine Village Corporation Charter** **P & S 33**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROSEN R | OTP-AM | S-404 |

LD 1965 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village corporation.

**Committee Amendment "A" (S-404)**

This amendment changes the width of the road to be added to the territory contained in the charter of Lucerne-in-Maine from 50 feet in width to 33 feet and 16.5 feet on each side of the centerline rather than 25 feet.

**Enacted Law Summary**

Private and Special Law 2007, chapter 33 amends the Lucerne-in-Maine Village Corporation's charter by adding certain parts of Peakes Hill Road to the territory of the village.

**LD 1968** **An Act To Clarify the Election of Municipal Charter Commission Members** **PUBLIC 495 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRANNIGAN | OTP-AM | S-426 |

LD 1968 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs at least 90 days after the vote authorizing the charter commission. The bill also provides for a third method

for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

**Committee Amendment "A" (S-426)**

This amendment clarifies that a municipality is authorized to elect the members of a municipal charter commission by the procedure in the bill but that it is not mandatory for municipalities that have both at-large and district or ward municipal officers on the town or city council to use this method. The amendment adds an emergency preamble and emergency clause so that the City of Portland can include a question about the need for a new charter commission at the next regularly scheduled election in June 2008, and the members of that commission can be elected at the November 2008 election if the commission question is approved. It also clarifies that a community may hold an election for commission members at the next regularly scheduled election no more than 200 days after the referendum authorizing the charter commission.

**Enacted Law Summary**

Public Law 2007, chapter 495 amends the procedure for the election of members to a municipal charter commission. It gives a municipality the option to either include the election of voter members on the same ballot as the question authorizing the commission or have members elected no later than the first regular or special municipal or state election that occurs no more than 200 days after the vote authorizing the charter commission. It also provides for a third method for electing voter members on a charter commission for a municipality that has municipal officers elected both at-large and by district. That number would be equal to the total number of elected municipal officers on the board or council of that municipality.

Public Law 2007, chapter 492 was enacted as an emergency measure effective March 14, 2008.

**LD 1974** **Resolve, To Prevent the Closing of Store Road in Somerset County** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | ONTP | |

LD 1974 directs the county commissioners of Somerset County to keep Store Road in Rockwood, Somerset County open throughout the year.

**LD 2020** **An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CASAVANT | ONTP | |

LD 2020 amends the laws governing when a variance from the zoning laws may be granted to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability. It provides that such a variance may be granted for the construction of a garage or similar structure that will assist the person with the disability.

**LD 2057** **An Act To Amend the Conflict of Interest Laws for Notaries Public** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | OTP-AM MAJ<br>ONTP MIN | |

LD 2057 adds relationships to the list of relationships considered to pose a conflict of interest for a notary public in the conduct of the notary public's responsibilities. It allows a notary public to solemnize the marriage of some family members.

**Committee Amendment "A" (H-707)**

This amendment prohibits a notary public from notarizing that notary public's own signature.

**House Amendment "A" (H-747)**

This amendment prohibits a notary public from performing a notarial act for a person with whom that notary has a familial relationship if the notary could foreseeably derive some pecuniary benefit from the execution of the document being notarized. This amendment strikes from the bill the list of persons for whom a notary public may not perform a notarial act and instead uses the list of persons in current law, with the addition of a registered domestic partner and that partner's parent, sibling, child or child's spouse. The effect of this amendment is that a notary may perform notarial acts for any family members as long as no conflict exists.

**LD 2058** **Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland** **RESOLVE 148**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EBERLE | OTP-AM | H-663 |

LD 2058 authorizes the Maine Community College System to sell 2 parcels of land in South Portland.

**Committee Amendment "A" (H-663)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2007, chapter 148 authorizes the Maine Community College System to sell 2 parcels of land in South Portland.

**LD 2096** **An Act Regarding International Trade Agreements** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PATRICK | ONTP | |

LD 2096 requires legislative approval before any state official, including the Governor, may bind the State to the procurement rules, service sector rules or investment rules of an international trade agreement. It is modeled on similar legislation recently enacted in Maryland, Rhode Island and Hawaii.

**LD 2111** **An Act To Secure the Sites Necessary for the Statewide Radio and Network System** **PUBLIC 488**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | OTP-AM | H-670<br>S-424 SCHNEIDER |

LD 2111 provides authority for the Department of Administrative and Financial Services, Bureau of General Services to conduct property transactions as necessary for the implementation of the statewide radio and network system, pursuant to the Maine Revised Statutes, Title 5, section 1520. This bill remedies an apparent oversight in the statute which requires that the radio and network system be established and provides a funding mechanism but does not provide the necessary real property transaction authority.

**Committee Amendment "A" (H-670)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-424)**

This amendment adds language that repeals the law 5 years after it takes effect.

**Enacted Law Summary**

Public Law 2007, chapter 488 provides authority for the Department of Administrative and Financial Services, Bureau of General Services to conduct property transactions as necessary for the implementation of the statewide radio and network system pursuant to the Maine Revised Statutes, Title 5, section 1520. This law is repealed 5 years after it takes effect.

**LD 2147** **An Act To Ensure That State Government Is a Model Employer of People with Disabilities** **PUBLIC 551**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLETT | OTP-AM | H-776 |

LD 2147 provides a General Fund appropriation of $68,477 in fiscal year 2008-09 to the Bureau of Human Resources within the Department of Administrative and Financial Services to establish the position of Disability Employment Services Coordinator to review hiring and promotion procedures for workers with disabilities, expand outreach efforts, increase efforts to accommodate workers with disabilities and seek to increase the number of workers with disabilities within State Government.

**Committee Amendment "A" (H-776)**

This amendment replaces the bill. It requires all departments, agencies and instrumentalities of the State to submit their plans to increase the opportunities for individuals with disabilities to be hired in each unit to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services. The director shall submit a report on the plans to the joint standing committees of the Legislature having jurisdiction over state and local government matters and labor matters by March 1, 2009 and biennially after that. The report must include any changes to the plans, an assessment made by the director of the effectiveness of the plans and any proposed legislation. The report must also be submitted to the Governor's office.

**Enacted Law Summary**

Public Law 2007, chapter 551 requires all departments, agencies and instrumentalities of the State to submit their

plans to increase the opportunities for individuals with disabilities to be hired in each unit to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services. The director shall submit a report on the plans to the joint standing committees of the Legislature having jurisdiction over state and local government matters and labor matters by March 1, 2009 and biennially after that. The report must include any changes to the plans, an assessment made by the director of the effectiveness of the plans and any proposed legislation. The report must also be submitted to the Governor's office.

**LD 2188 Resolve, To Establish a Moratorium on Development in Saco Bay** **RESOLVE 204**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOGAN<br>DAMON | OTP-AM MAJ<br>ONTP MIN | H-896 |

LD 2188 changes the municipal boundary between the Town of Old Orchard Beach and the City of Saco by extending the current easterly boundary of the Town of Old Orchard Beach to 3 miles seaward.

**Committee Amendment "A" (H-896)**

This amendment replaces the bill. It adopts a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conservation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources. During the moratorium, the Town of Old Orchard Beach and the City of Saco may convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Director of the State Planning Office within the Executive Department, or the director's designee, should be invited to participate. In addition, representatives from the Department of Marine Resources, Department of Conservation, Bureau of Parks and Lands and any other departments determined necessary as well as municipal representatives from the Town of Scarborough and the City of Biddeford should be invited to participate. If a group is convened, it is authorized to submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009, and the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 204 imposes a moratorium for 18 months on the processing or issuance of new submerged lands leases for commercial projects by the Department of Conservation, Bureau of Parks and Lands and aquaculture leases by the Department of Marine Resources. During the moratorium, the Town of Old Orchard Beach and the City of Saco may convene a working group to examine municipal boundaries, regulatory jurisdictions and parameters for future development in Saco Bay. If a working group is convened, the Director of the State Planning Office within the Executive Department, or the director's designee, should be invited to participate. In addition, representatives from the Department of Marine Resources, Department of Conservation, Bureau of Parks and Lands and any other departments determined necessary as well as municipal representatives from the Town of Scarborough and the City of Biddeford should be invited to participate. If a group is convened, it is authorized to submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than January 15, 2009, and the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation to the First Regular Session of the 124th Legislature.

**LD 2201** **An Act To Require a Municipality To Move a Body Buried in the Wrong Grave** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIOTTI | ONTP | |

LD 2201 provides that if a dead human body or human remains are interred in an improper location by a municipality or an agent of a municipality, under the direction of a municipality or in reliance upon the advice of a municipality, then that municipality shall exhume the dead human body or human remains and reinter them or cause them to be reinterred in a proper location at the expense of that municipality.

**LD 2213** **An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process** **PUBLIC 581**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-791 |

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.

2. Agencies are required to hold public hearings on all major substantive rules.

3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions.

4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.

5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.

6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.

7. The Secretary of State is required to publish on a publicly accessible website the names and contact information for members of Governor-appointed review boards and councils that are concerned with rulemaking.

8. The Secretary of State is required to redesign certain forms that are filled out by departments, bureaus or agencies when submitting proposed and adopted rules to the Secretary of State. The redesigned forms must include a summary paragraph that is easily identified and understood by a member of the public interested in the rule.

9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.

10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

**Committee Amendment "A" (H-791)**

This amendment requires that rule notices posted on the Secretary of State's website include an email link to the agency liaison. It clarifies that departments must either post proposed and adopted rules on the departmental website or post a link to the rules on the Secretary of State's website. The amendment clarifies that MAPA-3 and MAPA-4 are the correct notices that need to be redesigned and that they are notices, not cover sheets. The MAPA-3 and MAPA-4 notices must also include the e-mail address of the agency liaison.

**Enacted Law Summary**

This bill implements the recommendations of the Working Group to Improve Public Understanding and Participation in the Rulemaking Process. It makes the following changes:

1. The Secretary of State is required to post a list of all agency liaisons and their contact information on a publicly accessible website.

2. Agencies are required to hold public hearings on all major substantive rules.

3. The Secretary of State is required to post the notices of all proposed and adopted rules on a publicly accessible website. All agencies are also required to post or link to all proposed and adopted rules within their jurisdictions. Notices must include the email address of the agency liaison.

4. Emergency rules must include the specific changes to procedure that resulted from emergency adoption.

5. The fact sheet that is prepared by agencies when proposing rules must include a brief summary of the relevant information that was considered during the development of the rule.

6. The Secretary of State is required to work with the InforME Board and InforME to improve the sorting, searchability and arrangement of rule-making information on the "maine.gov" website.

7. The Secretary of State is required to publish on a publicly accessible website the names and contact information for members of Governor-appointed review boards and councils that are concerned with rulemaking.

8. The Secretary of State is required to redesign certain forms that are filled out by departments, bureaus or agencies when submitting proposed and adopted rules to the Secretary of State. The redesigned forms must include a summary paragraph that is easily identified and understood by a member of the public interested in the rule.

9. The Secretary of State shall work with agencies to ensure that each has designated a liaison to the public.

10. The Secretary of State shall work with the Legislative Council to improve training for Legislators on rulemaking and the Maine Administrative Procedure Act, including ideas on scheduling committee meetings with briefings from agency liaisons and reviewing departmental regulatory agendas.

**LD 2234** **An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District** **P & S 39 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROSEN R | OTP | |

LD 2234 validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.

**Enacted Law Summary**

Private and Special Law 2007, chapter 39 validates the City of Brewer High School District school construction referendum conducted on December 4, 2007 and the proceedings related to that referendum.

Private and Special Law 2007, chapter 39 was enacted as an emergency measure effective March 28, 2008.

**LD 2275** **Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor** **RESOLVE 201**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | OTP-AM | S-568 |

LD 2275 implements the recommendations of the planning committee created pursuant to Executive Order 32, fiscal year 2006-07 regarding the creation of a veterans' campus on current state property in Bangor. The bill reinforces the authority previously granted in Resolve 2005, chapter 209 authorizing the conveyance of property for the creation of independent housing for veterans at the site and authorizes the transfer of additional property for the construction and operation of a community-based outpatient clinic, a hospice facility and other facilities to serve veterans at the site. It formally authorizes the creation of a Saxl Park Advisory Committee to help oversee the state property known as Saxl Park and located on this campus, authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept and expend gifts on behalf of the advisory committee, and instructs the Director of the Bureau of General Services to convene a stakeholder group and to create a comprehensive plan within existing resources to guide the future of the campus, acknowledging the current and already planned uses. The authority granted by the resolve to convey the property is repealed 5 years from the effective date of the resolve.

**Committee Amendment "A" (S-568)**

This amendment strikes out the section that relates to the existing authority of the Department of Administrative and Financial Services, Bureau of General Services to lease the property described in the resolve to allow Maine Veterans' Homes to begin site work as soon as possible and moves the language to the preamble.

**Enacted Law Summary**

Resolve 2007, chapter 201 implements the recommendations of the planning committee created pursuant to Executive Order 32, fiscal year 2006-07 regarding the creation of a veterans' campus on current state property in Bangor. The resolve reinforces the authority previously granted in Resolve 2005, chapter 209 authorizing the conveyance of property for the creation of independent housing for veterans at the site and authorizes the transfer of additional property for the construction and operation of a community-based outpatient clinic, a hospice facility and other facilities to serve veterans at the site. It formally authorizes the creation of a Saxl Park Advisory Committee to help oversee the state property known as Saxl Park and located on this campus, authorizes the Department of Administrative and Financial Services, Bureau of General Services to accept and expend gifts on behalf of the advisory committee, and instructs the Director of the Bureau of General Services to convene a stakeholder group and to create a comprehensive plan within existing resources to guide the future of the campus, acknowledging the current and already planned uses. The authority granted by the resolve to convey the property is repealed 5 years from the effective date of the resolve.

**LD 2282** **Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute** **RESOLVE 181**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | | |

LD 2282 authorizes the Commissioner of Administrative and Financial Services to enter into long-term ground leases of the following sites and to convey the following buildings, subject to surrender to the State upon termination of the ground leases: the Stone Buildings, the Administration Building and the Center Building, collectively known as the Stone Buildings and formerly occupied by the Augusta Mental Health Institute. The action authorized in this resolve was part of the initiative to streamline State Government established in Public Law 2007, chapter 240, Part QQQ. The content of this resolve was included in the supplemental budget, LD 2173, but was removed from the budget because the Constitution of Maine prohibits the inclusion in an emergency bill of a provision for the sale or renting for more than 5 years of real estate.

**Enacted Law Summary**

Resolve 2007, chapter 181 authorizes the Commissioner of Administrative and Financial Services to enter into long-term ground leases of the following sites and to convey the following buildings, subject to surrender to the State upon termination of the ground leases: the Stone Buildings, the Administration Building and the Center Building, collectively known as the Stone Buildings and formerly occupied by the Augusta Mental Health Institute. The action authorized in this resolve was part of the initiative to streamline State Government established in Public Law 2007, chapter 240, Part QQQ. The content of this resolve was included in the supplemental budget, LD 2173, but was removed from the budget because the Constitution of Maine prohibits the inclusion in an emergency bill of a provision for the sale or renting for more than 5 years of real estate.

**LD 2298** **An Act To Improve the Reporting Requirements of Boards and Commissions** **PUBLIC 623**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

LD 2298 requires expanded information in annual reports by boards and commissions to the Secretary of State. The report must include additional information related to reimbursement and expenses and information on other types of reimbursement such as stipends, facility rental costs, refreshment costs, public hearing costs and any other expenses. The clerk of each board or commission is required to estimate the number of hours devoted to the task of being the clerk. The report must contain a brief summary of the board's activities. The bill updates the statute to reflect that reports are now filed electronically rather than on paper forms. This bill was report out by the State and Local Government Committee pursuant to Joint Order, H.P. 1635.

**Enacted Law Summary**

Public Law 2007, chapter 623 requires expanded information in annual reports by boards and commissions to the Secretary of State. The report must include additional information related to reimbursement and expenses and information on other types of reimbursement such as stipends, facility rental costs, refreshment costs, public hearing costs and any other expenses. The clerk of each board or commission is required to estimate the number of hours devoted to the task of being the clerk. The report must contain a brief summary of the board's activities. The law updates the statute to reflect that reports are now filed electronically rather than on paper forms.

**LD 2302** **An Act To Remove Impediments to Changing County Government Fiscal Years** **PUBLIC 663**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLETT | OTP-AM | H-979 |
| | | H-995 BARSTOW |

LD 2302 replaces specific dates in the laws governing some counties' budget procedures with a specified number of days prior to the end of the county fiscal year. Current law permits county commissioners to change their county's fiscal year. However, the laws governing some counties' budget procedures specify certain dates by which steps in the budgeting process must be completed, and those dates need to be changed in order for the commissioners to change their respective county's fiscal year.

**Committee Amendment "A" (H-979)**

This amendment strikes out the section of the bill that would have changed the date for payment of tax from the following September to the ninth month of the county's fiscal year. The amendment also standardizes other sections to match other specified numbers of days in the bill.

**House Amendment "A" (H-995)**

This amendment requires county commissioners to provide estimates of county taxes by April 15th for counties using a fiscal year from July to June. It also changes language regarding the timing of the election for Knox County budget committee members so that the committee members are still elected at the November election although their terms do not begin until the first day of the fiscal year.

**Enacted Law Summary**

Public Law 2007, chapter 663 replaces specific dates in the laws governing some counties' budget procedures with a specified number of days prior to the end of the county fiscal year. Current law permits county commissioners to change their county's fiscal year. However, the laws governing some counties' budget procedures specify certain dates by which steps in the budgeting process must be completed, and those dates need to be changed in order for the commissioners to change their respective county's fiscal year. County commissioners must provide estimates of county taxes by April 15th for counties using a fiscal year from July to June.

**LD 2307** **An Act To Restore Positions in the Office of Program Evaluation and Government Accountability** **PUBLIC 701 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RINES | | S-639 MARTIN |
| | | S-659 RAYE |

LD 2307 provides funds to restore positions in the Office of Program Evaluation and Government Accountability that were eliminated in fiscal year 2008-09 in Public Law 2007, chapter 539, Part LLLL.

**Senate Amendment "D" (S-639)**

This amendment strikes the General Fund appropriation in the bill and instead repeals that section of Public Law 2007, chapter 539, Part LLLL that removed funding for positions in the Office of Program Evaluation and Government Accountability. It also increases from $300,964 to $495,964 the amount in the unencumbered balance forward in the All Other line category in the Office of Evaluation and Government Accountability General Fund account that lapses to the General Fund in fiscal year 2008-09.

**Senate Amendment "F" (S-659)**

This amendment clarifies that the Director of the Office of Program Evaluation and Government Accountability shall work with relevant offices and agencies to facilitate the sharing of resources and coordination of program review across state government. It also requires that the director make recommendations to the Government Oversight Committee on performance standards in order to maximize the effectiveness of the Office of Program Evaluation and Government Accountability.

**Enacted Law Summary**

Public Law 2007, chapter 701 repeals Part LLLL of Public Law 2007, chapter 539 which had eliminated several positions in the Office of Program Evaluation and Government Accountability. The Director of the Office of Program Evaluation and Government Accountability shall work with relevant offices and agencies to facilitate the sharing of resources and coordination of program review across state government. The Director shall also make recommendations to the Government Oversight Committee on performance standards to maximize the effectiveness of the Office of Program Evaluation and Government Accountability. In addition, the law lapsed $495,964 of unencumbered funds in the All Other line category in the Office of Evaluation and Government Accountability General Fund to the General Fund in fiscal year 2008-09.

Public Law 2007, chapter 701 was enacted as an emergency measure effective April 24, 2008.

**LD 2321** **An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29** **P & S 44 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | | |

LD 2321 validates and authorizes the renovation project of Houlton High School in Maine School Administrative District No. 29 that voters approved in a referendum. The Town of Hammond within the school district failed to get the warrant for referendum countersigned by the selectmen as required by statute, which affects the bonds or notes to be issued in connection with the project.

**Enacted Law Summary**

Private and Special Law 2007, chapter 44 validates and authorizes the renovation project of Houlton High School in Maine School Administrative District No. 29 that voters approved in a referendum. The Town of Hammond within the school district failed to get the warrant for referendum countersigned by the selectmen as required by statute, which affects the bonds or notes to be issued in connection with the project.

Private and special Law 2007, chapter 44 was enacted as an emergency measure effective April 14, 2008.

# *Joint Standing Committee on State and Local Government*

## SUBJECT INDEX

### *Capitol Area/Capitol Complex*

**Enacted**

| | | |
|---|---|---|
| **LD 1876** | **Resolve, Regarding the Maine State Cultural Building in Augusta** | **RESOLVE 151** |

### *County Budget Process*

**Enacted**

| | | |
|---|---|---|
| **LD 2302** | **An Act To Remove Impediments to Changing County Government Fiscal Years** | **PUBLIC 663** |

### *County Government*

**Not Enacted**

| | | |
|---|---|---|
| **LD 1974** | **Resolve, To Prevent the Closing of Store Road in Somerset County** | **ONTP** |

### *Departments and Agencies of State Government*

**Enacted**

| | | |
|---|---|---|
| **LD 2147** | **An Act To Ensure That State Government Is a Model Employer of People with Disabilities** | **PUBLIC 551** |

### *Legislature and Legislative Process*

**Enacted**

| | | |
|---|---|---|
| **LD 2307** | **An Act To Restore Positions in the Office of Program Evaluation and Government Accountability** | **PUBLIC 701 EMERGENCY** |

### *Miscellaneous*

**Enacted**

| | | |
|---|---|---|
| **LD 2234** | **An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Brewer High School District** | **P & S 39 EMERGENCY** |
| **LD 2321** | **An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by Maine School Administrative District No. 29** | **P & S 44 EMERGENCY** |

### *Municipalities and Quasi-Municipalities*

Enacted

| | | |
|---|---|---|
| LD 1965 | An Act To Amend the Lucerne-in-Maine Village Corporation Charter | P & S 33 |
| LD 1968 | An Act To Clarify the Election of Municipal Charter Commission Members | PUBLIC 495 EMERGENCY |
| LD 2188 | Resolve, To Establish a Moratorium on Development in Saco Bay | RESOLVE 204 |

Not Enacted

| | | |
|---|---|---|
| LD 1962 | An Act To Amend the Informed Growth Act | DIED BETWEEN HOUSES |
| LD 2020 | An Act To Amend the Laws Governing the Granting of Disability Variances from the Zoning Laws | ONTP |
| LD 2201 | An Act To Require a Municipality To Move a Body Buried in the Wrong Grave | ONTP |

## *Notaries Public*

Not Enacted

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|---|---|---|
| LD 2057 | An Act To Amend the Conflict of Interest Laws for Notaries Public | DIED BETWEEN HOUSES |

## *Rulemaking*

Enacted

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|---|---|---|
| LD 2213 | An Act To Implement the Recommendations of the Working Group To Improve Public Understanding and Participation in the Rulemaking Process | PUBLIC 581 |

## *State Contracts and Fiscal Procedures*

Not Enacted

| | | |
|---|---|---|
| LD 2096 | An Act Regarding International Trade Agreements | ONTP |

## *State Government - General*

Enacted

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|---|---|---|
| LD 2298 | An Act To Improve the Reporting Requirements of Boards and Commissions | PUBLIC 623 |

Not Enacted

| | | |
|---|---|---|
| LD 1878 | An Act To Generate Savings by Changing Public Notice Requirements | HELD BY GOVERNOR |

## *State Property*

Enacted

| | | |
|---|---|---|
| LD 1941 | Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell the Interests of the State in a Parcel of Property in Frenchville | RESOLVE 150 |
| LD 2058 | Resolve, Authorizing the President of the Maine Community College System To Sell 2 Parcels of Real Property in South Portland | RESOLVE 148 |
| LD 2111 | An Act To Secure the Sites Necessary for the Statewide Radio and Network System | PUBLIC 488 |
| LD 2275 | Resolve, Authorizing the Creation of a Veterans Campus and the Conveyance of the State's Interest in Certain Real Property in the City of Bangor | RESOLVE 201 |
| LD 2282 | Resolve, Authorizing the Commissioner of Administrative and Financial Services on Behalf of the State To Convey Title and Other Interests in the Stone Buildings Formerly Occupied by the Augusta Mental Health Institute | RESOLVE 181 |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON TAXATION

May 2008


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REP. RICHARD G. WOODBURY

**LD 262** **An Act To Amend the Credit for Rehabilitation of Historic Properties** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KOFFMAN<br>MARTIN | OTP-AM MAJ<br>ONTP MIN | |

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.

An amended version of this bill was included in the supplemental budget bill, Public Law 2007, c. 539, Part WW. See also LD 2008.

**LD 276** **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | ONTP | |

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.

**LD 349** **Resolve, To Provide Funding for Small Wind Power Generators** **RESOLVE 226**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROWNE | OTP-AM MAJ<br>ONTP MIN | S-689 ROTUNDO |

This bill provides an income tax credit for a small wind power generator intended to provide electricity to a household or small business.

**Senate Amendment "A" (S-689)**

This amendment replaces the bill with a resolve and provides a one-time General Fund appropriation of $40,000 in fiscal year 2008-09 for the Public Utilities Commission to authorize and fund a small wind power generator pilot project. It also provides a one-time transfer totaling $40,000 from the Accident, Sickness and Health Insurance Internal Service Fund and the Retiree Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund in fiscal year 2008-09.

**Enacted Law Summary**

Resolve 2007, chapter 226 provides a one-time General Fund appropriation of $40,000 in fiscal year 2008-09 for the Public Utilities Commission to authorize and fund a small wind power generator pilot project. It also provides a one-time transfer totaling $40,000 from the Accident, Sickness and Health Insurance Internal Service Fund and the Retiree Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund in fiscal year 2008-09.

## LD 530 An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HILL | ONTP | |

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.

## LD 531 An Act To Improve the Method of Taxing Natural Gas for Highway Use — PUBLIC 650

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLISS | OTP-AM | H-653 |

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.

**Committee Amendment "A" (H-653)**

This amendment changes the formulas for calculation of fuel tax rates on alternative fuels to reflect the energy content of the alternative fuel relative to the conventional petroleum fuels being displaced.

**Enacted Law Summary**

Public Law 2007, chapter 650 changes the formulas for calculation of fuel tax rates on alternative fuels to reflect the energy content of the alternative fuel relative to the conventional petroleum fuels being displaced.

## LD 543 Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law — RESOLVE 197

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SAVIELLO | OTP-AM | H-656 |
| | | S-588 PERRY J |

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.

**Committee Amendment "A" (H-656)**

This amendment replaces the resolve and directs the Director of the Maine Forest Service within the Department of Conservation to convene a task force of interested parties to review specific issues related to the Maine Tree Growth Tax Law and make a report and recommendations based on the report to the First Regular Session of the 124th Legislature.

**Senate Amendment "B" (S-588)**

This amendment clarifies the scope of review requested regarding Maine Tree Growth Tax Law and limits to 7 the number of members of the task force invited by the Director of the Maine Forest Service within the Department of Conservation.

**Enacted Law Summary**

Resolve 2007, chapter 197 directs the Director of the Maine Forest Service within the Department of Conservation to convene a task force of interested parties to review specific issues related to the Maine Tree Growth Tax Law and make a report and recommendations based on the report to the First Regular Session of the 124th Legislature.

## LD 737 An Act To Promote Forest Management Planning and Certification

**DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WATSON<br>MARTIN | OTP-AM | H-634 |

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 "B" (H-634)**

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 placed on the Special Appropriations Table and died on adjournment.

## LD 788 An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund

**ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THOMAS | OTP-AM MAJ<br>ONTP MIN | |

This bill dedicates 20% of the revenue collected from the sales tax imposed on motor vehicles to the General Highway Fund.

**LD 885** **An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories** **PUBLIC 541**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM MAJ<br>OTP-AM MIN | H-730 |

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.

**Committee Amendment "B" (H-730)**

This amendment, which is the minority report of the committee, changes the formula for assessing the unorganized territory for services of the Maine Land Use Regulation Commission by reducing the percentage of state valuation to .013%, changes the increase in the assessment against towns and plantations to .015% and provides that a report on funding be submitted annually.

The amendment delays by one year the provisions relating to transportation and reimbursement of transportation of students.

The amendment adds a provision authorizing the county commissioners to enact an ordinance related to road construction, repair and maintenance on roads in the unorganized territory in which the county has a property interest.

The amendment also changes some dates to reflect implementation time frames anticipated in the bill.

**Enacted Law Summary**

Public Law 2007, chapter 541 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 .013% of state valuation. Towns and plantations under the jurisdiction of the Maine Land Use Regulation Commission will be assessed a fee equal to .015% 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 2009-10.

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.

Part G authorizes county commissioners to enact an ordinance related to road construction, repair and maintenance on roads in the unorganized territory in which the county has a property interest.

**LD 952** **An Act To Reduce the Income Tax** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| COURTNEY | OTP-AM MAJ<br>ONTP MIN | |

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.

**LD 961** **An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THERIAULT | ONTP | |

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.

**LD 1001** **An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| COURTNEY | ONTP MAJ<br>OTP-AM MIN | S-459<br>S-543 STRIMLING |

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 "B" (S-459)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-543)**

This amendment prevents a statutory conflict.

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** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIOTTI | OTP-AM MAJ<br>ONTP MIN | H-654 |

This bill adds water to the current sales tax exemption for products used in commercial agricultural crop production.

**Committee Amendment "A" (H-654)**

This amendment changes the effective date of the bill to August 1, 2008 and provides for the repeal of the exemption after 3 years.

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** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BOWMAN | ONTP | |

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 required 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.

**LD 1155** **An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BABBIDGE<br>NASS R | ONTP | |

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.

**LD 1214** **An Act To Improve the Competitiveness of Maine's Boat Building Industry** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM | S-469 |

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.

**Committee Amendment "A" (S-469)**

This amendment extends the sales tax exemption for sales of watercraft to nonresidents to permit the watercraft to remain in the State for up to 12 months after purchase. If the watercraft remains in the State or returns to the State within the 2nd year after purchase, a use tax would be due.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 1298** **An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MIRAMANT | ONTP | |

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.

**LD 1400** **An Act To Amend the Laws Governing the Taxation of Partnerships** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | OTP-AM MAJ<br>ONTP MIN | S-460 |

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 "B" (S-460)**

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 bill was placed on the Special Appropriations Table and died on adjournment.

**LD 1413** **Resolve, To Review the Law Governing Municipal Service Charges for Tax-exempt Property** **RESOLVE 146**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLANCHETTE | OTP-AM | H-655 |

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.

**Committee Amendment "A" (H-655)**

This amendment replaces the bill with a resolve and requires the State Tax Assessor to convene a study group of interested parties to review Maine law related to municipal service charges to tax-exempt property. The study group must issue its report and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters by December 15, 2008.

**Enacted Law Summary**

This amendment replaces the bill with a resolve and requires the State Tax Assessor to convene a study group of

interested parties to review Maine law related to municipal service charges to tax-exempt property. The study group must issue its report and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters by December 15, 2008.

**LD 1556 An Act To Recouple Maine Estate Tax with Federal Estate Tax** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KNIGHT | OTP-AM MAJ<br>ONTP MIN | H-633 |

This bill amends the Maine estate tax to conform to the federal estate tax, beginning January 1, 2007.

**Committee Amendment "A" (H-633)**

This amendment changes the application date of the bill from deaths occurring on or after January 1, 2007 to deaths occurring on or after January 1, 2008. It also makes technical changes to the estate tax law necessary to accomplish the intent of the bill.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 1582 An Act Reduce Maine's Tax Burden over a 10-year Period** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WOODBURY | ONTP | |

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.

**LD 1584 An Act To Authorize Arbitration of Property Tax Valuation Disputes** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SMITH D | ONTP MAJ<br>OTP-AM MIN | |

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.

**LD 1725 An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARSTOW | ONTP | |

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.

**LD 1772 An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MAREAN | ONTP | |

This bill repeals the exemption from the sales tax for sales of ATVs and snowmobiles to nonresidents.

**LD 1788 An Act To Equalize Tax Filing Status** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WOODBURY | ONTP | |

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.

**LD 1833 An Act To Provide Property Tax and Income Tax Relief** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HOTHAM | ONTP | |

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.

**LD 1972 An Act To Provide Property Tax Relief** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | JT RULE 309 | |

This bill provides a refundable tax credit for 25% of the property tax paid on a person's primary residence, up to a maximum credit of $500 per year. If a person also applies for benefits under the Circuitbreaker Program, the amount of property taxes claimed under the Circuitbreaker Program must be reduced by the amount of the credit.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 1976 An Act To Enhance Economic Development in Maine's Aviation Industry** **PUBLIC 691**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | OTP-AM MAJ<br>OTP-AM MIN | S-485<br>S-674 ROTUNDO |

This bill extends the sales tax exemption for certain aircraft to include all aircraft, regardless of where used, and also provides a sales tax exemption for parts that are used exclusively in the repair or significant overhauling of an aircraft.

**Committee Amendment "A" (S-485)**

This amendment narrows the expansion of the sales and use tax exemption for certain aircraft by limiting it to any aircraft purchased, leased or used in the State by a nonresident after July 1, 2008.

**Senate Amendment "A" to Committee Amendment "A" (S-674)**

This amendment provides that a day that an aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life-saving medical care may not be counted toward the period of time that aircraft must be present in this State in order for it to be subject to the sales and use tax.

**Enacted Law Summary**

Public Law 2007, chapter 691 provides that with regard to sales and use tax on aircraft owned by nonresidents that a day that an aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life-saving medical care may not be counted toward the period of time that aircraft must be present in this State in order for it to be subject to the tax.

## LD 1984 An Act To Provide a State Income Tax Deduction to Dentists for Military Pensions — PUBLIC 689

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| TURNER | OTP-AM | S-476 |

This bill provides a tax credit to dentists who are receiving a military pension. The amount of the credit is equal to the amount of the military pension and applies only if the dentist practices an average of 20 hours per week in the State and accepts patients who receive MaineCare benefits.

**Committee Amendment "A" (S-476)**

This amendment replaces the income tax credit with an income tax deduction to facilitate administration of the benefit and removes emergency provisions. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 689 provides an income tax deduction for dentists who are receiving a military pension. The deduction is equal to the amount of the military pension and applies only if the dentist practices an average of 20 hours per week in the State and accepts patients who receive MaineCare benefits.

## LD 2005 An Act To Clarify the Sales Tax on Prepared Meals — PUBLIC 529

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| HASTINGS | OTP-AM | S-461 |

This bill amends the definition of "prepared food" under the sales tax law to exclude food and drinks served by a youth camp licensed under the Department of Health and Human Services.

**Committee Amendment "A" (S-461)**

This amendment provides more detail clarifying when youth camp meals are exempt from sales tax and places the provision in the list of sales tax exemptions.

**Enacted Law Summary**

Public Law 2007, chapter 529 provides a sales tax exemption for meals served by a youth camp licensed by the Department of Health and Human Services.

**LD 2008** **An Act To Provide Ongoing Funding for the Historic Preservation Tax Credit** **PUBLIC 614**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| COURTNEY | OTP-AM | S-573 |

This bill provides a source of funding for the income tax credit provided to persons who rehabilitate historic properties by earmarking sales tax revenue generated at such rehabilitated properties and all income tax paid by persons employed by a historic property retailer at those rehabilitated properties.

**Committee Amendment "A" (S-573)**

This amendment establishes a revised process for identifying certain sales tax and real estate transfer tax revenues attributable to historic rehabilitation projects for which an income tax credit is available and transferring those revenues to a separate fund that can be used to compensate the General Fund for future credit costs. The amendment also directs the State Tax Assessor to recommend ways to identify income tax revenues related to the same purpose.

See also LD 262.

**Enacted Law Summary**

Public Law 2007, chapter 614 establishes a process for identifying certain sales tax and real estate transfer tax revenues attributable to historic rehabilitation projects for which an income tax credit is available and transferring those revenues to a separate fund that can be used to compensate the General Fund for future historic rehabilitation credit costs. The State Tax Assessor is directed to recommend ways to identify income tax revenues related to the same purpose.

**LD 2021** **An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff** **PUBLIC 674**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| FISCHER | OTP-AM | H-731 |
| | | S-676 ROTUNDO |

This bill reintroduces the provision to the voluntary contribution checkoff on Maine individual income tax returns for the Maine Military Family Relief Fund, which provides grants to eligible families of persons who are members of the Maine National Guard or Maine residents who are members of the Reserves of the Armed Forces of the United States who have been called to military duty. The original section of law automatically repealed on December 31, 2007.

**Committee Amendment "A" (H-731)**

This amendment fully funds the administrative costs of the Maine Military Family Relief Fund from contributions to the fund.

**Senate Amendment "A" to Committee Amendment "A" (S-676)**

This amendment eliminates the General Fund appropriation and provides an Other Special Revenue Funds allocation for the administrative costs associated with the Maine Military Family Relief Fund voluntary checkoff.

**Enacted Law Summary**

Public Law 2007, chapter 674 reeacts the provision to the voluntary contribution checkoff on Maine individual

income tax returns for the Maine Military Family Relief Fund, which provides grants to eligible families of persons who are members of the Maine National Guard or Maine residents who are members of the Reserves of the Armed Forces of the United States who have been called to military duty. The original section of law was automatically repealed on December 31, 2007.

**LD 2049** **An Act To Provide Tax Treatment Consistency for Limited Liability and S Corporations** — **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRAUTIGAM | OTP-AM | H-919 |

This bill allows a member of a pass-through entity, such as a limited liability company or S corporation, to receive an income tax credit against taxes imposed on that member's distributive share or pro rata share of the pass-through entity's income.

**Committee Amendment "A" (H-919)**

This amendment ensures that amounts used to calculate the income tax credit for certain members of pass-through entities cannot also be used as a deduction from income. It also adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 2059** **An Act To Establish a Wellness Tax Credit** — **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| GILES | ONTP MAJ<br>OTP-AM MIN | |

This bill provides an income tax credit to employers for the expense of developing, instituting and maintaining wellness programs for their employees in the amount of $100 per employee, up to a maximum of $10,000. A wellness program includes programs for behavior modification, such as smoking cessation programs, equipping and maintaining an exercise facility and providing incentive awards to employees who exercise regularly.

**LD 2074** **An Act To Reestablish Fairness in Corporate Taxation by Taxing Real Estate Investment Trusts** — **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DUCHESNE | ONTP | |

Under current law, real estate investment trusts, or "REITs," which are a type of corporation that invests in real estate, are not taxed at the corporate or entity level, although distributions from the REIT are taxable income to participants in the REIT.

This bill taxes REITs at the corporate level at the same rate as other corporations are taxed in Maine. Revenue generated by this tax is dedicated to the Land for Maine's Future Fund. The bill also amends current law to require an individual to modify that individual's taxable income based on any items of loss or gain by the REIT that are passed through the REIT to the individual.

**LD 2097** **An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax** **PUBLIC 675**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THOMAS | OTP-AM | H-754<br>S-667 ROTUNDO |

This bill provides that kerosene dispensed into containers of 5 gallons or less is presumed to be used for cooking and heating and is thus exempt from sales tax.

**Committee Amendment "A" (H-754)**

This amendment clarifies the exemption from retail sales tax of kerosene in small containers and includes home heating oil in that exemption.

**Senate Amendment "A" to Committee Amendment "A" (S-667)**

This amendment provides that kerosene or home heating oil that is prepackaged or dispensed from a tank for retail sale in containers with a capacity of 5 gallons or less is presumed to be used for residential cooking and heating and to qualify for a sales tax exemption.

**Enacted Law Summary**

Public Law 2007, chapter 675 provides that kerosene or home heating oil that is prepackaged or dispensed from a tank for retail sale in containers with a capacity of 5 gallons or less is presumed to be used for residential cooking and heating and to qualify for a sales tax exemption.

**LD 2099** **An Act To Provide Property Tax Relief to Maine Veterans** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WHEELER | OTP-AM | H-856 |

This bill provides a full property tax exemption for those veterans who served during a federally recognized war period and are permanently and totally disabled as a result of that service; the $6,000 exemption for veterans 62 years of age or older is continued. The current $50,000 exemption for certain veterans with specialty adapted housing is continued for the unremarried widow or widower of a qualified veteran.

This bill also provides, beginning January 1, 2009, a full exemption from the motor vehicle excise tax for veterans who served in the Armed Forces of the United States and are permanently and totally disabled as a result of that service.

**Committee Amendment "A" (H-856)**

This amendment increases the general property tax exemption for veterans who served during federally recognized war periods from $6,000 to $7,000 and the exemption for paraplegic veterans from $50,000 to $55,000. The amendment also removes provisions from the bill providing an excise tax exemption for permanently and totally disabled veterans.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 2100** **An Act To Exempt from Gasoline Tax at the Time of Sale Fuel Used for Off-road Commercial Uses** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CARTER | ONTP MAJ<br>OTP-AM MIN | |

This bill allows a person who purchases and uses motor fuel for commercial off-road uses to obtain a certificate from the State Tax Assessor that allows the person to purchase the fuel from a retailer without paying the fuel tax at the time of purchase. Following purchase, the person must dye the tax-exempt fuel.

**LD 2140** **An Act To Protect Parties to Real Estate Transactions** **PUBLIC 687**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SIROIS<br>NUTTING J | OTP-AM | H-812 |

This bill requires persons responsible for settlement of proceeds in the transfer of real estate for personal, family or household purposes that are secured by mortgage to notify the municipality where the property is located of the transfer and to require the purchaser of residential real estate to pay all property taxes from the date of closing until April 1st of the subsequent year.

The bill also requires a municipality that has been notified to file the lien for nonpayment of taxes in the name of purchaser and provides a remedy for the buyer and seller against a settlement agent who violates the requirements. The bill requires the Superintendent of Consumer Credit Protection to enforce the requirements.

**Committee Amendment "A" (H-812)**

This amendment requires the Department of Administrative and Financial Services, Bureau of Revenue Services to prepare and distribute a guidance document to sellers and buyers of real estate to provide information about problems that can arise as the result of the proration of responsibility for the payment of property taxes among the parties when property is transferred in order to ensure that the parties are better informed about the potential implications of the allocation of property taxes incident to the transfer. It also authorizes a party to a property tax proration to bring legal action against a party who does not pay that party's share of the property taxes and to recover the costs of discharging a lien and attorney's fees. A party who prevails in such an action who pays delinquent taxes may have information about a lien in that party's credit report designated as inaccurate information. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007 chapter 687 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to prepare and distribute a guidance document to sellers and buyers of real estate to provide information about problems that can arise as the result of the proration of responsibility for the payment of property taxes among the parties when property is transferred in order to ensure that the parties are better informed about the potential implications of the allocation of property taxes incident to the transfer. It also authorizes a party to a property tax proration to bring legal action against a party who does not pay that party's share of the property taxes and to recover the costs of discharging a lien and attorney's fees. A party who prevails in such an action who pays delinquent taxes may have information about a lien in that party's credit report designated as inaccurate information.

**LD 2144** **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 185**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | OTP-AM | S-487 |

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired for nonpayment of property taxes.

**Committee Amendment "A" (S-487)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2007, chapter 185 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired for nonpayment of property taxes.

**LD 2145** **An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIOTTI | ONTP MAJ<br>OTP-AM MIN | |

This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code of 1986 as amended through December 31, 2007 for tax years beginning on or after January 1, 2007 and for any prior years as specifically provided by the United States Internal Revenue Code concerning income tax and estate tax laws.

An amended version of this bill was included in the supplemental budget bill, Public Law 2007, Chapter 539, Part CCC.

**LD 2151** **An Act To Make Minor Substantive Changes to the Tax Laws** **PUBLIC 693**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIOTTI<br>PERRY J | OTP-AM MAJ<br>OTP-AM MIN | H-854<br>S-557 STRIMLING<br>S-696 PERRY J |

This bill is the annual bill presented by the Bureau of Revenue Services to make minor substantive changes to the tax laws.

This bill amends statutes that affect administration of sales tax exemption and refund provisions and income tax credit provisions related to the Maine Wind Energy Act.

1. It provides that the penalties generally applicable to taxes imposed under the Maine Revised Statutes, Title 36 apply to the state tax on telecommunications personal property.
2. It allows the Department of Administrative and Financial Services, Bureau of Revenue Services to share

otherwise confidential information with the Department of Economic and Community Development to the extent necessary for the proper administration of the Maine Employment Tax Increment Financing Program, the media production credit and the media production reimbursement.
3. It authorizes the State Tax Assessor to require electronic filing and payment of Competitive Skills Scholarship Fund contributions.
4. It amends the state tax on telecommunications personal property to establish mandatory reporting requirements and to clarify the penalties that may be imposed for failure to file returns and pay the tax.
5. It authorizes the State Tax Assessor to set off against revenues received credit card fees incurred by the assessor in connection with the collection of excise taxes in the unorganized territory.
6. It clarifies the administration of the sales tax exemption for and the reimbursement provisions of the Maine Wind Energy Act.
7. It imposes the requirement that if an internal combustion engine fuel distributor includes the excise tax on internal combustion engine fuel on a customer's bill it must be shown as a separate line item and identified as "Maine gasoline tax."
8. It imposes the requirement that if a special fuel supplier or retailer includes the excise tax on special fuel on a customer's bill it must be shown as a separate line item and identified as "Maine special fuel tax."
9. It establishes a credit against the tax on a resident decedent's estate for taxes paid to another jurisdiction on certain real or tangible property located in the other jurisdiction that is also taxed by Maine.
10. It makes specific the requirement that an amended Maine estate tax return must be filed if the United States Internal Revenue Service makes changes or if additional assets are discovered.
11. It clarifies that the amount of earned income credit is prorated for nonresidents and part-year residents.
12. It changes the community wind power generator credit by adding definitions and providing for apportionment of the credit.
13. It establishes a requirement for partnerships and S corporations to file amended information returns in certain circumstances.
14. It eliminates a requirement that the State Tax Assessor report to the Legislature certain information regarding applicants for reimbursement under the BETR program. The purpose of the report is to identify the extent of overlap between reimbursement for property taxes on personal property under the BETR program and under a tax increment financing agreement. This "double-dipping" has now been eliminated for new property.
15. It eliminates a requirement that information provided to the State Tax Assessor in connection with a media production tax reimbursement claim must also be provided by the applicant to the Department of Economic and Community Development and changes the reimbursement period to 90 days from the date the assessor receives the information.
16. It provides the State Tax Assessor with explicit statutory authority to use sampling techniques in conducting audits.
17. It makes the sales and use tax laws consistent with administrative practice regarding the treatment of exempt sales for resale and the issuance and use of resale certificates.
18. It provides that the State Tax Assessor has the authority to determine the Maine taxable estate and the value of the estate for estate tax purposes.

**Committee Amendment "A" (H-854)**

This amendment removes provisions from the bill regarding authority to use sampling techniques in conducting auditing and an unnecessary application date. The amendment also removes a provision of the bill that repealed a report to the Legislature, but changes the date of the report to permit provision of better data and revises language regarding presumptions relating to sale for resale. The amendment also makes minor changes to the municipal farm support program to facilitate administration.

**Senate Amendment "B" (S-557)**

This amendment provides that certain tax-exempt entities may qualify for the credit for rehabilitation of historic properties. The amendment also renumbers a section to read consecutively with existing law and corrects cross-references in the bill to reflect the renumbering of the section. The amendment also provides that the changes to the Maine Revised Statutes, Title 36, section 5219-BB are retroactive to June 30, 2008.

**Senate Amendment "F" (S-696)**

This amendment restores language in current law that requires the State Tax Assessor to follow final federal determinations for certain estate tax issues, but limits that requirement by providing that for deaths occurring on or after July 1, 2008 but before January 1, 2010 the State Tax Assessor is not bound by a final federal determination if the assessor determines the issue for purposes of tax under the Maine Revised Statutes, Title 36, chapter 575 within 2 years of the date that the return was filed or the date the return is due, whichever is later.

**Enacted Law Summary**

Public Law 2007, chapter 693 is the annual bill presented by the Bureau of Revenue Services to make minor substantive changes to the tax laws.

1. It provides that the penalties generally applicable to taxes imposed under the Maine Revised Statutes, Title 36 apply to the state tax on telecommunications personal property.
2. It allows the Department of Administrative and Financial Services, Bureau of Revenue Services to share otherwise confidential information with the Department of Economic and Community Development to the extent necessary for the proper administration of the Maine Employment Tax Increment Financing Program, the media production credit and the media production reimbursement.
3. It authorizes the State Tax Assessor to require electronic filing and payment of Competitive Skills Scholarship Fund contributions.
4. It amends the state tax on telecommunications personal property to establish mandatory reporting requirements and to clarify the penalties that may be imposed for failure to file returns and pay the tax.
5. It authorizes the State Tax Assessor to set off against revenues received credit card fees incurred by the assessor in connection with the collection of excise taxes in the unorganized territory.
6. It clarifies the administration of the sales tax exemption for and the reimbursement provisions of the Maine Wind Energy Act.
7. It imposes the requirement that if an internal combustion engine fuel distributor includes the excise tax on internal combustion engine fuel on a customer's bill it must be shown as a separate line item and identified as "Maine gasoline tax."
8. It imposes the requirement that if a special fuel supplier or retailer includes the excise tax on special fuel on a customer's bill it must be shown as a separate line item and identified as "Maine special fuel tax."
9. It establishes a credit against the tax on a resident decedent's estate for taxes paid to another jurisdiction on certain real or tangible property located in the other jurisdiction that is also taxed by Maine.
10. It makes specific the requirement that an amended Maine estate tax return must be filed if the United States Internal Revenue Service makes changes or if additional assets are discovered.
11. It clarifies that the amount of earned income credit is prorated for nonresidents and part-year residents.
12. It changes the community wind power generator credit by adding definitions and providing for apportionment of the credit.
13. It establishes a requirement for partnerships and S corporations to file amended information returns in certain circumstances.
14. It changes the date by which the State Tax Assessor must report to the Legislature certain information regarding applicants for reimbursement under the BETR program.
15. It eliminates a requirement that information provided to the State Tax Assessor in connection with a media production tax reimbursement claim must also be provided by the applicant to the Department of Economic and Community Development and changes the reimbursement period to 90 days from the date the assessor receives the information.
17. It clarifies the sales and use tax laws regarding the treatment of exempt sales for resale and the issuance and use of resale certificates.
18. It provides that the State Tax Assessor has the authority to determine the Maine taxable estate and the value of the estate for estate tax purposes for deaths occurring between July 1, 2008 and January 1, 2010 if the assessor determines the issue within 2 years of the date the return was filed or the date the return is due, whichever is later.
19. It makes minor changes to the municipal farm support program to facilitate administration.
20. It clarifies that certain tax exempt entities may qualify for the income tax credit for rehabilitation of historic

properties.

**LD 2154 An Act Concerning Technical Changes to the Tax Laws** **PUBLIC 627**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PERRY J | OTP-AM | S-508 |
| | | S-550 PERRY J |

This bill is the annual bill presented by the Bureau of Revenue Services to make technical corrections to the tax laws including repealing superfluous or redundant definitions and effective dates, updating references to the Internal Revenue Code and correcting grammar, punctuation and internal cross-references. In addition, this bill also:
1. Clarifies the effect of a determination by the State Tax Assessor that collection of a tax will be jeopardized by delay;
2. Relocates a provision relating to service charges imposed by municipalities for municipal services provided with respect to certain tax-exempt property that is inappropriately located in a statute providing exemptions for property of certain institutions and organizations;
3. Replaces the imprecise term "camp trailer" with the defined term "camper trailer";
4. Corrects a conflict created by Public Law 2007, chapters 425 and 438, which affected the same provision of law, by incorporating changes made by both laws;
5. Eliminates certain defunct organizations from a list of exempt institutions and organizations;
6. Eliminates a reference to the Commissioner of Finance, an office that no longer exists;
7. Clarifies the computation of "property tax revenue lost" for purposes of determining the reimbursement to municipalities with respect to the business equipment tax exemption;
8. Amends the excise tax law to reflect the fact that licensing of common carriers has been transferred from the Public Utilities Commission to the Department of Transportation;
9. Clarifies certain requirements relating to payment of excise taxes on aircraft;
10. Clarifies that the same definition of "automobile" applies throughout the sales and use tax law and relocates the definition of "loaner vehicle" to the definitions section;
11. Clarifies that repair parts used in the performance of repair services under certain extended warranty contracts are not deemed to be "sold" for purposes of the sales and use tax law;
12. Clarifies requirements relating to payment of use tax on property registered for use in this State;
13. Clarifies requirements relating to furnishing of bonds by certain taxpayers;
14. Clarifies that the sales tax exemption for property delivered outside the State does not apply to subsequent use of the property in the State. The proposed change reflects current Maine Revenue Services administrative policy;
15. Restores a trade-in credit that was inadvertently repealed by legislation enacted in the First Regular Session of the 123rd Legislature;
16. Clarifies the responsibilities of a surplus lines producer under the insurance company tax law. The proposed changes reflect current Maine Revenue Services administrative policy;
17. Clarifies that the annual return filed by risk retention groups is to be filed with the State Tax Assessor rather than the Treasurer of State and that the due date of the return is March 15th rather than March 1st. The proposed changes make the requirements similar to those for other insurance taxes and reflect current Maine Revenue Services administrative policy;
18. Corrects a conflict created by Public Law 2007, chapters 427 and 437, which affected the same provision of law, by incorporating changes made by both laws;
19. Amends provisions of the service provider tax law relating to telecommunications services to reflect current telecommunications technology;
20. Clarifies the meaning of "international flight" for purposes of exempting certain fuel used in international flights from the gasoline tax;
21. Clarifies provisions of the special fuel tax law by adding definitions;
22. Corrects a conflict created by Public Law 2007, chapters 410 and 444, which affected the same provision of law, by incorporating changes made by both laws;

24. Corrects a conflict created by Public Law 2007, chapters 372 and 437, which affected the same provision of law, by incorporating changes made by both laws;
25. Clarifies the authority of the State Tax Assessor to include in the establishment of the applicable tax mill rate in the unorganized territory the costs of payments that the unorganized territory district is obligated to make under a tax increment financing agreement and clarifies that the Treasurer of State is authorized to make the payments obligated under an unorganized territory tax increment financing agreement after the tax increment financing taxes are paid;
26. Clarifies that the premium charged for motor vehicle oil changes is not included in the sale price for purposes of the sales tax; and
27. Reenacts definitions that were repealed mistakenly in Public Law 2007, chapter 240.

**Committee Amendment "A" (S-508)**

This amendment amends provisions regarding tax increment financing districts in the unorganized territories. It also removes a provision resolving a statutory conflict in the real estate transfer tax because that conflict is resolved in other legislation. The amendment also adds a section to correct a provision in the forest management planning income tax credit to avoid double counting of certain expenses.

**Senate Amendment "A" (S-550) to Committee Amendment "A"**

This amendment expands the deadline for fiscal arrangements as part of the municipal cost component for tax increment financing districts in the unorganized territory from January 1, 2008 to July 1, 2008.

**Enacted Law Summary**

Public Law 2007, chapter 627 is the annual bill presented by the Bureau of Revenue Services to make technical corrections to the tax laws including repealing superfluous or redundant definitions and effective dates, updating references to the Internal Revenue Code and correcting grammar, punctuation and internal cross-references. In addition, this law also:
1. Clarifies the effect of a determination by the State Tax Assessor that collection of a tax will be jeopardized by delay;
2. Relocates a provision relating to service charges imposed by municipalities for municipal services provided with respect to certain tax-exempt property that is inappropriately located in a statute providing exemptions for property of certain institutions and organizations;
3. Replaces the imprecise term "camp trailer" with the defined term "camper trailer";
4. Corrects a conflict created by Public Law 2007, chapters 425 and 438, which affected the same provision of law, by incorporating changes made by both laws;
5. Eliminates certain defunct organizations from a list of exempt institutions and organizations;
6. Eliminates a reference to the Commissioner of Finance, an office that no longer exists;
7. Clarifies the computation of "property tax revenue lost" for purposes of determining the reimbursement to municipalities with respect to the business equipment tax exemption;
8. Amends the excise tax law to reflect the fact that licensing of common carriers has been transferred from the Public Utilities Commission to the Department of Transportation;
9. Clarifies certain requirements relating to payment of excise taxes on aircraft;
10. Clarifies that the same definition of "automobile" applies throughout the sales and use tax law and relocates the definition of "loaner vehicle" to the definitions section;
11. Clarifies that repair parts used in the performance of repair services under certain extended warranty contracts are not deemed to be "sold" for purposes of the sales and use tax law;
12. Clarifies requirements relating to payment of use tax on property registered for use in this State;
13. Clarifies requirements relating to furnishing of bonds by certain taxpayers;
14. Clarifies that the sales tax exemption for property delivered outside the State does not apply to subsequent use of the property in the State. The proposed change reflects current Maine Revenue Services administrative policy;
15. Restores a trade-in credit that was inadvertently repealed by legislation enacted in the First Regular Session of the 123rd Legislature;
16. Clarifies the responsibilities of a surplus lines producer under the insurance company tax law. The proposed changes reflect current Maine Revenue Services administrative policy;

17. Clarifies that the annual return filed by risk retention groups is to be filed with the State Tax Assessor rather than the Treasurer of State and that the due date of the return is March 15th rather than March 1st. The proposed changes make the requirements similar to those for other insurance taxes and reflect current Maine Revenue Services administrative policy;
18. Amends the forest management planning income tax credit to avoid double counting of certain expenses;
19. Amends provisions of the service provider tax law relating to telecommunications services to reflect current telecommunications technology;
20. Clarifies the meaning of "international flight" for purposes of exempting certain fuel used in international flights from the gasoline tax;
21. Clarifies provisions of the special fuel tax law by adding definitions;
22. Corrects a conflict created by Public Law 2007, chapters 410 and 444, which affected the same provision of law, by incorporating changes made by both laws;
24. Corrects a conflict created by Public Law 2007, chapters 372 and 437, which affected the same provision of law, by incorporating changes made by both laws;
25. Clarifies the authority of the State Tax Assessor to include in the establishment of the applicable tax mill rate in the unorganized territory the costs of payments that the unorganized territory district is obligated to make under a tax increment financing agreement entered into before July 1, 2008 and clarifies that the Treasurer of State is authorized to make the payments obligated under an unorganized territory tax increment financing agreement after the tax increment financing taxes are paid;
26. Clarifies that the premium charged for motor vehicle oil changes is not included in the sale price for purposes of the sales tax; and
27. Reenacts definitions that were repealed mistakenly in Public Law 2007, chapter 240.

## LD 2192 An Act To Increase Access to Dental Care — PUBLIC 690

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SUTHERLAND | OTP-AM | H-902 |

This bill is a concept draft pursuant to Joint Rule 208.
This bill proposes to provide sales and income tax incentives for 5 years to recent graduates from dental school or dentists practicing in another state to practice in underserved areas in Maine.

**Committee Amendment "A" (H-902)**

This amendment creates an income tax credit of up to $15,000 beginning in 2009 for up to 5 new dentists in 2009 and 5 additional dentists in 2010 who agree to practice in underserved areas of the State for at least 5 years and requires the Department of Health and Human Services' oral health program to certify eligibility and to report on the effectiveness of the tax incentive in 2011.

**Enacted Law Summary**

Public Law 2007, chapter 690 creates an income tax credit of up to $15,000 beginning in 2009 for up to 5 new dentists in 2009 and 5 additional dentists in 2010 who agree to practice in underserved areas of the State for at least 5 years and requires the Department of Health and Human Services' oral health program to certify eligibility and to report on the effectiveness of the tax incentive in 2011.

## LD 2202 An Act To Allow a Municipality To Adopt a Program To Provide Property Tax Benefits to Senior Citizens — PUBLIC 635

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WHEELER | OTP-AM | H-903 |

This bill authorizes the Town of Kittery to establish a program to allow residents 60 years of age or older to provide volunteer service to the town in exchange for an abatement in real property taxes. The hourly rate of abatement is the same as the state minimum wage, with a maximum annual benefit of $750 available. The abatement is in addition to other property tax benefit programs available to residents.
Service is not considered employment for purposes of workers' compensation or income taxes, but a volunteer is considered a public employee of the town while actually performing services for the town and remains eligible for unemployment compensation.

**Committee Amendment "A" (H-903)**

This amendment provides authority to municipalities to adopt property tax benefit programs for persons who are at least 60 years of age who provide volunteer services for the municipality.

**Enacted Law Summary**

Public Law 2007, chapter 635 provides authority to municipalities to adopt property tax benefit programs for persons who are at least 60 years of age who provide volunteer services for the municipality.

## LD 2217 Resolve, Authorizing the State Tax Assessor To Sell a Certain Parcel of Land in the Unorganized Territory — RESOLVE 214

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CARTER | ONTP MAJ | H-946 |
| GOOLEY | OTP-AM MIN | S-583 GOOLEY |

This resolve authorizes the State Tax Assessor to convey the interest of the State in 2 parcels of real estate in the unorganized territory.

**Committee Amendment "A" (H-946)**

This amendment removes provisions directing the sale of a certain parcel of real estate in Madrid Township and provides that the sale of the remaining parcel of real estate in the resolve must be to the estate of the former owner and, if the sale is not completed within the time provided, the parcel must be sold to the highest bidder pursuant to the bid process that applied to that parcel. The amendment also removes language relating to remediation of environmental hazards.

**Senate Amendment "A" (S-583) to Committee Amendment "A"**

This amendment adds back provisions directing the sale of a certain parcel of real estate in Madrid Township but varies from the bill in that it provides that the sale must be to the estate of the former owner and, if the sale is not completed within the time provided, that the parcel must be sold to the highest bidder pursuant to the bid process that applied to that parcel.

**Enacted Law Summary**

Resolve 2007, chapter 214 authorizes the State Tax Assessor to convey the interest of the State in 2 parcels of real estate in the unorganized territory to the estates of the former owners and, if sale is not completed within the time provided, the parcel must be sold to the highest bidder pursuant to the bid process that applied to that parcel. The amendment also removes language relating to remediation of environmental hazards.

**LD 2222** **Resolve, To Assist Maine's Forest Products Industry** **RESOLVE 218 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PIOTTI | OTP-AM | H-775 |

This resolve allows a person or a successor in interest of a person who is engaged in the forestry and logging industry to file a claim between February 1, 2008 and July 31, 2008 under the BETR program for property taxes paid during 2007 on eligible property as long as the person or successor is the owner of the eligible property on the date the claim is filed.

**Committee Amendment "A" (H-775)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2007, chapter 218 allows a person or a successor in interest of a person who is engaged in the forestry and logging industry to file a claim between February 1, 2008 and July 31, 2008 under the BETR program for property taxes paid during 2007 on eligible property as long as the person or successor is the owner of the eligible property on the date the claim is filed.

Resolve 2007, chapter 218 was finally passed as an emergency measure effective April 23, 2008.

**LD 2225** **An Act To Provide Tax Relief to Maine's Forest Products Industry** **PUBLIC 658 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | OTP-AM | S-559 |

This bill provides for a sales tax exemption for repair parts and maintenance supplies used for motor vehicles and trailers primarily engaged in the transport of harvested forest products. The exemption is repealed on October 1, 2008. The bill also authorizes the Governor to transfer funds by financial order from the emergency portion of the State Contingent Account to the unappropriated surplus of the General Fund.

**Committee Amendment "A" (S-559)**

This amendment adds provisions to clarify the application of the exemption and improve administration.

**Enacted Law Summary**

Public Law 2007, chapter 658 provides a sales tax exemption for repair parts and maintenance supplies used for motor vehicles and trailers primarily engaged in the transport of harvested forest products. The exemption is repealed on October 1, 2008. The resolve also authorizes the Governor to transfer funds by financial order from the emergency portion of the State Contingent Account to the unappropriated surplus of the General Fund.

Public Law 2007, chapter 658 was enacted as an emergency measure effective April 18, 2007.

**LD 2228** **Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SCHNEIDER | OTP-AM MAJ<br>ONTP MIN | H-981 PIOTTI<br>S-522 |

This resolve provides a rebate of taxes paid from January 1, 2008 to April 30, 2008 on diesel fuel used by vehicles carrying forest products.

**Committee Amendment "A" (S-522)**

This amendment clarifies that the tax refund applies only to special fuel used to transport forest products to and from a mill and provides administrative details to facilitate the processing of refunds.

**House Amendment "A" (H-981) to Committee Amendment "A"**

This amendment provides funding from the General Fund for the refunds. It also removes the emergency preamble and clause.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 2229** **An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | ONTP | |

This bill allows a development program for a development district or tax increment financing district located within the unorganized territory of a county to fund the development activity for that county.

See also LDs 2154 and 2251.

**LD 2251** **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2008-09 and To Require Notation of Tax Enhancement Programs Approved by the County Commissioners** **PUBLIC 636 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-920 |

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.
In addition, this bill requires that the fiscal administrator of the unorganized territory include in both the report and proposed legislation submitted annually to the Legislature a notation as to any tax enhancement programs that have been approved by the county commissioners.

**Committee Amendment "A" (H-920)**

This amendment requires the fiscal administrator of the unorganized territory to include information about economic development districts in the unorganized territory in the administrator's annual report. The amendment also corrects an error in the amount of county reimbursement for services requested by Aroostook County.

**Enacted Law Summary**

Public Law 2007, chapter 636 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. The resolve requires the fiscal administrator of the unorganized territory to include information about economic development districts in the unorganized territory in the administrator's annual report. The amendment also corrects an error in the amount of county reimbursement for services requested by Aroostook County.

Public Law 2007, chapter 636 was enacted as an emergency measure effective April 16, 2008.

**LD 2270** **An Act To Change the Formula for Calculation of the Motor Vehicle Excise Tax** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | ONTP MAJ<br>OTP-AM MIN | |

This bill reduces the motor vehicle excise tax in the first year and the 8th and subsequent years, increases the tax in the 2nd to 7th year and lengthens the schedule for reduction of the tax to recognize that motor vehicles have a longer useful life on average than when the current formula was adopted.

**LD 2274** **An Act To Amend the Municipal Tree Growth Reimbursement Formula** **PUBLIC 639**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-952 |

This bill amends in 2 ways the law regarding the distribution of reimbursement to the municipalities to partially cover the property tax losses they experience as a result of the tree growth tax program. First, the bill adjusts the statewide appropriation for reimbursement purposes to reflect the education subsidy impacts of tree growth enrollments, rather than adjusting each municipality's individual reimbursement as is done under the current system. Second, the bill establishes each municipality's share of the total municipal reimbursement appropriation on the basis of 3 data inputs:

1. The number of acres enrolled in the program in the municipality;
2. The difference between the tree growth acreage rates and the local or regional undeveloped acreage; and
3. The municipality's full value mill rate.

**Committee Amendment "A" (H-952)**

This amendment deletes language that is inconsistent with the changes in the bill and inserts language in the definition of "reduced tree growth valuation" that was inadvertently omitted.

**Enacted Law Summary**

Public Law 2007, chapter 639 amends in 2 ways the law regarding the distribution of reimbursement to municipalities to partially cover the property tax losses they experience as a result of the tree growth tax program. First, chapter 639 adjusts the statewide appropriation for reimbursement purposes to reflect the education subsidy

impacts of tree growth enrollments, rather than adjusting each municipality's individual reimbursement as is done under the current system. Second, chapter 639 establishes each municipality's share of the total municipal reimbursement appropriation on the basis of 3 data inputs:
1. The number of acres enrolled in the program in the municipality;
2. The difference between the tree growth acreage rates and the local or regional undeveloped acreage; and
3. The municipality's full value mill rate.

**LD 2276** **An Act To Improve the Administration of State-Municipal Revenue Sharing** **PUBLIC 662**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-951 |

This bill clarifies and changes the timing of the various data inputs that in combination determine each municipality's share of the state-municipal revenue sharing distribution, including municipal population, full-value mill rates and consumer price indices, so that the Treasurer of State can post the projected revenue sharing distribution in a timely manner for the purposes of municipal budget development. The bill also requires the Treasurer of State to post the revenue sharing projections on the Treasurer of State's website no later than April 15th of each year.
This bill also makes several changes to laws related to state-municipal revenue sharing as it relates to the Fund for the Efficient Delivery of Local and Regional Services and the system of calculating a municipality's property tax levy limit. This bill:
1. Permanently establishes legislative practice by dedicating $500,000 of state-municipal revenue sharing funds each year to the Fund for the Efficient Delivery of Local and Regional Services rather than 2% of receipts of the Local Government Fund as originally enacted;
2. Changes the administration of the Local Government Efficiency Fund to require dollar-for-dollar matching requirements for planning grants and limits the overall distribution of planning grants in any year to no more than 10% of all grants as measured by value;
3. Clarifies with respect to the calculation of a municipality's property tax levy limit that "net new funds" refers to municipal revenue sharing and that the net new funding analysis applies to the previous calendar year's receipts rather than current projected fiscal year receipts; and
4. Allows "net new funds" adjustments to the property tax levy limit to operate either as a negative or a positive adjustment in response to revenue sharing increases or decreases.

**Committee Amendment "A" (H-951)**

This amendment removes provisions from the bill regarding distributions from the Fund for the Efficient Delivery of Local and Regional Services.

**Enacted Law Summary**

Public Law 2007, chapter 662 clarifies and changes the timing of the various data inputs that in combination determine each municipality's share of the state-municipal revenue sharing distribution, including municipal population, full-value mill rates and consumer price indices, so that the Treasurer of State can post the projected revenue sharing distribution in a timely manner for the purposes of municipal budget development. Chapter 662 also requires the Treasurer of State to post the revenue sharing projections on the Treasurer of State's website no later than April 15th of each year.
Chapter 662 also provides, with respect to the calculation of a municipality's property tax levy limit, that "net new funds" refers to municipal revenue sharing and that the net new funding analysis applies to the previous calendar year's receipts rather than current projected fiscal year receipts; and allows "net new funds" adjustments to the property tax levy limit to operate either as a negative or a positive adjustment in response to revenue sharing increases or decreases.

**LD 2305 An Act To Restore Benefits under the Circuitbreaker Program** **PUBLIC 700 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | | S-617 NASS R |
| | | S-693 ROTUNDO |

Public Law 2007, chapter 539 changed the Circuitbreaker Program by repealing indexing of the maximum benefits under the program and reverting the maximum benefit to the amounts prior to indexing.

This bill restores indexing of the maximum benefit and puts the amounts of the benefit, beginning with the application period beginning August 1, 2008, at the amounts they would have been, $3,350 for single-member households and $4,400 for multi-member households, but for the changes made by Public Law 2007, chapter 539. This bill also places an income cap for eligibility for benefits under the Circuitbreaker Program of $60,000 for an individual and $80,000 for a multi-member household and provides for the indexing of that cap.

This bill also limits the subtraction modification for the recapture of carry-back net operating losses to $75,000 from the current $100,000 in taxable years beginning in 2008 and 2009. Unused amounts resulting from the limitation may be carried over to future tax years that are within the federal carry-over period for net operating losses.

**Senate Amendment "A" (S-617)**

This amendment removes the changes to the recapture of carry-back net operating losses proposed in the bill. This amendment requires for income tax years beginning in 2008 a corporation to increase its income, for Maine income tax purposes, by 10% of the value in excess of $100,000 of any net operating loss carried over for federal income tax purposes and allows the corporation during the allowable federal period for carryover of the loss plus one year to reduce its income, for Maine income tax purposes, by a like amount, with certain limitations.

**Senate Amendment "B" (S-693)**

This amendment adds an emergency preamble and an emergency clause. This amendment also adds an additional transfer from the unappropriated surplus of the General Fund of up to $10,000,000 to the Maine Budget Stabilization Fund from the uncommitted unappropriated surplus at the close of fiscal year 2007-08 prior to the transfers to MaineCare for hospital payments that preempted the normal year-end transfers in fiscal year 2007-08. This limited additional transfer is being made into the Maine Budget Stabilization Fund in order to increase balances in reserve due to concerns about the deteriorating national economy and the potential effect on future revenue forecasts.

**Enacted Law Summary**

Public Law 2007, chapter 700 changes amendments to the Circuitbreaker Program made in the supplemental budget bill, Public Law 2007, chapter 539 Part BBBB. Chapter 700 restores indexing of the maximum benefit and puts the amounts of the benefit, beginning with the application period beginning August 1, 2008, at the amounts they would have been, $3,350 for single-member households and $4,400 for multi-member households, but for the changes made by Public Law 2007, chapter 539. Chapter 700 also places an income cap for eligibility for benefits under the Circuitbreaker Program of $60,000 for an individual and $80,000 for a multi-member household and provides for the indexing of that cap.

Chapter 700 also requires that for income tax years beginning in 2008 a corporation to increase its income, for Maine income tax purposes, by 10% of the value in excess of $100,000 of any net operating loss carried over for federal income tax purposes and allows the corporation during the allowable federal period for carryover of the loss plus one year to reduce its income, for Maine income tax purposes, by a like amount, with certain limitations.

Chapter 700 also requires a transfer from the unappropriated surplus of the General Fund of up to $10,000,000 to the

Maine Budget Stabilization Fund from the uncommitted unappropriated surplus at the close of fiscal year 2007-08 prior to the transfers to MaineCare for hospital payments that preempted the normal year-end transfers in fiscal year 2007-08. This limited additional transfer is being made into the Maine Budget Stabilization Fund in order to increase balances in reserve due to concerns about the deteriorating national economy and the potential effect on future revenue forecasts.

Public Law 2007, chapter 700 was enacted as an emergency measure effective April 24, 2008.

**LD 2310** **An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This bill was submitted by the Joint Standing Committee on Taxation pursuant to Joint Order, H. P. 1233 and 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.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 2319** **An Act To Promote Filmmaking in the State** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS J | | S-697 MARTIN |

This bill provides reimbursement for expenditures of a feature film production in rural western Maine that occurs primarily between September 1, 2008 and January 1, 2009. Reimbursement is limited to $800,000 and is paid in 4 equal installments beginning in July 2010.

**Senate Amendment "A" (S-697)**

This amendment provides the Governor with the discretion of determining whether a media production company is eligible for a film incentive credit.

# *Joint Standing Committee on Taxation*

## SUBJECT INDEX

### *Administration of Tax Laws*

**Enacted**

| | | |
|---|---|---|
| LD 2151 | An Act To Make Minor Substantive Changes to the Tax Laws | PUBLIC 693 |
| LD 2154 | An Act Concerning Technical Changes to the Tax Laws | PUBLIC 627 |

### *Income Tax - General*

**Enacted**

| | | |
|---|---|---|
| LD 349 | Resolve, To Provide Funding for Small Wind Power Generators | RESOLVE 226 |
| LD 1984 | An Act To Provide a State Income Tax Deduction to Dentists for Military Pensions | PUBLIC 689 |
| LD 2008 | An Act To Provide Ongoing Funding for the Historic Preservation Tax Credit | PUBLIC 614 |
| LD 2021 | An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff | PUBLIC 674 |
| LD 2192 | An Act To Increase Access to Dental Care | PUBLIC 690 |

**Not Enacted**

| | | |
|---|---|---|
| LD 262 | An Act To Amend the Credit for Rehabilitation of Historic Properties | DIED ON ADJOURNMENT |
| LD 737 | An Act To Promote Forest Management Planning and Certification | DIED ON ADJOURNMENT |
| LD 952 | An Act To Reduce the Income Tax | DIED BETWEEN HOUSES |
| LD 1400 | An Act To Amend the Laws Governing the Taxation of Partnerships | DIED ON ADJOURNMENT |
| LD 1788 | An Act To Equalize Tax Filing Status | ONTP |

| | | |
|---|---|---|
| LD 2049 | An Act To Provide Tax Treatment Consistency for Limited Liability and S Corporations | DIED ON ADJOURNMENT |
| LD 2059 | An Act To Establish a Wellness Tax Credit | ACCEPTED ONTP REPORT |
| LD 2074 | An Act To Reestablish Fairness in Corporate Taxation by Taxing Real Estate Investment Trusts | ONTP |
| LD 2145 | An Act To Conform the Maine Tax Laws for 2007 to the United States Internal Revenue Code | DIED BETWEEN HOUSES |
| LD 2319 | An Act To Promote Filmmaking in the State | DIED BETWEEN HOUSES |

## *Miscellaneous Taxes*

Enacted

| | | |
|---|---|---|
| LD 531 | An Act To Improve the Method of Taxing Natural Gas for Highway Use | PUBLIC 650 |
| LD 2097 | An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax | PUBLIC 675 |
| LD 2276 | An Act To Improve the Administration of State-Municipal Revenue Sharing | PUBLIC 662 |

Not Enacted

| | | |
|---|---|---|
| LD 1155 | An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles | ONTP |
| LD 1556 | An Act To Recouple Maine Estate Tax with Federal Estate Tax | DIED ON ADJOURNMENT |
| LD 1725 | An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis | ONTP |
| LD 2100 | An Act To Exempt from Gasoline Tax at the Time of Sale Fuel Used for Off-road Commercial Uses | ACCEPTED ONTP REPORT |
| LD 2228 | Resolve, To Provide a Rebate of Diesel Fuel Taxes Paid by Maine's Forest Products Industry | DIED ON ADJOURNMENT |
| LD 2270 | An Act To Change the Formula for Calculation of the Motor Vehicle Excise Tax | ACCEPTED ONTP REPORT |

## *Property Tax - Current Use*

Enacted

| | | |
|---|---|---|
| LD 543 | Resolve, To Direct a Review of Issues Concerning the Maine Tree Growth Tax Law | RESOLVE 197 |
| LD 2274 | An Act To Amend the Municipal Tree Growth Reimbursement Formula | PUBLIC 639 |

Not Enacted

| | | |
|---|---|---|
| LD 530 | An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development | ONTP |
| LD 1298 | An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades | ONTP |

## *Property Tax - Exemptions*

Not Enacted

| | | |
|---|---|---|
| LD 1001 | An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers | DIED ON ADJOURNMENT |
| LD 2099 | An Act To Provide Property Tax Relief to Maine Veterans | DIED ON ADJOURNMENT |

## *Property Tax - General*

Enacted

| | | |
|---|---|---|
| LD 885 | An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories | PUBLIC 541 |
| LD 1413 | Resolve, To Review the Law Governing Municipal Service Charges for Tax-exempt Property | RESOLVE 146 |
| LD 2140 | An Act To Protect Parties to Real Estate Transactions | PUBLIC 687 |
| LD 2144 | Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory | RESOLVE 185 |
| LD 2202 | An Act To Allow a Municipality To Adopt a Program To Provide Property Tax Benefits to Senior Citizens | PUBLIC 635 |
| LD 2217 | Resolve, Authorizing the State Tax Assessor To Sell a Certain Parcel of Land in the Unorganized Territory | RESOLVE 214 |
| LD 2251 | An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2008-09 and To Require Notation of Tax Enhancement Programs Approved by the County Commissioners | PUBLIC 636 EMERGENCY |

Not Enacted

| | | |
|---|---|---|
| LD 1584 | An Act To Authorize Arbitration of Property Tax Valuation Disputes | ACCEPTED ONTP REPORT |

## *Property Tax - Valuation*

**Not Enacted**

| | | |
|---|---|---|
| LD 276 | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land | ONTP |

## *Property Tax Relief Programs*

**Enacted**

| | | |
|---|---|---|
| LD 2222 | Resolve, To Assist Maine's Forest Products Industry | RESOLVE 218 EMERGENCY |
| LD 2305 | An Act To Restore Benefits under the Circuitbreaker Program | PUBLIC 700 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 1972 | An Act To Provide Property Tax Relief | DIED ON ADJOURNMENT |
| LD 2310 | An Act To Permit Persons 65 Years of Age or Older To Defer Payment of Property Taxes | DIED ON ADJOURNMENT |

## *Sales Tax*

**Enacted**

| | | |
|---|---|---|
| LD 1976 | An Act To Enhance Economic Development in Maine's Aviation Industry | PUBLIC 691 |
| LD 2005 | An Act To Clarify the Sales Tax on Prepared Meals | PUBLIC 529 |
| LD 2225 | An Act To Provide Tax Relief to Maine's Forest Products Industry | PUBLIC 658 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 788 | An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund | ACCEPTED ONTP REPORT |
| LD 1094 | An Act To Exempt from the Sales Tax Water Used in Agricultural Production | DIED ON ADJOURNMENT |
| LD 1214 | An Act To Improve the Competitiveness of Maine's Boat Building Industry | DIED ON ADJOURNMENT |

| | | |
|---|---|---|
| LD 1772 | An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs | ONTP |

## *Tax Increment Financing*

Not Enacted

| | | |
|---|---|---|
| LD 2229 | An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories | ONTP |

## *Tax Reform - Restructuring*

Not Enacted

| | | |
|---|---|---|
| LD 1109 | Resolve, To Establish a Study Commission To Reform Taxes and Spending in Maine | ONTP |
| LD 1833 | An Act To Provide Property Tax and Income Tax Relief | ONTP |

## *Tax Reform - Tax and Spending Limits*

Not Enacted

| | | |
|---|---|---|
| LD 961 | An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities | ONTP |
| LD 1582 | An Act Reduce Maine's Tax Burden over a 10-year Period | ONTP |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON TRANSPORTATION

May 2008


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**LD 6** **Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | ONTP | |

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.

**LD 511** **Resolve, To Study the Feasibility of Locating a Border Crossing in the St. David Area** **RESOLVE 213**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THERIAULT | OTP-AM | H-643 |
| | | S-655 DAMON |

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 "B" (H-643)**

This 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. The amendment adds an emergency preamble and emergency clause to the bill as $200,000 from the Highway Fund will be allocated in fiscal year 2007-08.

**Senate Amendment "A" (S-655)**

This amendment changes the bill to a resolve, clarifies the scope of the study to include the St. John River Valley and requires the Department of Transportation to seek input from the New Brunswick Department of Transportation and the United States General Services Administration.

**Enacted Law Summary**

Resolve 2007, chapter 213 directs the Department of Transportation to study the feasibility of locating a new bridge in the St. John River Valley and requires the Department of Transportation to seek input from the New Brunswick Department of Transportation and the United States General Services Administration.

**LD 599** **An Act To Facilitate the Creation of Airport Authorities** **PUBLIC 563**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | OTP-AM | S-484 |

This bill, a concept draft pursuant to Joint Rule 208, proposes creation of an airport authority to regulate aviation.

**Committee Amendment "A" (S-484)**

This amendment replaces the bill and creates an airport authority enabling act to facilitate the creation of airport authorities. The enabling act specifies the necessary powers and authority of an airport authority, other than those that will be specific to a particular airport authority. The enabling act provides a model for the creation of an airport authority but does not require an airport to be created, operated or managed by an airport authority established pursuant to the enabling act. An airport authority created under this enabling act has the following characteristics, powers, duties and authority.

1. An airport authority is a quasi-municipal entity and as such:

A. Is exempt from taxation as are other quasi-municipal entities pursuant to the Maine Revised Statutes, Title 36, section 651;

B. Its debt liability is secured in the same manner as for other quasi-municipal entities pursuant to Title 30-A, section 5701;

C. Its tort liability is governed by the Maine Tort Claims Act in the same manner as for other quasi-municipal entities;

D. Is subject to Maine's freedom of access laws, Title 1, sections 401 to 412; and

E. Its directors are subject to the conflict of interest provisions of Title 30-A, section 2605.

2. An airport authority is authorized to own, construct, manage, maintain, enhance, expand or otherwise operate an airport and provide air transportation services.

3. An airport authority is governed by a board of directors who are authorized to appoint officers and hire employees, including an airport manager, to operate and manage an airport and provide air transportation service.

4. An airport authority is subject to all applicable federal and state laws and rules, including Federal Aviation Administration regulations, the provisions of Title 6 and the rules of the Commissioner of Transportation. An airport authority may not exercise its powers until it has obtained all necessary written approvals from the Federal Aviation Administration and the Department of Transportation.

5. An airport authority, in a manner similar to other quasi-municipal entities, has the power to:

A. Take property for its public purposes by eminent domain, which must be exercised in accordance with certain specified procedures;

B. Make and assume contracts;

C. Receive government aid, borrow money and issue bonds and notes. As a public entity, its bonds are exempt from state income tax. It may not issue debt payable more than 12 months after date of issuance until it has established a debt limit approved in a local referendum. The debt may not exceed the established debt limit, which may be increased if approved through subsequent referenda; and

D. Set fees, rates or charges for the use of its airport and services and, by agreement with the municipal officers of any municipality located in whole or in part within the airport authority's charter territory, establish payments from the municipality to support the airport authority.

6. An airport authority may have other powers, authority or duties as specified in its charter.

**Enacted Law Summary**

Public Law 2007, chapter 563 creates an airport authority enabling act to facilitate the creation of airport authorities. The enabling act specifies the necessary powers and authority of an airport authority, other than those that will be specific to a particular airport authority. The enabling act provides a model for the creation of an airport authority but does not require an airport to be created, operated or managed by an airport authority established pursuant to the enabling act. An airport authority created under this enabling act has the following characteristics, powers, duties and authority.

1. An airport authority is a quasi-municipal entity and as such:

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C. Its tort liability is governed by the Maine Tort Claims Act in the same manner as for other quasi-municipal entities;

D. Is subject to Maine's freedom of access laws, Title 1, sections 401 to 412; and

E. Its directors are subject to the conflict of interest provisions of Title 30-A, section 2605.

2. An airport authority is authorized to own, construct, manage, maintain, enhance, expand or otherwise operate an airport and provide air transportation services.

3. An airport authority is governed by a board of directors who are authorized to appoint officers and hire employees, including an airport manager, to operate and manage an airport and provide air transportation service.

4. An airport authority is subject to all applicable federal and state laws and rules, including Federal Aviation Administration regulations, the provisions of Title 6 and the rules of the Commissioner of Transportation. An airport authority may not exercise its powers until it has obtained all necessary written approvals from the Federal Aviation Administration and the Department of Transportation.

5. An airport authority, in a manner similar to other quasi-municipal entities, has the power to:

A. Take property for its public purposes by eminent domain, which must be exercised in accordance with certain specified procedures;

B. Make and assume contracts;

C. Receive government aid, borrow money and issue bonds and notes. As a public entity, its bonds are exempt from state income tax. It may not issue debt payable more than 12 months after date of issuance until it has established a debt limit approved in a local referendum. The debt may not exceed the established debt limit, which may be increased if approved through subsequent referenda; and

D. Set fees, rates or charges for the use of its airport and services and, by agreement with the municipal officers of any municipality located in whole or in part within the airport authority's charter territory, establish payments from the municipality to support the airport authority.

6. An airport authority may have other powers, authority or duties as specified in its charter.

**LD 775** **An Act To Create a Special License Plate To Support Breast Cancer Support Services** **PUBLIC 547**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRANG BURGESS<br>DAMON | OTP-AM | H-766 |

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.

**Committee Amendment "A" (H-766)**

This amendment, which replaces the bill, establishes a breast cancer support services special registration plate for motor vehicles that do not exceed 10,000 pounds. Nine dollars of each initial registration and renewal fee of breast cancer support services special registration plates must be deposited in a fund administered by the Department of Health and Human Services, Maine Center for Disease Control and Prevention to support breast cancer services efforts.

**Enacted Law Summary**

Public Law 2007, chapter 547 establishes a breast cancer support services special registration plate for motor vehicles that do not exceed 10,000 pounds. A portion of each initial registration and renewal fee of breast cancer support services special registration plates must be deposited into a fund administered by the Department of Health and Human Services, Maine Center for Disease Control and Prevention to support breast cancer services efforts.

**LD 1726** **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PRESCOTT | OTP-AM MAJ<br>ONTP MIN | |

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.

**Committee Amendment "A" (H-755)**

This amendment clarifies the changes to Article IX, Section 19 of the Constitution of Maine proposed by the bill. Under this amendment the constitutional provision will require the creation of a Highway Fund, require that certain revenues be placed in that fund, allow other funds to be placed in the fund and require that all funds in that fund be used solely for certain transportation-related purposes. Transportation-related purposes include construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of the Department of Transportation; providing, operating, managing and maintaining the Maine State Ferry Service; and state enforcement of traffic laws.

**LD 1790 An Act To Secure Maine's Transportation Future** **PUBLIC 470**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM MAJ<br>ONTP MIN | S-308<br>S-391 ROTUNDO |

This bill does the following:

1. 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; and maximization of benefits to freight and passenger users while mitigating energy and environmental impacts.

2. 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.

3. 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 Transportation Committee by January 15, 2008.

4. The rest of the bill establishes new financing mechanisms for transportation infrastructure and alternative transportation subsidies.

A. 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.

B. It sets aside excise taxes (4% in 2007; 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.

C. It sets aside a portion of sales and use taxes collected on vehicles and transportation-related items (4% in 2007; 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.

D. 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 "A" (S-323)**

This amendment requires the issuance of up to $50,000,000 in GARVEE bonds for the 2008-2009 biennium to be sent out to referendum in November 2007.

Senate Amendment "A" to LD 1790 was not adopted.

**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 "B" to LD 1790 was not adopted.

**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 by 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**

Public Law 2007, chapter 470 does the following:

1. Establishes 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. 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;

6. 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;

7. Adds an appropriations and allocations section to the bill;

8. Clarifies that TransCap revenue bonds must be approved by the Legislature;

9. 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%;

10. 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

11. Expands the significant capacity projects to be considered by the Department of Transportation to include the Lewiston-Auburn rail corridor.

**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** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | ONTP | |

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 1948** **An Act To Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident** **PUBLIC 486**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WHEELER | OTP-AM MAJ<br>OTP-AM MIN | H-673 |

This bill requires the Secretary of State to conduct a hearing regarding all motor vehicle accidents involving a human fatality. Facts obtained at the hearing may be used by the Secretary of State to suspend or revoke the license of a driver involved in the accident. As in the current law regarding administrative suspensions, a person whose license is suspended or revoked may appeal the decision of the Secretary of State to the Superior Court.

This bill also requires the Secretary of State to review all motor vehicle accidents that involved a human fatality in 2007 to determine whether any changes to the law are necessary to reduce or prevent such accidents. The Secretary of State is required to submit its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters for consideration during the First Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-673)**

This amendment replaces the bill and requires the Secretary of State to suspend a person's license for a period of at least 3 years if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. The amendment obligates the Secretary of State to notify any family of the victim prior to the determination and the issuance of the suspension and to consider oral and written statements received from the family in response to the notice. This amendment is the majority report of the Joint Standing Committee on Transportation.

**Enacted Law Summary**

Public Law 2007, chapter 486 requires the Secretary of State to suspend a person's license for a period of at least 3 years if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. The enacted bill also obligates the Secretary of State to notify any family of the victim prior to the determination and the issuance of the suspension and to consider oral and written statements received from the family in response to the notice.

**LD 1959** **An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine** **PUBLIC 480**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP | |

This bill authorizes facilities along the Maine Turnpike to promote tourism in Maine by selling products that are made or primarily made in Maine or to which value is added in Maine.

**Enacted Law Summary**

Public Law 2007, chapter 480 authorizes facilities along the Maine Turnpike to promote tourism in Maine by selling products that are made or primarily made in Maine or to which value is added in Maine.

**LD 1960** **An Act Regarding Axle Weight on Tri-axle Farm Trucks** **PUBLIC 652**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | OTP-AM | S-409 |

This bill expands the axle tolerance limit for tri-axle farm trucks to 64,000 pounds. The bill makes no changes to the gross weight limit and is only for tri-axle trucks with farm registration.

**Committee Amendment "A" (S-409)**

The amendment clarifies that the expansion of axle tolerance limits to 64,000 pounds pertains to the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under the Maine Revised Statutes, Title 29-A, section 505 used to haul potatoes. The amendment repeals this provision October 1, 2013.

The amendment also directs the Chief of the State Police and the Commissioner of Transportation to evaluate the impact of axle weight tolerances for tri-axle units of 4-axle vehicles used to haul forest products and potatoes on road and bridge conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2013. The amendment gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to submit legislation related to the subject matter of the report to the First Regular Session of the 126th Legislature.

**Enacted Law Summary**

Public Law 2007, chapter 652 expands the axle weight tolerance limit for tri-axle farm trucks to 64,000 pounds and clarifies that the expansion of axle tolerance limits pertains to the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck (under the Maine Revised Statutes, Title 29-A, section 505) used to haul potatoes. The enacted bill repeals this provision October 1, 2013.

The enacted bill also directs the Chief of the State Police and the Commissioner of Transportation to evaluate the impact of axle weight tolerances for tri-axle units of 4-axle vehicles used to haul forest products and potatoes on road and bridge conditions and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2013. The enacted bill gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to submit legislation related to the subject matter of the report to the First Regular Session of the 126th Legislature.

**LD 1978** **An Act To Require the Department of Transportation To Recover for the Highway Fund Any Money Recovered from Those Responsible for Doing Damage to State Roads and Bridges** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLS P | ONTP | |

This bill requires the Department of Transportation to pursue compensation for damage done to transportation infrastructure, which includes highways and bridges and related buildings. All funds for damages recovered by the department must be used for the benefit of transportation infrastructure.

**LD 2019** **An Act To Make Capital Rail Improvements for Economic Development Purposes** **PUBLIC 677**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM MAJ<br>ONTP MIN | H-906 |

This bill, beginning July 1, 2009, dedicates a percentage of sales and use tax revenue to the State Transit, Aviation and Rail Transportation Fund, also known as the STAR Transportation Fund, to support transit, aeronautics and rail transportation, including the Downeaster train service.

**Committee Amendment "A" (H-906)**

This amendment, which is the majority report, replaces the bill. The amendment, beginning July 1, 2009, dedicates a percentage of sales tax revenue imposed on the value of rental for a period of less than one year of an automobile to the State Transit, Aviation and Rail Transportation Fund, also known as the STAR Transportation Fund, to support transit, aeronautics and rail transportation, including the Downeaster train service.

**Enacted Law Summary**

Public Law 2007, chapter 677, beginning July 1, 2009, dedicates a percentage of sales tax revenue imposed on the value of rental for a period of less than one year of an automobile to the State Transit, Aviation and Rail Transportation Fund, also known as the STAR Transportation Fund, to support transit, aeronautics and rail transportation, including the Downeaster train service.

**LD 2022** **An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules** **PUBLIC 505**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROWNE | OTP-AM MAJ<br>ONTP MIN | H-701 |

This bill clarifies that the Department of Public Safety, Bureau of State Police rule-making authority designation regarding the adoption of any federal regulation or amendments to ensure proper enforcement of motor carrier safety is major substantive.

**Committee Amendment "A" (H-701)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, replaces the bill. Current law provides that the Department of Public Safety, Bureau of State Police may adopt rules to incorporate by reference Federal Motor Carrier Safety Administration regulations and that the Maine Administrative Procedure Act does not apply to the adoption by reference of federal motor carrier safety regulations in the Maine Revised Statutes, Title 29-A, section 555.

The amendment provides that a rule adopted by the bureau is a major substantive rule if it adopts by reference any provision of certain Federal Motor Carrier Safety Administration regulations that would result in a modification of the substance or effect of any amendment to federal motor carrier safety regulations adopted by the bureau and in effect on the effective date of the bill or adopts an amendment to those federal motor carrier safety regulations.

**Enacted Law Summary**

Current law provides that the Department of Public Safety, Bureau of State Police may adopt rules to incorporate by reference Federal Motor Carrier Safety Administration regulations and that the Maine Administrative Procedure Act

does not apply to the adoption by reference of federal motor carrier safety regulations in the Maine Revised Statutes, Title 29-A, section 555.

Public Law 2007, chapter 505 provides that a rule adopted by the bureau is a major substantive rule if it adopts by reference any provision of certain Federal Motor Carrier Safety Administration regulations that would result in a modification of the substance or effect of any amendment to federal motor carrier safety regulations adopted by the bureau and in effect on the effective date of this Act or adopts an amendment to those federal motor carrier safety regulations.

**LD 2040 An Act To Ban the Use of Liquid Calcium Chloride on Roads** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MIRAMANT | ONTP | |

This bill bans the use of liquid calcium chloride on all roads in the State for snow removal.

**LD 2075 An Act To Amend Motor Vehicle Laws** **PUBLIC 703**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM | H-1045 |

This bill:

1. Amends the long-term trailer registration requirements to provide administrative flexibility for the extension of long-term trailer registrations. This allows the Secretary of State to adopt rules consistent with current accounting procedures;

2. Amends the disability plate law to allow a registered nurse to approve an application;

3. Corrects a title fee to charge the regular title fee when issuing a new title due to change in branding; and

4. Amends the permit fee for a long-term overweight permit to be consistent with trip permit fees adopted in 2001.

**Committee Amendment "A" (H-913)**

This amendment provides that one dollar collected for each specialty registration plate initial contribution and annual renewal contribution must be deposited into a specialty license plate fund established for the purposes of covering the costs of manufacturing and producing specialty or recognition license plates. The amendment also provides that $10 collected for each sportsman registration plate initial contribution and $5 collected for each sportsman registration plate renewal contribution must be deposited into the Highway Fund. The amendment also makes technical changes to provide consistency throughout the specialty registration plate statutes.

The amendment also provides that violations of certain federal regulations applicable to commercial motor vehicle carriers and operators are traffic infractions under Maine law.

The amendment also removes conflicting language from the for-hire insurance requirement provisions.

The amendment also clarifies that the overlimit permit exemption for the transportation of poles applies to utility

poles being moved from a staging area to the final point of installation only.

**Committee of Conference Amendment "A" (H-1045)**

This amendment is the report of the Committee of Conference.

This amendment incorporates the provisions of Committee Amendment "A" by maintaining the one dollar deposit to the Specialty License Plate Fund, but reduces the amount deposited to the Highway Fund by one dollar instead of reducing the amount deposited into the fund for which the license plate has been established, with the exception of the University of Maine System renewal plates. This amendment also corrects a cross-reference.

**Enacted Law Summary**

Public Law 2007, chapter 703 does the following:

1. Amends the long-term trailer registration requirements to provide administrative flexibility for the extension of long-term trailer registrations;

2. Amends the disability plate law to allow a registered nurse to approve an application;

3. Corrects a title fee to charge the regular title fee when issuing a new title due to change in branding;

4. Amends the permit fee for a long-term overweight permit to be consistent with trip permit fees adopted in 2001;

5. Provides that one dollar collected for each specialty registration plate initial contribution and annual renewal contribution must be deposited into a specialty license plate fund established for the purposes of covering the costs of manufacturing and producing specialty or recognition license plates. The amendment also provides that $5 collected for each sportsman registration plate initial contribution and $1 collected for each sportsman registration plate renewal contribution must be deposited into the Highway Fund;

6. Provides that violations of certain federal regulations applicable to commercial motor vehicle carriers and operators are traffic infractions under Maine law;

7. Removes conflicting language from the for-hire insurance requirement provisions; and

8. Clarifies that the overlimit permit exemption for the transportation of poles applies to utility poles being moved from a staging area to the final point of installation only.

## LD 2101 Resolve, To Change the Name of the South Bridge between Lewiston and Auburn — RESOLVE 147

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| WAGNER | OTP-AM | H-661 |

This resolve changes the name of the South Bridge between the cities of Lewiston and Auburn to the Bernard Lown Peace Bridge, in honor of former local resident Dr. Bernard Lown, a cardiologist who won the Nobel Peace Prize and advanced the science of heart defibrillation. Both city councils unanimously approved the renaming of the bridge in honor of Dr. Bernard Lown.

**Committee Amendment "A" (H-661)**

This amendment adds the state bridge number designated by the Department of Transportation to the resolve to clarify the location of the bridge.

**Enacted Law Summary**

Resolve 2007, chapter 147 changes the name of the South Bridge between the cities of Lewiston and Auburn to the Bernard Lown Peace Bridge, in honor of former local resident Dr. Bernard Lown, a cardiologist who won the Nobel Peace Prize and advanced the science of heart defibrillation.

**LD 2102** **An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting** **PUBLIC 625**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KNIGHT | OTP-AM A<br>OTP-AM B<br>ONTP C | H-818<br>H-976 MARLEY<br>S-560 DAMON |

This bill amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The bill establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the public easement, private way or bridge. The bill establishes a quorum that is necessary to hold a meeting and to vote on issues at the meeting. The bill establishes a board to run the meetings. The bill adds maintenance of a road to the laws pertaining to road repairs. The bill also adds public easements to the private ways laws.

**Committee Amendment "A" (H-818)**

This amendment is similar to the bill in that it amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The amendment establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the private road, private way or bridge. The amendment adds maintenance of a road to the laws pertaining to road repairs.

The amendment, which is the majority report of the committee, also provides that maintenance includes, but is not limited to, snowplowing. The amendment also provides that e-mail is an acceptable form of communication for the purposes of calling a meeting. The amendment further changes the guidelines for notification of lot owners of meetings.

**Committee Amendment "B" (H-819)**

This amendment, which is the minority report of the committee, strikes the provision of law that provided that the assessment for the repair or maintenance of a private way or bridge is applied proportionally on the owners according to the assessed valuation for property tax.

Committee Amendment "B" to LD 2102 was not adopted.

**Senate Amendment "A" (S-531)**

This amendment removes the ability of the owners to vote by absentee ballot and specifies that any proxy appointed by an owner may not be an owner of a parcel of land that is benefited by the private road, private way or bridge that is the subject of the meeting.

Senate Amendment "A" to LD 2102 was not adopted.

**Senate Amendment "B" (S-560)**

This amendment incorporates the changes made by Senate Amendment "A" except that it removes language requiring the mailing of proxy forms or posting of information regarding proxy forms. It removes the language that

stipulates that a person acting as a proxy may not be an owner of a parcel benefited by the private road, private way or bridge that is the subject of the meeting. It, like Senate Amendment "A", does not include a provision for absentee balloting.

**House Amendment "A" (H-976)**

This amendment amends Committee Amendment "A" by allowing no more than 2 votes per parcel if the association's bylaws authorize more than one vote per parcel.

**Enacted Law Summary**

Public Law 2007, chapter 625 amends the laws pertaining to road associations formed under the private ways laws by allowing them to make assessments using any method they choose that is endorsed by a majority vote at a duly held meeting. The enacted bill establishes guidelines for notifying lot owners of any meeting scheduled to deal with maintenance and repair of the private road, private way or bridge. The enacted bill adds maintenance of a road, including but not limited to snowplowing, to the laws pertaining to road repairs. The enacted bill also allows no more than 2 votes per parcel if the association's bylaws authorize more than one vote per parcel.

**LD 2112** **An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years** **DIED IN CONCURRENCE**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| KAENRATH | OTP-AM MAJ<br>ONTP MIN | |

This bill changes the annual inspection requirement for motor vehicles, except for commercial vehicles, trailers and semitrailers, to a biennial inspection requirement. This bill also changes the annual enhanced inspection requirement for vehicles registered in Cumberland County to a biennial requirement. Finally, this bill changes the annual partial inspection requirement for farm trucks, fish trucks and woods tractors to a biennial requirement.

**Committee Amendment "A" (H-782)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, replaces the bill and provides that a new motor vehicle, but not including a commercial vehicle, trailer or semitrailer, that has had an inspection is not required to have another inspection until 2 years from the last day of the month in which it was initially registered. The amendment also directs the Department of Public Safety, Bureau of State Police to undertake a comprehensive review of current motor vehicle inspection rules.

**LD 2118** **An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009** **P & S 37**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | S-428 |

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, 2009 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (S-428)**

This amendment corrects amounts included in the statement of revenues submitted pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Enacted Law Summary**

Private and Special Law 2007, chapter 37 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, 2009 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

## LD 2155 Resolve, To Assist Maine's Forest Products Industry

**RESOLVE 144**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM | H-660 |

This bill waives gross vehicle weight violations between 100,000 and 105,000 pounds for 6-axle combination vehicles registered for 100,000 pounds carrying forest products until April 1, 2008.

**Committee Amendment "A" (H-660)**

This amendment changes the act to a resolve and changes the title to reflect the change. The amendment provides that, on and after the effective date of this resolve but before April 1, 2008, a 6-axle combination vehicle that is registered for 100,000 pounds is not in violation of that weight limit if the vehicle is carrying forest products and its gross vehicle weight is less than 105,000 pounds.

**Enacted Law Summary**

Resolve 2007, chapter 144 provides that, on and after the effective date of this resolve but before April 1, 2008, a 6-axle combination vehicle that is registered for 100,000 pounds is not in violation of that weight limit if the vehicle is carrying forest products and its gross vehicle weight is less than 105,000 pounds.

Resolve 2007, chapter 144 was enacted as an emergency measure effective January 22, 2008.

## LD 2165 Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation

**RESOLVE 159**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-712 |

This resolve provides for legislative review of portions of Chapter 103: Sensible Transportation Policy Act, a major substantive rule of the Department of Transportation.

**Committee Amendment "A" (H-712)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Resolve 2007, chapter 159 authorizes final adoption of Chapter 103: Sensible Transportation Policy Act, a provisionally adopted major substantive rule of the Department of Transportation.

**LD 2176 An Act Relating to Studded Tires** **PUBLIC 525**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DIAMOND | OTP-AM | S-462 |

This bill provides an exemption for year-round use of pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances.

**Committee Amendment "A" (S-462)**

This amendment replaces the bill. The amendment clarifies that pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances may be used year-round provided that the protuberances are not be engaged or extended from the first day of May to the first day of October.

**Enacted Law Summary**

Public Law 2007, chapter 525 provides that pneumatic tires with retractable studs, flanges, cleats, spikes or other protuberances may be used year-round provided that the protuberances are not be engaged or extended from the first day of May to the first day of October.

**LD 2183 Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of Maine Ski Area** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BRIGGS | ONTP | |

This resolve directs the Department of Transportation to erect signs on the Maine Turnpike at the appropriate exits to indicate directions to the Black Mountain of Maine ski area in Rumford.

**LD 2196 An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009** **PUBLIC 538 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM A<br>OTP-AM B<br>OTP-AM C | H-865 |

PART A makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009.

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

PART C does the following:

1. It authorizes the State Controller to transfer $219,827 by June 30, 2008 and $219,827 by June 30, 2009 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. The fund transfers are to recognize health insurance

savings achieved through changes to be adopted by the State Employee Health Commission.

2. It also authorizes the transfer of $2,329,928, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.

3. It also authorizes the transfer of $1,850,940, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.

PART D makes allocations of funds for initiatives that streamline State Government.

PART E requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of property insurance and vehicle liability insurance, savings in the cost of central services, savings in the cost of telecommunications and savings in the cost of postal and printing services in Part D. It authorizes the Director of the Office of Information Technology within the Department of Administrative and Financial Services to transfer by financial order positions to achieve the consolidation of the postal and printing functions.

PART F lapses $6,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

PART G does the following:

1. It renames the Highway and Bridge Improvement program within the Department of Transportation the Highway and Bridge Capital program.

2. It requires the State Controller, at the close of fiscal year 2007-08, to transfer all remaining Other Special Revenue Fund balances in the Maintenance and Operations - Lease Equipment account to the STAR Transportation Fund account within the Department of Transportation.

**Committee Amendment "A" (H-865)**

PART A makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009.

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

PART C does the following:

1. It authorizes the State Controller to transfer $219,827 by June 30, 2008 and $448,707 by June 30, 2009 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. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

2. It authorizes the transfer of $2,329,928, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.

3. It authorizes the transfer of $3,129,941, representing the Highway Fund share of the health insurance excess equity reserve, to the unallocated surplus of the Highway Fund by June 30, 2008.

4. It authorizes the transfer of $62,962 by June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund. The fund transfer recognizes retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

PART D makes allocations of funds for initiatives that streamline State Government.

PART E requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of property insurance and vehicle liability insurance.

PART F requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of central services from the elimination of the audio-visual operations.

PART G requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of telecommunications.

PART H requires the State Budget Officer to calculate and transfer by financial order, as adjustments to allocations, savings in the cost of postal and printing activities. It authorizes the Director of the Office of Information Technology within the Department of Administrative and Financial Services to transfer by financial order positions to achieve the consolidation of the postal and printing functions.

PART I lapses $6,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services to the Highway Fund at the close of fiscal year 2008-09.

PART J does the following:

1. It renames the Highway and Bridge Improvement program within the Department of Transportation the Highway and Bridge Capital program.

2. It requires the State Controller, at the close of fiscal year 2007-08, to transfer all remaining Other Special Revenue Fund balances in the Maintenance and Operations - Lease Equipment account to the STAR Transportation Fund account within the Department of Transportation.

PART K amends the current law regarding the submission of the budget bills for the General Fund and Highway Fund to specify that the TransCap Trust Fund program in the Maine Municipal Bond Bank is subject to legislative allocation and is presented for informational purposes only in the budget document and General Fund budget bills unless a separate Highway Fund budget is not enacted.

PART L changes the effective date of the monthly deposit of 7.5% of the excise tax after distribution of taxes into the TransCap Trust Fund to July 1, 2009 from January 1, 2009.

PART M lessens fiscal impacts on municipalities by allowing Urban-Rural Initiative Program payments in fiscal year 2007-08 to be as anticipated and the total reduction for the biennium to be made in fiscal year 2008-09. This will avoid the immediate impact on municipal budgets as they have already received 3 of the 4 checks they anticipated in fiscal year 2007-08.

**Enacted Law Summary**

Public Law 2007, chapter 538 makes allocations of funds for the fiscal years ending June 30, 2008 and June 30, 2009. It also makes allocations of funds for approved reclassifications and range changes and for initiatives that streamline State Government. The enacted bill amends the current law regarding the submission of the budget bills for the General Fund and Highway Fund to specify that the TransCap Trust Fund program in the Maine Municipal Bond Bank is subject to legislative allocation and is presented for informational purposes only in the budget document and General Fund budget bills unless a separate Highway Fund budget is not enacted. It also changes the effective date of the monthly deposit of 7.5% of the excise tax after distribution of taxes into the TransCap Trust Fund to July 1, 2009 from January 1, 2009.

Public Law 2007, chapter 538 was enacted as an emergency measure effective March 31, 2008.

**LD 2199 An Act To Establish a Railroad Crossing Information Council** **PUBLIC 657**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARRACHE | OTP-AM | S-549<br>S-600 MARRACHE |

This bill requires railroad corporations to provide and maintain private crossings on land bisected by the railroad. It also prohibits railroad corporations from collecting maintenance and insurance fees from property owners using rights-of-way on private crossings.

**Committee Amendment "A" (S-549)**

This amendment replaces the bill. The amendment establishes a Railroad Crossing Information Council to serve as a repository of information for any member of the public who would like to establish a private crossing of a railroad. The Public Advocate serves as chair of the council and coordinates efforts of the council.

**Senate Amendment "A" (S-600)**

This amendment requires the Public Advocate to provide staff to the Railroad Crossing Information Council within budgeted resources of the Public Advocate.

**Enacted Law Summary**

Public Law 2007, chapter 657 establishes a Railroad Crossing Information Council to serve as a repository of information for any member of the public who would like to establish a private crossing of a railroad. The Public Advocate serves as chair of the council and coordinates efforts of the council. The enacted bill also requires the Public Advocate to provide staff to the Railroad Crossing Information Council within budgeted resources of the Public Advocate.

**LD 2204 An Act To Amend the Laws Governing Commercial Vehicles** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| JACKSON | ONTP | |

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to alleviate unnecessary restrictions placed on commercial vehicles and unnecessary burdens placed on drivers of commercial vehicles.

**LD 2209 An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| THOMAS<br>MARTIN | ONTP A<br>OTP-AM B<br>OTP-AM C | |

This bill provides that a vehicle transporting unprocessed agricultural products or forest products that exceeds the axle weight limits and axle weight tolerance restrictions imposed under Maine law is not subject to a fine for a violation of those limits and restrictions unless the vehicle exceeds the maximum gross vehicle weight limits, including tolerances.

**Committee Amendment "A" (H-871)**

This amendment, which is one of 2 minority reports, replaces the bill. The amendment provides that any vehicle that exceeds the axle weight limits and axle weight tolerance restrictions imposed under Maine law is not subject to a fine for a violation of those limits and restrictions unless the vehicle exceeds the maximum gross vehicle weight limits, including tolerances.

Committee Amendment "A" to LD 2209 was not adopted.

**Committee Amendment "B" (H-872)**

This amendment incorporates a fiscal note.

**House Amendment "A" (H-888)**

This amendment strikes the emergency preamble and emergency clause from the bill. The amendment also provides that the axle weight limits and axle weight tolerances exemption in the bill does not apply on the Interstate Highway System, including that portion designated as the Maine Turnpike.

House Amendment "A" to Committee Amendment "B" was enacted in the House, but died on the Highway Table in the Senate on adjournment.

## LD 2214 Resolve, To Provide Temporary Weight Limits for Trucks Carrying Forest Products — ONTP

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| COTTA | ONTP | |

This resolve provides that, on and after the effective date of this resolve but before April 1, 2008, certain vehicles carrying forest products may weigh 5% more than they would otherwise be allowed to weigh.

## LD 2239 Resolve, To Name a Road in Dexter after Harold Alfond — RESOLVE 176 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PLOWMAN | OTP-AM | S-466 |

This resolve names the part of State Route 7 that runs through the Town of Dexter from Corinna to Garland the Harold Alfond Memorial Highway.

**Committee Amendment "A" (S-466)**

This amendment adds an emergency preamble and emergency clause to the resolve.

**Enacted Law Summary**

Resolve 2007, chapter 176 names the part of State Route 7 that runs through the Town of Dexter from Corinna to Garland the Harold Alfond Memorial Highway.

Resolve 2007, chapter 176 was enacted as an emergency measure effective March 31, 2008.

**LD 2244** **An Act Concerning Traffic Safety Cameras** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PILON<br>DAMON | ONTP | |

Current law requires a police officer to observe a violation of a traffic control device, stop the violator, issue a summons and complaint and often go to court.

This bill is based on laws in other states that permit the use of evidence obtained from unmanned, automatic cameras to prosecute and prove traffic violations. Traffic light violation monitoring systems may be installed by the State or a county or municipality. The owner of the vehicle photographed or otherwise recorded violating a traffic control device is rebuttably presumed to be the violator, similar to current Maine law regarding passing a stopped school bus or a traffic violation at an emergency scene.

This bill also requires 50% of the revenue generated by a traffic light monitoring system to be returned to the county or municipality that installed and was operating the system at the time of the enforcement action.

**LD 2259** **An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police** **PUBLIC 537**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP | |

This bill, which implements the minority report of the Committee To Study Appropriate Funding of the State Police, requires the Governor-elect or the Governor, in developing budgetary recommendations for funding the Department of Public Safety, Bureau of State Police, to review and use as a guide available data identifying or quantifying the activities of the Department of Public Safety, Bureau of State Police that may be eligible for funding from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19. This provision applies to the preparation of the budget for the 2010-2011 biennium and thereafter. The bill also repeals the current provision of law that specifies a particular state funding split between the General Fund and the Highway Fund with respect to the bureau.

The bill also requires the Department of Public Safety, Bureau of State Police to report by January 30, 2009 to the joint standing committee of the Legislature having jurisdiction over transportation matters the activity data collected by the bureau during 2008 under its new data reporting system designed to track police officers' work activity.

**Enacted Law Summary**

Public Law 2007, chapter 537 requires the Governor-elect or the Governor, in developing budgetary recommendations for funding the Department of Public Safety, Bureau of State Police, to review and use as a guide available data identifying or quantifying the activities of the Department of Public Safety, Bureau of State Police that may be eligible for funding from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19. This provision applies to the preparation of the budget for the 2010-2011 biennium and thereafter. The enacted bill also repeals the current provision of law that specifies a particular state funding split between the General Fund and the Highway Fund with respect to the bureau.

The enacted bill also requires the Department of Public Safety, Bureau of State Police to report by January 30, 2009

to the joint standing committee of the Legislature having jurisdiction over transportation matters the activity data collected by the bureau during 2008 under its new data reporting system designed to track police officers' work activity.

**LD 2304** **An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License** **PUBLIC 659 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP MAJ<br>OTP-AM MIN | H-994 MARLEY<br>S-645 DAMON |

This bill implements the recommendations of the working group convened by the Secretary of State to examine laws governing eligibility and documentation requirements for driver's licenses and nondriver identification cards pursuant to Resolve 2007, chapter 24. This bill provides that a Maine driver's license or nondriver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person's residence or domicile in Maine. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within Maine are exempt from these requirements.

**House Amendment "B" (H-994)**

This amendment corrects an error in an amending clause.

**Senate Amendment "A" (S-645)**

This amendment allows a person whose legal domicile is a shelter to apply for a driver's license. This amendment also allows a person who cannot provide acceptable documentary evidence of residence to take an oath or affirmation before the Secretary of State swearing to the person's residence.

**Enacted Law Summary**

Public Law 2007, chapter 659 implements the recommendations of the working group convened by the Secretary of State to examine laws governing eligibility and documentation requirements for driver's licenses and nondriver identification cards pursuant to Resolve 2007, chapter 24. The enacted bill provides that a Maine driver's license or nondriver identification card may not be issued to a person unless the person presents to the Secretary of State acceptable documentary evidence of the person's residence or domicile in Maine. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within Maine are exempt from these requirements. The enacted bill also allows a person whose legal domicile is a shelter to apply for a driver's license. It also allows a person who cannot provide acceptable documentary evidence of residence to take an oath or affirmation before the Secretary of State swearing to the person's residence.

Public Law 2007, chapter 659 was enacted as an emergency measure effective April 18, 2008.

**LD 2309** **An Act To Enhance the Security of State Credentials** **PUBLIC 648**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM MAJ<br>ONTP MIN | H-1020<br>H-1026 MILLS J |

This bill requires the Secretary of State to issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States. The bill requires any license

or nondriver identification card issued to a lawfully present noncitizen to expire coterminously with that noncitizen's authorized duration of stay or 6 years, whichever is a shorter period of time.

The bill requires the Secretary of State to participate in the federal Systematic Alien Verification for Entitlements Program maintained by United States Citizenship and Immigration Services.

The bill requires the Secretary of State to develop and implement the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State.

To partially cover the costs to be incurred by the Secretary of State associated with these and related measures, the bill increases the fee for a 6-year noncommercial driver's license from $30 to $36 and dedicates the $6 increase to the Other Special Revenue Funds account of the Secretary of State.

This bill also provides funding for 3 positions in the Department of Administrative and Financial Services, Bureau of Revenue Services to generate revenue through stricter auditing of pass-through entity and corporate income tax returns.

**Committee Amendment "A" (H-1020)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, increases the fee for a 6-year noncommercial driver's license from $30 to $45 and for a 4-year noncommercial driver's license from $21 to $30 to cover the costs to be incurred by the Secretary of State associated with this Act. The amendment increases the fee for licenses issued for the purpose of equalizing the 6-year license renewal cycle from $5 to $7.50 multiplied by the number of years for which the license is issued. The amendment also provides a schedule of fees for a license issued to a lawfully present noncitizen based on the term of the license.

The amendment clarifies that any license issued to a lawfully present noncitizen is to expire coterminously with the shorter of either that noncitizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. The amendment also provides that a license or nondriver identification card issued to a lawfully present noncitizen must be valid for a period of at least 120 days from the date of issuance instead of 180 days as proposed in the bill.

The amendment changes the date that the Secretary of State is required to adopt rules governing what documents constitute valid documentary evidence to establish legal presence for the purpose of obtaining a driver's license or nondriver identification card from 90 days from the effective date of this Act to no later than November 15, 2008. The amendment also requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by October 15, 2008 with draft rules regarding legal presence requirements.

The amendment also changes the date by which the Secretary of State is required to participate in the federal Systematic Alien Verification for Entitlements (SAVE) Program from December 1, 2008 to October 1, 2009 for the purpose of verifying lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. In addition, the Secretary of State is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the SAVE Program no later than January 30th of each year beginning in 2010.

The amendment changes the date that the Secretary of State is required to report findings and recommendations regarding its study of the most cost-effective way to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State to the Governor and the joint standing committee of the Legislature having jurisdiction over transportation matters from no later than December 1, 2008 to October 1, 2009.
The amendment also directs the Secretary of State to develop and implement policies and procedures in order to take and maintain photographs of applicants at the time an application for a driver's license or nondriver identification card is submitted.

The amendment also requires the Secretary of State to submit legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act if the federal REAL ID Act of 2005 is repealed, and the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits this legislation.

The amendment adds an appropriations and allocations section to the bill.

**House Amendment "B" (H-1026)**

This amendment removes the language that increases the fee for a 6-year noncommercial driver's license from $30 to $45, for a 4-year noncommercial driver's license from $21 to $30 and for licenses issued for the purpose of equalizing the 6-year license renewal cycle from $5 to $7.50 multiplied by the number of years for which the license is issued. The amendment also removes the language that provides a schedule of fees for a license issued to a lawfully present noncitizen based on the term of the license. The amendment also changes the date by which the Secretary of State shall participate in the federal Systematic Alien Verification for Entitlement Program from October 1, 2009 to December 1, 2009.

The amendment also requires the Secretary of State to study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

The amendment deletes the appropriations and allocations section in Committee Amendment "A."

**House Amendment "A" (H-1025)**

This amendment places a contingent effective date on the bill to delay the implementation until the United States Congress enacts into law what documentation constitutes valid documentary evidence for purposes of establishing the legal presence of noncitizen applicants for a driver's license or identification card.

House Amendment "A" to LD 2309 was not adopted.

**Enacted Law Summary**

Public Law 2007, chapter 648 requires the Secretary of State to issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States. The enacted bill also clarifies that any license issued to a lawfully present noncitizen is to expire coterminously with the shorter of either that noncitizen's authorized duration of stay or the otherwise applicable expiration date of the license, whichever occurs first. It also provides that a license or nondriver identification card issued to a lawfully present noncitizen must be valid for a period of at least 120 days from the date of issuance instead of 180 days as proposed in the bill.

The enacted bill directs the Secretary of State to adopt rules governing what documents constitute valid documentary evidence to establish legal presence for the purpose of obtaining a driver's license or nondriver identification card no later than November 15, 2008.

The enacted bill directs the Secretary of State to participate in the federal Systematic Alien Verification for Entitlement (SAVE) Program maintained by the United States Citizenship and Immigration Services no later than December 1, 2009 for the purpose of verifying lawful presence of noncitizen applicants for driver's licenses or nondriver identification cards. In addition, the Secretary of State is required to report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the operation and effectiveness of the SAVE Program no later than January 30th of each year beginning in 2010.

It requires the Secretary of State to study the most cost-effective way, such as facial recognition or fingerprint technology, to ensure that an applicant does not have more than one driver's license or nondriver identification card issued by the State and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

It also requires the Secretary of State to study the most cost-effective way to develop and implement policies and procedures in order to take and maintain photographs of applicants and requires the Secretary of State to report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than October 1, 2009.

The enacted bill requires the Secretary of State to submit legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters that returns Maine law regarding the issuance of driver's licenses and nondriver identification cards to what it was prior to the effective date of this Act if the federal REAL ID Act of 2005 is repealed, and the joint standing committee may submit a bill to the session of the Legislature in which the Secretary of State submits this legislation.

**LD 2313 An Act To Keep Bridges Safe and Roads Passable** **PUBLIC 647**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARLEY | OTP-AM MAJ<br>ONTP MIN | H-1017 |

This bill provides the revenue to support the issuance of the TransCap Trust Fund revenue bonds authorized in this bill. This bill increases the registration fee for noncommercial vehicles by $10 to $35 per year; increases the registration fee for commercial motor vehicles weighing less than 6,000 pounds by $10 to $35 per year; increases the title fee by $10 to $33 per year; and increases the vanity plate fee by $10 to $25 per year. The bill transfers the amounts raised by the fee adjustments to the TransCap Trust Fund at the Maine Municipal Bond Bank.

The bill also authorizes the Maine Municipal Bond Bank, at the request of the Department of Transportation, to issue $160,000,000 in TransCap Trust Fund revenue bonds through fiscal year 2012-13 for the purpose of making capital improvements to bridges.

The bill also establishes a bridge innovation and composites initiative. The Department of Transportation, working with the University of Maine, shall seek to expand the use of composite technologies in bridge maintenance and capital applications, use technology and products to inspect and extend the life of bridges and develop delivery models that expedite the design, rehabilitation and construction of bridges, reduce costs and reduce the impact on the traveling public.

**Committee Amendment "A" (H-1017)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, provides an effective date of September 1, 2008. The amendment also provides that the $10 fee increases for the registration of noncommercial vehicles, registration of commercial motor vehicles weighing 6,000 pounds or less, certificates of title and vanity plates collected between the effective date of the Act and July 1, 2009 be deposited into the Highway Fund and allocated on a one-time basis for the Highway and Bridge Capital program during the fiscal year ending June 30, 2009. The amendment also clarifies that, beginning July 1, 2009, the $10 fee increase must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 647 provides revenue to support the issuance of the TransCap Trust Fund revenue bonds authorized in this measure. It increases the registration fee for noncommercial vehicles by $10 to $35 per year;

increases the registration fee for commercial motor vehicles weighing less than 6,000 pounds by $10 to $35 per year; increases the title fee by $10 to $33 per year; and increases the vanity plate fee by $10 to $25 per year.

It provides that the $10 fee increases for the registration of noncommercial vehicles, registration of commercial motor vehicles weighing 6,000 pounds or less, certificates of title and vanity plates collected between the effective date of the Act and July 1, 2009 be deposited into the Highway Fund and allocated on a one-time basis for the Highway and Bridge Capital program during the fiscal year ending June 30, 2009. It also provides that, beginning July 1, 2009, the $10 fee increase must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund at the Maine Municipal Bond Bank.

The enacted bill authorizes the Maine Municipal Bond Bank, at the request of the Department of Transportation, to issue $160,000,000 in TransCap Trust Fund revenue bonds through fiscal year 2012-13 for the purpose of making capital improvements to bridges.

It also establishes a bridge innovation and composites initiative. The Department of Transportation, working with the University of Maine, shall seek to expand the use of composite technologies in bridge maintenance and capital applications, use technology and products to inspect and extend the life of bridges and develop delivery models that expedite the design, rehabilitation and construction of bridges, reduce costs and reduce the impact on the traveling public.

Public Law 2007, chapter 647 has an effective date of September 1, 2008.

**LD 2324** **An Act To Expedite the Maintenance and Repair of Maine's Transportation Network** **PUBLIC 682**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DAMON | | H-1040 MARLEY |
| | | H-1048 MARLEY |

This bill authorizes $50,000,000 in TransCap Trust Fund revenue bonds over the next 5 years for highway reconstruction projects. The bill requires a $5,000,000 transfer from the Maine Budget Stabilization Fund to the trust fund by June 30, 2009 and a transfer for the 2009-10 and ensuing fiscal years of amounts that represent the percentage change of Highway Fund allocations to the Department of Public Safety, Bureau of State Police accomplished in this Act.

The bill provides 51% funding for the Bureau of State Police from the General Fund and 49% funding for the Bureau of State Police from the Highway Fund.

This bill was introduced in the Senate without reference to a joint standing committee.

**House Amendment "A" (H-1040)**

This amendment removes the transfer from the Maine Budget Stabilization Fund and instead transfers funds from the Highway Fund to the TransCap Trust Fund.

**House Amendment "B" (H-1048)**

This amendment strikes the emergency preamble and the emergency clause from the bill.

**Enacted Law Summary**

Public Law 2007, chapter 682 authorizes $50,000,000 in TransCap Trust Fund revenue bonds over the next 5 years for highway reconstruction projects. The bill requires a $5,000,000 transfer from the Highway Fund to the trust fund by June 30, 2009 and a transfer for the 2009-10 and ensuing fiscal years of amounts that represent the

percentage change of Highway Fund allocations to the Department of Public Safety, Bureau of State Police accomplished in this Act.

The bill provides 51% funding for the Bureau of State Police from the General Fund and 49% funding for the Bureau of State Police from the Highway Fund.

# *Joint Standing Committee on Transportation*

## SUBJECT INDEX

### *Aeronautics*

**Enacted**

| | | |
|---|---|---|
| LD 599 | An Act To Facilitate the Creation of Airport Authorities | PUBLIC 563 |

### *Bridges*

**Enacted**

| | | |
|---|---|---|
| LD 511 | Resolve, To Study the Feasibility of Locating a Border Crossing in the St. David Area | RESOLVE 213 |
| LD 2101 | Resolve, To Change the Name of the South Bridge between Lewiston and Auburn | RESOLVE 147 |
| LD 2313 | An Act To Keep Bridges Safe and Roads Passable | PUBLIC 647 |

### *General Highway Fund*

**Enacted**

| | | |
|---|---|---|
| LD 2196 | An Act To Make Supplemental Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009 | PUBLIC 538 EMERGENCY |
| LD 2259 | An Act Regarding the Recommendations of the Committee To Study Appropriate Funding of the State Police | PUBLIC 537 |
| LD 2324 | An Act To Expedite the Maintenance and Repair of Maine's Transportation Network | PUBLIC 682 |

**Not Enacted**

| | | |
|---|---|---|
| LD 1726 | RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund | DIED BETWEEN HOUSES |

### *Miscellaneous*

**Enacted**

| | | |
|---|---|---|
| LD 1790 | An Act To Secure Maine's Transportation Future | PUBLIC 470 |

## *Motor Carriers*

**Enacted**

| | | |
|---|---|---|
| LD 2022 | An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules | PUBLIC 505 |
| LD 2155 | Resolve, To Assist Maine's Forest Products Industry | RESOLVE 144 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2204 | An Act To Amend the Laws Governing Commercial Vehicles | ONTP |
| LD 2209 | An Act To Amend the Axle Weight Laws for Trucks Transporting Unprocessed Agricultural Products and Forest Products | DIED ON ADJOURNMENT |
| LD 2214 | Resolve, To Provide Temporary Weight Limits for Trucks Carrying Forest Products | ONTP |

## *Motor Vehicles*

**Enacted**

| | | |
|---|---|---|
| LD 1948 | An Act To Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident | PUBLIC 486 |
| LD 1960 | An Act Regarding Axle Weight on Tri-axle Farm Trucks | PUBLIC 652 |
| LD 2075 | An Act To Amend Motor Vehicle Laws | PUBLIC 703 |

**Not Enacted**

| | | |
|---|---|---|
| LD 2112 | An Act To Increase the Time Period for Motor Vehicle Inspections to 2 Years | DIED IN CONCURRENCE |

## *Operator's License*

**Enacted**

| | | |
|---|---|---|
| LD 2304 | An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License | PUBLIC 659 EMERGENCY |
| LD 2309 | An Act To Enhance the Security of State Credentials | PUBLIC 648 |

## *Public Transportation*

**Enacted**

| | | |
|---|---|---|
| LD 2019 | An Act To Make Capital Rail Improvements for Economic Development Purposes | PUBLIC 677 |

## *Railroads*

**Enacted**

| | | |
|---|---|---|
| LD 2199 | An Act To Establish a Railroad Crossing Information Council | PUBLIC 657 |

## *Registration Plates*

**Enacted**

| | | |
|---|---|---|
| LD 775 | An Act To Create a Special License Plate To Support Breast Cancer Support Services | PUBLIC 547 |

## *Roads*

**Enacted**

| | | |
|---|---|---|
| LD 2102 | An Act To Allow Road Associations To Determine Assessments According to Majority Vote Cast at a Duly Held Meeting | PUBLIC 625 |
| LD 2239 | Resolve, To Name a Road in Dexter after Harold Alfond | RESOLVE 176 EMERGENCY |

**Not Enacted**

| | | |
|---|---|---|
| LD 2040 | An Act To Ban the Use of Liquid Calcium Chloride on Roads | ONTP |

## *Signs*

**Not Enacted**

| | | |
|---|---|---|
| LD 2183 | Resolve, To Place a Sign on the Maine Turnpike for the Black Mountain of Maine Ski Area | ONTP |

## *Traffic Regulations*

**Enacted**

| | | |
|---|---|---|
| LD 2176 | An Act Relating to Studded Tires | PUBLIC 525 |

**Not Enacted**

| | | |
|---|---|---|
| LD 2244 | An Act Concerning Traffic Safety Cameras | ONTP |

## *Transportation Department*

**Enacted**

| | | |
|---|---|---|
| LD 2165 | Resolve, Regarding Legislative Review of Portions of Chapter 103: Sensible Transportation Policy Act, a Major Substantive Rule of the Department of Transportation | RESOLVE 159 |

**Not Enacted**

| | | |
|---|---|---|
| LD 6 | Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295 | ONTP |
| 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 | ONTP |
| LD 1978 | An Act To Require the Department of Transportation To Recover for the Highway Fund Any Money Recovered from Those Responsible for Doing Damage to State Roads and Bridges | ONTP |

## *Turnpike Authority*

Enacted

| | | |
|---|---|---|
| LD 1959 | An Act To Promote Tourism in Maine and the Purchase of Products Made in Maine | PUBLIC 480 |
| LD 2118 | An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2009 | P & S 37 |

# STATE OF MAINE

123RD LEGISLATURE

SECOND REGULAR AND FIRST SPECIAL SESSIONS

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

# JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY

May 2008

**MEMBERS:**

SEN. PHILIP L. BARTLETT, II, CHAIR
SEN. BARRY J. HOBBINS
SEN. DOUGLAS M. SMITH

REP. LAWRENCE BLISS, CHAIR
REP. HERBERT ADAMS
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REP. KENNETH C. FLETCHER
REP. PHILIP A. CURTIS
REP. STACEY ALLEN FITTS
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**LD 398** **An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities** **DIED ON ADJOURNMENT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| VALENTINO | ONTP MAJ<br>RE-REF MIN | |

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more that are 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.

**LD 435** **An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric** **ACCEPTED ONTP REPORT**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| NUTTING J | ONTP MAJ<br>OTP MIN | |

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.

**LD 1098** **An Act To Promote Electricity Transmission Independence** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLISS | ONTP | |

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.

**LD 1099** **An Act To Encourage Wind Energy Development** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | ONTP | |

This bill does the following to encourage wind energy development:

1. 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;

2. It allows the State to provide the benefits of Pine Tree Development Zone eligibility to wind energy projects;

3. It declares that enhancement of electricity transmission from northern and eastern to southern areas of the State is essential to wind energy development;

4. 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

5. 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.

In the First Regular Session, 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 from the First Regular Session to any special or regular session of the 123rd Legislature.

**LD 1216** **Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| EDMONDS | ONTP | |

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.

**LD 1221** **An Act To Amend the Charter of the Kennebunk Light and Power District** **P & S 35**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SULLIVAN | OTP-AM MAJ<br>ONTP MIN | H-713 FLETCHER<br>H-714 PERRY A<br>S-412 |

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 but without the need

to obtain prior approval of the Public Utilities Commission. 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.

**Committee Amendment "A" (S-412)**

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It clarifies that extension of service by Kennebunk Light and Power District (KLPD) within the Town of Kennebunk but beyond its current service territory may not occur unless the district has acquired by purchase the facilities of the public utility now furnishing electricity service to that area of Kennebunk outside the district's current service territory.

2. It amends the bill to restore the language in the KLPD charter regarding the district's authority to convey its property to another public utility now furnishing service within the Town of Kennebunk.

3. It adds a provision to the bill to require KLPD, in the event of a purchase of another public utility's facilities, to pay the utility for stranded costs and require the Public Utilities Commission to calculate the value of stranded costs and allocate the appropriate costs to the district.

4. It adds a provision to the bill to authorize the Public Utilities Commission to resolve any disputes regarding payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to KLPD, in the event that a sale occurs, as well as any disputes regarding the use of poles and related issues during the transfer of property.

5. It adds a provision to require, in the event of a dispute or disagreement over the value of the public utility facilities that KLPD seeks to purchase, that the Public Utilities Commission obtain an independent appraisal of the value of the utility facilities.

**House Amendment "A" (H-713)**

This amendment requires that in the event of a disagreement between the Kennebunk Light and Power District and a public utility as to the valuation of facilities that the district seeks to acquire, the party seeking to purchase the facilities of the other party pay the cost of the required independent appraisal of those facilities.

**House Amendment "B" (H-714)**

This amendment adds a provision to clarify that, due to the unique circumstances of a geographic line drawn by the Legislature in 1903 for purposes of electricity transmission and distribution for the Town of Kennebunk, the Legislature intends that this legislation not be cited as precedent in legislation affecting the service areas of other public utilities.

**Enacted Law Summary**

Private and Special Law 2007, chapter 35 amends the Kennebunk Light and Power District (KLPD) charter to allow KLPD to provide retail electric service throughout the entire Town of Kennebunk subject to approval by the legal voters of the Town of Kennebunk in a referendum. The extension of service by KLPD within the Town of Kennebunk but beyond its current service territory may not occur unless the district has acquired by purchase the facilities of the public utility now furnishing electricity service to that area of Kennebunk outside the district's current service territory. The extension of service does not require prior approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110.

This law authorizes KLPD to purchase the properties and rights of any public utility currently serving in those areas

where the charter amendment would allow KLPD to extend its services and requires, in the event of a purchase, the district to pay the utility for stranded costs as calculated by the Public Utilities Commission.

The law authorizes the Public Utilities Commission to resolve disputes or disagreements between KLPD and a public utility regarding the valuation of facilities to be purchased by KLPD, payment to compensate the public utility's remaining customers for costs incurred as a result of the migration of customers to the district, the severance and realignment of facilities and the use of poles and related issues during the transfer of property. In the event of a dispute or disagreement over the value of the facilities the district seeks to purchase, the law requires the Public Utilities Commission to obtain an independent appraisal of the value of the facilities to be paid for by the district.

The law includes a provision to clarify that, due to the unique circumstances of a geographic line drawn by the Legislature in 1903 for purposes of electricity transmission and distribution for the Town of Kennebunk, the Legislature intends that this legislation not be cited as precedent in legislation affecting the service areas of other public utilities.

**LD 1248** **An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities** **PUBLIC 481**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| SHERMAN | OTP-AM | S-405 |

This bill establishes the Northern Maine Power Agency in order to obtain electricity 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 bill provides an exception to the right to purchase generation from competitive electricity providers for electricity consumers in northern Maine.

**Committee Amendment "A" (S-405)**

This amendment replaces the bill. The amendment establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers in northern Maine, as was established in the bill, while also extending the provision to cover customers of consumer-owned transmission and distribution utilities statewide. Under the amendment, the exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

**Enacted Law Summary**

Public Law 2007, chapter 481 establishes an exception to the right to purchase generation from competitive electricity providers for electricity customers of consumer-owned transmission and distribution utilities. This exception is subject to approval from the Public Utilities Commission for the consumer-owned transmission and distribution utility to aggregate its load for the purpose of purchasing generation services on behalf of its customers.

**LD 1918** **An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine** **DIED BETWEEN HOUSES**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BERRY | OTP-AM | H-671 |

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 and 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 annual 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 due August 15, 2007 and every 5 years thereafter, with future assessments equal to $500,000 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 assessments are no longer required.

**Committee Amendment "A" (H-671)**

This amendment replaces the bill. The amendment requires representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the Department of Health and Human Services and the Department of Environmental Protection as well as an independent expert in radiological and nuclear engineering and the operator of an interim spent fuel storage facility in the State (the Maine Yankee Atomic Power Company) to meet periodically for the following purposes:

1. To review oversight activities being undertaken with regard to the spent nuclear fuel storage facility;

2. To identify necessary activities and funding requirements for the next calendar year; and

3. To prepare and submit an annual report with specific recommendations regarding funding requirements for the next calendar year to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The amendment authorizes the committee to submit legislation to amend the level of the annual fee that the licensee is required to pay to the State to cover oversight activities after reviewing the report.

The amendment requires the licensee to pay for reasonable and necessary expenses of the Office of the Public Advocate in coordinating the review and preparing the annual report, up to a maximum of $15,000 in the first year and $10,000 in subsequent years, and it provides for the allocation of those funds.

The Legislature addressed issues related to funding for oversight of spent nuclear fuel storage in Public Law 2007, chapter 539, Part KK.

**LD 1935** **An Act To Promote Competition in Maine's Electric Industry** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| STRIMLING | ONTP | |

This bill allows a person other than a transmission and distribution utility to compete with any transmission and distribution utility that is affiliated with a person who owns or operates a source of electrical generation in the State.

**LD 1936** **An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District** **P & S 38**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DOW | OTP-AM | S-444 |

This bill amends the charter of the Great Salt Bay Sanitary District by allowing the district to supply wastewater services to the Town of Nobleboro. The bill also requires that the legal voters of the Town of Nobleboro approve letting the Great Salt Bay Sanitary District supply them with water and wastewater services at a referendum before the charter amendment can take effect.

**Committee Amendment "A" (S-444)**

This amendment replaces the bill. The territory of the Great Salt Bay Sanitary District currently includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. This amendment expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro, subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

**Enacted Law Summary**

Private and Special Law 2007, chapter 38 expands the territory of the Great Salt Bay Sanitary District to include the entire Town of Nobleboro. Currently, the territory of the Great Salt Bay Sanitary District includes the towns of Newcastle and Damariscotta and a part of the Town of Nobleboro. The expansion of the territory under this law is subject to referendum approval in an election held in the entire expanded territory including the towns of Damariscotta, Newcastle and Nobleboro.

## LD 1942 Resolve, Regarding Loans for Geothermal Heating Systems — RESOLVE 156

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| CARTER | OTP-AM MAJ<br>ONTP MIN | H-706 |

This bill establishes a program to provide rebates for the installation of geothermal heating systems for residential or commercial property owners or tenants.

**Committee Amendment "A" (H-706)**

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve that authorizes the Public Utilities Commission to provide loans for geothermal heating systems under its Energy Conservation Small Business Revolving Loan Program and authorizes the Maine State Housing Authority to provide loans for geothermal heating systems under its Home Energy Loan Program. The amendment also directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

**Enacted Law Summary**

Resolve 2007, chapter 156 authorizes the Public Utilities Commission and the Maine State Housing Authority to provide loans for geothermal heating systems under the commission's Energy Conservation Small Business Revolving Loan Program and the authority's Home Energy Loan Program, respectively, and directs these agencies to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding loans made for geothermal heating systems by January 15, 2009.

## LD 1955 An Act Regarding Certain Positions at the Public Utilities Commission — PUBLIC 482

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM | S-407 |

This bill makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.

**Committee Amendment "A" (S-407)**

This amendment adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 482 makes changes to certain positions at the Public Utilities Commission. It changes the pay range for the Assistant Administrative Director position. It also adds statutory references to the Director of Energy Programs position that was created in 2004 to manage the Efficiency Maine program and deletes references to position titles that are no longer used and replaces them with the current titles in use at the commission.

## LD 1989 An Act To Clarify Maine's "Do Not Call" Laws

**PUBLIC 489**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM | S-413 |

This bill provides an exemption from the application of the telephone solicitation law (also known as the do-not-call law) for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

**Committee Amendment "A" (S-413)**

This amendment clarifies the definition of "established business relationship" to bring the definition into conformity with the Federal Communications Commission regulations with respect to how such a relationship is terminated. The amendment also revises the provision in the bill regarding telephone solicitation violations to conform to the language in the federal do-not-call regulations administered by the Federal Trade Commission regarding liability exceptions. The amendment also adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 489, provides an exemption from the application of the State's telephone solicitation laws, or do-not-call laws, for telephone sales calls made to any person with whom the telephone solicitor has an established business relationship and provides a definition of an established business relationship that is consistent with federal regulations. The bill also provides that it is an affirmative defense if the telephone solicitor has established and implemented reasonable practices and procedures to prevent violations of the telephone solicitation law.

Public Law 2007, chapter 489 was enacted as an emergency measure effective March 7, 2008.

## LD 2002 An Act To Protect Electricity Consumers of Maine

**PUBLIC 575**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-521 |

This bill expands the requirement to obtain a certificate of public convenience and necessity (CPCN) for a transmission line to include any line operating at 69 kilovolts or more. It also prohibits the Public Utilities Commission from issuing a CPCN if it finds that electricity rates will increase as a foreseeable direct consequence of the operation of the transmission line. The bill removes a transmission and distribution utility's right of eminent domain for lands or easements associated with siting, permitting, construction or operation of a transmission line

that would adversely affect the utility's ratepayers. It specifies that a transmission and distribution utility is not authorized to distribute electricity in a way that adversely affects the utility's ratepayers. It amends private and special laws of the State to prohibit Central Maine Power, Maine Public Service and Bangor Hydro-Electric from affiliating with an owner or operator of any transmission infrastructure that adversely affects the interest of the utility's ratepayers; from participating in planning, construction, operation of transmission infrastructure that adversely affects the interest of the utility's ratepayers; and from participating in being a member of an organization whose practices or procedures adversely affect the interests of the utility's ratepayers. Finally, the bill directs the Public Utilities Commission to solicit proposals for the Northern Maine Long-term Standard Offer, which is defined as the Maine Public Service Company's standard offer for the 10-year period 2009 to 2019, and specifies certain requirements that the proposal must address.

**Committee Amendment "A" (S-521)**

This amendment retains the provision in the bill that lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to any line operating at 69 kilovolts or more and removes a confusing reference in the bill to a higher-rated transmission line. The amendment strikes all other provisions in the bill. The amendment also adds a provision to allow the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

**Enacted Law Summary**

Public Law 2007, chapter 575 lowers the threshold for requiring a certificate of public convenience and necessity for the construction of a transmission line to 69 kilovolts. The law also authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. Current law limits the commission to directing investor-owned transmission and distribution utilities serving more than 50,000 customers to enter into such contracts.

## LD 2041 An Act To Decrease Energy Costs on Swans Island and Frenchboro — P & S 36

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE | OTP-AM MAJ<br>ONTP MIN | H-708 |

This bill allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service.

**Committee Amendment "A" (H-708)**

This amendment is the majority report of the committee. The amendment limits the authority of the Swans Island Electric Cooperative, Inc. to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative. The amendment also requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.

**Enacted Law Summary**

Private and Special Law 2007, chapter 36 allows the Swan's Island Electric Cooperative, Inc. to sell wholesale generation service to reduce its cost of providing retail electric service. The law limits the cooperative's authority to sell electricity in the wholesale market by placing a 3-megawatt limit on the production capacity of any generation resource operated by the cooperative and requires that the cooperative obtain the approval of its membership by a majority vote in a referendum prior to constructing or acquiring any generation resource to be used in the sale of wholesale generation service.

**LD 2050** **Resolve, Directing the Public Utilities Commission and the Public Advocate To Advocate for the Adoption and Implementation of Demand-side Management Programs** **RESOLVE 177 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE | OTP-AM | H-767 |

This bill defines "compliant transmission and distribution utility" and "noncompliant transmission and distribution utility" and places certain limitations and restrictions on noncompliant transmission and distribution utilities. The bill also amends the standards for the approval of transmission projects by the Public Utilities Commission; requires the Public Utilities Commission to advocate for and, if possible, require the development and implementation of a demand-side management program; and requires the commission to develop a proposal for a program that would require all new commercial and residential construction to have time-of-use electric meters installed. Finally, the bill directs the Governor's Office of Energy Independence and Security to convene a working group to examine barriers to and incentives for installation of systems to conserve energy through the reuse of waste heat.

**Committee Amendment "A" (H-767)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission and the Public Advocate to participate in regional and federal activities to advocate for and facilitate and support the development, adoption and implementation of demand-side management programs.

**Enacted Law Summary**

Resolve 2007, chapter 177 directs the Public Utilities Commission and the Public Advocate to participate in regional and federal activities to advocate for and facilitate and support the development, adoption and implementation of demand-side management programs.

Resolve 2007, chapter 177 was enacted as an emergency measure effective March 31, 2008.

**LD 2060** **An Act To Create Consistency in the Authority of the Public Utilities Commission To Provide Tariff Exemptions** **PUBLIC 478**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLISS | OTP | |

The Maine Revised Statutes, Title 35-A, section 307-A allows the Public Utilities Commission to exempt certain telephone utilities from filing tariffs if the commission finds that certain conditions are met. This bill revises two sections in the public utilities laws to make them consistent with the authority of the Public Utilities Commission to provide tariff exemptions under Title 35-A, section 307-A.

**Enacted Law Summary**

Public Law 2007, chapter 478 revises two sections in the public utilities laws to make them consistent with the authority of the Public Utilities Commission under Title 35-A, section 307-A to exempt certain telephone utilities from filing tariffs if the commission finds that certain conditions are met.

**LD 2061** **An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program** **PUBLIC 493 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLER | OTP-AM | H-691 |

This bill makes changes to the solar energy rebate program in relation to the installation of solar thermal systems that heat water. The bill amends the statutory definition of "solar thermal system" and requires the Public Utilities Commission to make corresponding changes to the definition in rules. The bill also requires the commission to make additional changes to the rules governing the solar energy rebate program to:

1. Amend the definition of "qualified solar thermal water system installer" in order to allow certain licensed technicians other than licensed plumbers to be qualified installers;

2. Require a licensed plumber to install or sign off on a solar thermal water system installed by a qualified installer if it is designed to heat potable water; and

3. Require that an application for a solar thermal system rebate be accompanied by a copy of a certificate of competency issued by the commission to the qualified installer and, if the system incorporates the heating of potable water, also include a copy of the master plumber's license or license number.

**Committee Amendment "A" (H-691)**

This amendment replaces the bill. The amendment makes necessary changes to the laws governing the solar energy rebate program to change the qualifications of solar thermal system installers to be consistent with the intent of the bill. The amendment also directs the Public Utilities Commission to make several corresponding changes to its rules governing the solar energy rebate program.

**Enacted Law Summary**

Public Law 2007, chapter 493 changes the qualification requirements for installers of solar thermal water systems under the solar energy rebate program in order to allow certain licensed technicians in addition to master plumbers to be qualified installers of these systems. The law also amends the rebate requirements for a solar thermal system designed to heat water to require that it be installed by a qualified installer and, if designed to heat potable water, that it be installed by a qualified installer who is a master plumber or who is working in conjunction with a master plumber. The law directs the Public Utilities Commission to make corresponding changes to its rules governing the solar energy rebate program.

Public Law 2007, chapter 493 was enacted as an emergency measure effective March 12, 2008.

**LD 2076** **An Act To Amend the Charter of the Norway Water District** **P & S 32 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MILLETT | OTP | |

This bill amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. It changes the amount a trustee is entitled to receive for serving as trustee from $50 to $400 a year to reflect the current rate of compensation. The bill also amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

**Enacted Law Summary**

Private and Special Law 2007, chapter 32 amends the charter of the Norway Water District in several ways. It clarifies the territorial limits of the Norway Water District. The law also amends the amount a trustee is entitled to receive for serving as trustee from $50 to $400 a year to reflect the current rate of compensation. It amends the charter by changing the way the district sets its rates and authorizes the district to enter into contracts with the Oxford Water District and to provide water service to the residents on Alpine Street in South Paris who are customers of the Norway Water District.

Private and Special Law 2007, chapter 32 was enacted as an emergency measure effective February 14, 2008.

**LD 2103** **Resolve, Directing the Public Utilities Commission To Study Existing Barriers to Digital Telephone Service Access in Rural Areas of the State** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ROBINSON | ONTP | |

This resolve directs the Public Utilities Commission to examine the issues associated with access in rural communities to digital telephone services, to identify existing barriers to such access and to develop a proposal to facilitate the provision of access to digital telephone service in rural areas of the State. The resolve directs the commission to submit a report, together with its recommendations and any necessary implementing legislation, no later than January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over utilities matters.

**LD 2104** **An Act To Provide for Fairness and Accuracy in Utility Rate Setting** **PUBLIC 550**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BERRY | OTP-AM MAJ<br>ONTP MIN | H-732 |

This bill includes three provisions related to utility rate setting as follows:

1. It requires the Public Utilities Commission to apply a penalty against a regulated utility upon a finding that the utility made a material misrepresentation or omission or engaged in any other misconduct in the course of a previous rate proceeding. It requires that the penalty be calculated to recover, at a minimum, the excess revenues collected by the utility resulting from the misrepresentation, omission or misconduct and that the penalty be refunded to ratepayers in the form of a credit on customer bills;

2. It requires the commission to conduct a rate of return revenue requirement and earnings review before adopting, replacing or renewing an alternative form of regulation (AFOR) for a telephone utility; and

3. It requires the commission to determine whether rates charged for local telephone service provided by Verizon since 2000 have been excessive and, if the commission determines that rates have been excessive, to order a refund to customers.

**Committee Amendment "A" (H-732)**

This amendment is the majority report of the committee. The amendment removes the provision in the bill regarding penalties for utility misconduct and removes the provision in the bill regarding potential refunds to local telephone customers of Verizon if past rates are found to be excessive. The amendment adds a provision to the bill to repeal language in current law governing an alternative form of regulation (AFOR) that requires the Public Utilities

Commission to ensure that, for the period of the AFOR, ratepayers may not be required to pay more for local phone service under the AFOR than they would have under traditional regulation. The amendment preserves the provision in the bill that requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an AFOR and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. Finally, the amendment provides an application section to specify that the requirements established in this legislation do not apply to any AFOR proceeding that is pending on the effective date of this Act.

**Enacted Law Summary**

Public Law 2007, chapter 550 requires the Public Utilities Commission to conduct a revenue requirement and earnings review of a telephone utility prior to the adoption or renewal of an alternative form of regulation (AFOR) and clarifies that this requirement applies when the AFOR includes a provision prohibiting a rate case for a set period of time. These requirements do not apply to any AFOR proceeding that is pending on the effective date of this law.

**LD 2117** **An Act To Create the Starboard Water District** **P & S 34 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RAYE | OTP | |

This bill creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

**Enacted Law Summary**

Private and Special Law 2007, chapter 34 creates the Starboard Water District, subject to approval of the voters within the territory of the district in a referendum to be held by July 1, 2010.

Private and Special Law 2007, chapter 34 was enacted as an emergency measure effective February 20, 2008.

**LD 2133** **An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement** **PUBLIC 548**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLISS<br>BROMLEY | OTP-AM | H-777 |

This bill directs the Public Utilities Commission to adopt through rulemaking a model franchise agreement for cable television and video services for use by any municipality that chooses to adopt its provisions. It also directs the Public Utilities Commission to adopt by rule statewide consumer protection standards for cable television and video services customers, and it makes several changes to the laws regarding consumer rights and protection with respect to cable television and video services. It specifies that the Attorney General and the municipalities have jurisdiction to enforce the consumer protection standards. It also provides that a municipality is entitled to reasonable attorney's fees if successful in any enforcement action against a cable television provider. The bill adds "video service" throughout the laws governing cable television ordinances and consumer rights and protections related to cable television service.

**Committee Amendment "A" (H-777)**

The amendment makes the following changes to the bill:

1. It adds definitions of "cable television service," "cable television system," and "cable system operator" based on definitions in federal law and adopts these terms consistently throughout the bill;

2. It changes the provision in the bill regarding the model cable franchise agreement to direct the Department of Administrative and Financial Services, Office of Information Technology, rather than the Public Utilities Commission, to develop the model agreement and to require that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The amendment also establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters;

3. It eliminates the provision in the bill that directs the Public Utilities Commission to adopt by rule uniform consumer protection standards for cable television customers. It also eliminates all other references to the Public Utilities Commission related to consumer protection for cable television customers that had been added in the bill;

4. It eliminates the provision in the bill that entitles municipalities to collect reasonable attorney's fees if successful in any enforcement action against a cable system operator;

5. It eliminates the provision in the bill that establishes minimum requirements for facilities to make use of local public, educational and governmental access channels; and

6. It changes the provision in the bill regarding the filing of franchise agreements to have cable system operators post these agreements on their websites rather than file a copy of each agreement with the Secretary of State.

**Enacted Law Summary**

Public Law 2007, chapter 548, directs the Department of Administrative and Financial Services, Office of Information Technology to develop a model cable franchise agreement and requires that specific issues be considered by the Office of Information Technology in the development of the model franchise agreement. The law establishes a deadline of December 15, 2008 for the Office of Information Technology to complete the model franchise agreement and submit a report regarding the model franchise agreement and its development to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

The law adds definitions of "cable television service," "cable television system," and "cable system operator" to the based on definitions in federal law and implements these terms consistently throughout the laws governing cable television. These definitions provide that traditional cable companies and other providers of video services that fall within the federal definitions are subject to the Maine law.

**LD 2135** **Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities** **RESOLVE 168**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BROMLEY | OTP-AM MAJ<br>ONTP MIN | S-454 |

This bill requires an electric utility to make reasonable efforts to advise customers of that utility to disconnect systems, equipment and devices that use electricity that may be vulnerable to damage during testing, repair or replacement of utility equipment before that utility performs that testing, repair or replacement of utility equipment.
It directs the Public Utilities Commission to study the statutes and rules governing the rights and responsibilities of electric utilities and consumers when electric utilities are testing, repairing or replacing utility equipment and report to the joint standing committee of the Legislature having jurisdiction over utilities matters no later than November 5, 2008. It also directs the Public Utilities Commission to amend its rules governing electric utilities to require electric utilities to undertake a program to increase public awareness of the rights and responsibilities of electric utilities and

consumers when electric utilities are testing, repairing or replacing utility equipment.

With respect to gas utilities, this bill directs the Public Utilities Commission to amend its rules governing gas utilities to require a gas utility to provide notice to all owners and tenants of property within 500 feet of an excavation performed by a gas utility or an agent of that utility at least 2 business days before the excavation. It directs the Public Utilities Commission to study the statutes and rules governing the protection of public safety as it relates to gas utilities and report to the joint standing committee of the Legislature having jurisdiction over utilities matters no later than November 5, 2008. It also directs the Public Utilities Commission to amend its rules governing gas utilities to require gas utilities to undertake a program to increase public awareness of the responsibilities of gas utilities with respect to excavation activity.

**Committee Amendment "A" (S-454)**

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The amendment requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2007, chapter 168 directs the Public Utilities Commission to study and make recommendations for improvements in the laws and rules governing the responsibilities of electric utilities and their customers with respect to the testing, repair and replacement of electric utility equipment and the protection of customer equipment and the responsibilities of gas utilities with respect to public safety, with particular attention to excavation activity. The resolve requires the commission to submit a report by November 5, 2008 to the joint standing committee of the Legislature having jurisdiction over utilities matters and authorizes the committee to submit legislation on this subject to the First Regular Session of the 124th Legislature.

**LD 2141** **Resolve, Regarding Legislative Review of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 157**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | OTP-AM | H-693 |

This resolve provides for legislative review of portions of Chapter 3: Provisions of Enhanced E-9-1-1 Access-only Service, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-693)**

This amendment authorizes the final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, a provisionally adopted major substantive rule of the Public Utilities Commission, provided that the rule is amended to reduce the duration of the soft dialtone requirement from one year to 90 days. The amendment also establishes an October 1, 2008 effective date for the rule. Finally, the amendment directs the Public Utilities Commission to examine and report on the first year of experience under the rule, with particular attention to the duration of the soft dialtone requirement. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over utilities matters to submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service following a review of the commission's report.

**Enacted Law Summary**

Resolve 2007, chapter 157 authorizes the final adoption of Chapter 3, Provision of Enhanced E-9-1-1 Access-only Service, a provisionally adopted major substantive rule of the Public Utilities Commission, provided that the rule is amended to change the duration of the soft dialtone requirement from one year to 90 days. The resolve establishes an October 1, 2008 effective date for the rule and directs the Public Utilities Commission to examine and report on the first year of experience under the rule, with particular attention to the duration of the soft dialtone requirement. The resolve authorizes the joint standing committee of the Legislature having jurisdiction over utilities matters to submit legislation to the Second Regular Session of the 124th Legislature regarding enhanced E-9-1-1 access-only service following review of the commission's report.

**LD 2149** **Resolve, To Encourage Renewable Energy and Energy Conservation in Maine** **RESOLVE 183**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| PINGREE<br>BARTLETT | OTP-AM | H-790 |

Part A of this bill incorporates into the Maine Revised Statutes rules adopted by the Public Utilities Commission regarding standards for net energy billing, except that it credits the customer for the excess kilowatt-hours and increases the maximum allowed energy to be produced by private renewable energy facilities from 100 kilowatts to 2 megawatts. Part A also requires the Public Utilities Commission to develop statewide standards for the interconnection of new homes' and businesses' renewable energy facilities with the energy grid and requires the Public Utilities Commission to adopt rules to allow communities to develop shared renewable energy facilities and to permit net energy billing to users connected to such facilities, regardless of the users' physical distance from the facility.

Part B of this bill requires that, beginning January 1, 2009, any new construction of a commercial or residential building must include the installation of a time-of-use meter designed to monitor and record the amount of electricity used and the time of such use. Part B also requires the Public Utilities Commission to develop a proposal to implement the statewide distribution of time-of-use meters to all consumers of electric energy in the State by October 1, 2010 and to develop a proposal to authorize transmission and distribution utilities to charge time-of-use rates that vary depending on whether the energy consumption occurs during peak load times or off-peak load times.

Part C of this bill authorizes the Maine State Housing Authority to establish a home energy audit program that provides low-interest loans to homeowners to make home heating and energy efficiency upgrades, and it directs MSHA to issue bonds in an amount not to exceed $5,000,000 to establish the home energy audit program.

**Committee Amendment "A" (H-790)**

This amendment replaces the bill with a resolve. The amendment:

1. Replaces the provisions of the bill regarding net energy billing with a directive to the Public Utilities Commission to review and make recommendations for changes to the statutes and rules governing net energy billing and submit a report of its findings by January 15, 2009;

2. Requires the Public Utilities Commission to conduct a review to determine whether the State should establish statewide standards for interconnection of renewable generation facilities and then, if determined to be appropriate, proceed to establish those standards;

3. Specifies the rules for shared ownership of renewable energy projects as major substantive rules. The bill had specified these as routine technical rules;

4. Eliminates the requirement in the bill that any new construction include the installation of a time-of-use meter, maintains the provision requiring the Public Utilities Commission to develop a proposal for time-of-use rates and,

instead of requiring the commission to develop a plan for statewide distribution for time-of-use meters, requires the commission to develop a proposal for advanced metering infrastructure;

5. Removes the provision in the bill that authorizes the Maine State Housing Authority to issue up to $5,000,000 in bonds to establish a home energy audit program; and

6. Adds a provision that requires the director of the Governor's Office of Energy Independence and Security and the Energy Resources Council to undertake a joint project to examine opportunities for energy conservation through the reuse of waste heat and to develop a plan to reduce peak-load energy consumption in existing and new state government buildings.

**Enacted Law Summary**

Resolve 2007, chapter 183 directs the Public Utilities Commission to review and make recommendations for changes to the statutes and rules governing net energy billing; to review and make a determination regarding the establishment of statewide standards for interconnection of small renewable generation facilities to the energy grid and, if determined to be appropriate, to proceed to establish those standards; to adopt major substantive rules for shared ownership of renewable energy projects; and to develop proposals for time-of-use rates and for an advanced metering infrastructure program. The resolve requires the Public Utilities Commission to report its findings and recommendations on these issues and submit the required rules for review by the joint standing committee having jurisdiction over utilities and energy matters during the First Regular Session of the 124th Legislature.

The resolve also requires the director of the Governor's Office of Energy Independence and Security and the Energy Resources Council to undertake a joint project to examine opportunities for energy conservation through the reuse of waste heat and to develop a plan to reduce peak-load energy consumption in existing and new state government buildings and submit a report by December 1, 2009.

## LD 2180 An Act To Ensure the Integrity of Prepaid Calling Accounts — PUBLIC 511

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| ADAMS | OTP-AM | H-744 |

This bill provides that the value of a prepaid calling service may not be reduced after that service is purchased. The bill also requires a provider of a prepaid calling service to notify a consumer of the prepaid calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet and to notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service.

**Committee Amendment "A" (H-744)**

This amendment clarifies the provision in the bill that prohibits the reduction in the value of a prepaid calling service after the time of purchase. The amendment specifies that the quantity of prepaid calling service must be determined by the rates, terms and conditions in effect at the time of purchase and that the provider of such service is prohibited from increasing the rate charged for the service purchased until the service is consumed or the service expires in accordance with an expiration date known at the time of purchase.

**Enacted Law Summary**

Public Law 2007, chapter 411 prohibits a provider of prepaid calling services from increasing the rate charged for the quantity of service that the consumer purchased until the balance of the purchased service is consumed or expires in accordance with an expiration date of which the consumer had notice at the time of purchase. The law specifies that the quantity of prepaid calling service must be determined by the rates, terms and conditions in effect at the time of the purchase. The law also requires a provider of a prepaid calling service to notify a consumer of the prepaid

calling service of an increase in the rate charged for that service before that consumer purchases additional service from that provider by telephone or on the Internet and to notify a consumer of the prepaid calling service if that provider charges different rates for in-state and interstate service.

**LD 2182** **An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services** **PUBLIC 553 EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BLISS<br>BARTLETT | OTP-AM MAJ<br>ONTP MIN | H-778 |

This bill establishes a civil penalty of $2,500 per offense for theft of utility services or for damaging or tampering with utility property. The penalty may be assessed only following a successful civil action by the utility in a court of competent jurisdiction.

**Committee Amendment "A" (H-778)**

This amendment is the majority report of the committee. The amendment makes the following changes to the bill:

1. It redrafts the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution;

2. It adds civil liability for wrongfully obtaining utility property;

3. It adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%; and

4. It changes the civil penalty amount from a fixed $2,500 per offense to an amount not to exceed $2,500, to allow the judge to set the penalty based on the circumstances.

**Enacted Law Summary**

Public Law 2007, chapter 553 amends the statutes governing civil liability for theft of utility services and damages to utility property to remove references to the Maine Revised Statutes, Title 17-A, the Maine Criminal Code, and replaces those references with language describing the actions that give rise to the civil liability. This clarifies that liability for damages and the civil penalty in a civil action are not dependent on criminal prosecution. This law adds civil liability for wrongfully obtaining utility property. It also adds liability for interest on the cost of utility services wrongfully obtained at an annual interest rate of 5%. The law also changes the civil penalty amount from a fixed $2,500 per offense to an amount not to exceed $2,500, to allow the judge to set the penalty based on the circumstances.

Public Law 2007, chapter 553 was enacted as an emergency measure effective April 3, 2008.

**LD 2238** **An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service** **PUBLIC 504**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | |

This bill clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the

statewide E-9-1-1 system.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2007, chapter 226, section 3.

**Enacted Law Summary**

Public Law 2007, chapter 504 clarifies that the provision of E-9-1-1 access-only service, also known as "soft dial tone" service, is covered by the law governing the liability of telecommunications providers in the implementation and operation of the statewide E-9-1-1 system.

## LD 2246 An Act To Extend the ConnectME Authority — PUBLIC 698

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| | | S-663 ROTUNDO |

Under current law, the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority and the state tax reimbursement for advanced communications technology infrastructure investment are both repealed January 31, 2009. This bill extends the ConnectME Authority and the tax reimbursement by repealing the statutory January 31, 2009 repeal of these 2 provisions of law.

This bill was reported out by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2005, chapter 665, section 7.

**Senate Amendment "A" (S-663)**

This amendment eliminates the repeal of the January 31, 2009 repeal of the reimbursement of certain taxes relating to advanced communications technology infrastructure.

**Enacted Law Summary**

Public Law 2007, chapter 698 continues the ConnectME Authority by repealing the January 31, 2009 repeal of the Advanced Technology Infrastructure Act that establishes and governs the ConnectME Authority.

## LD 2254 Resolve, Regarding ISO New England — RESOLVE 193 EMERGENCY

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM MAJ<br>ONTP MIN | S-545 |

This resolve provides that if the Public Utilities Commission finds under a specific proceeding that nonrenewal of any membership in Independent System Operating New England is in the interests of Maine consumers, then the Public Utilities Commission shall order Maine's 3 investor-owned transmission and distribution utilities to file a plan to form an alternative transmission organization structure. The resolve requires that that the plan encourage development of indigenous renewable power resources, include requests to directly interconnect and expand transmission systems and include commercial agreements and necessary petitions for regulatory approvals.

**Committee Amendment "A" (S-545)**

This amendment, like the bill, directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if

the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of membership in Independent System Operator New England. The amendment adds some clarifying language regarding the elements of the plan. The amendment prohibits the Public Utilities Commission from issuing the order prior to March 31, 2009 that directs the development of the plan. The amendment requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

**Enacted Law Summary**

Resolve 2007, chapter 193 directs the Public Utilities Commission to order Maine's 3 investor-owned transmission and distribution utilities to file with the commission a plan to form an alternative structure to hold, manage, dispatch and expand the transmission assets of the investor-owned transmission and distribution utilities if the commission determines that it is in the interests of Maine consumers for Maine's transmission and distribution utilities to provide timely notice of nonrenewal of any membership in Independent System Operator New England. The resolve prohibits the Public Utilities Commission from issuing the order directing the development of a plan for an alternative transmission organization structure prior to March 31, 2009. The resolve also requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2009 on its findings and determinations on the subject of nonrenewal of membership in Independent System Operator New England and authorizes the committee, after holding a public hearing on that report, to submit legislation on the subject.

Resolve 2007, chapter 193 was enacted as an emergency measure effective April 10, 2008.

**LD 2255** **An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development** **PUBLIC 656**

| Sponsor(s) | Committee Report | Amendments Adopted | |
|---|---|---|---|
| BARTLETT | OTP-AM MAJ | H-970 | BLISS |
| | OTP-AM MIN | H-999 | ADAMS |
| | | S-561 | |

Part A of this bill authorizes the Public Utilities Commission to designate energy infrastructure corridors within the state for the purpose of siting energy infrastructure and establishes procedures for the commission to designate such corridors. It requires a person to obtain a certificate of public convenience and necessity from the commission prior to developing or constructing energy infrastructure within a designated corridor and establishes environmental review requirements for energy infrastructure projects within a corridor. It allows the commission to grant exemptions from municipal zoning and land use ordinances for projects within a designated corridor. It also grants eminent domain authority to the commission and to a person that receives a certificate from the commission for development within a corridor.

Part B authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities, not just those that serve more than 50,000 retail customers, to enter into long-term contracts and expands the situations in which the commission may direct these utilities to enter into long-term contracts. Part B expands the definition of long-term contracts under this section to include contracts for differences or other financial instruments. It also authorizes the commission itself to enter into contracts for differences or other financial instruments.

Part C of this bill establishes in statute the Governor's Office of Energy Independence and Security and sets forth the policy and purpose of that office. Part C also specifies the duties and responsibilities of the director of the office, and it amends the membership of the Energy Resources Council to add the director of Governor's Office of Energy

Independence and Security and make the director the chair of the council.

**Committee Amendment "A" (S-561)**

This amendment is the majority report of the committee. The amendment makes the following changes to Part A of the bill regarding the designation of energy infrastructure corridors and development of energy infrastructure within such corridors:

1. It limits the Public Utilities Commission's authority to designate energy infrastructure corridors in several ways. It eliminates the provision of the bill that allows the commission to commence a proceeding to designate a corridor on its own action and instead allows the commission to commence such a proceeding only upon the petition of the Executive Department, Governor's Office of Energy Independence and Security, the Office of the Public Advocate or a developer who can demonstrate to the commission the technical and financial capability to develop energy infrastructure. It also specifies that the commission may designate a corridor only through major substantive rulemaking. It requires that the commission limit the geographic area of the corridor and prohibits the commission from designating a corridor that is located on certain lands, including tribal lands, state park lands and federally owned lands. It expands the list of entities with whom the commission must consult prior to designating a corridor.

2. It clarifies and adds greater specification to the provisions of the bill regarding the requirements for development and construction of energy infrastructure within a corridor in several ways. It requires potential developers to obtain either a certificate of public convenience and necessity or a corridor use certificate from the Public Utilities Commission and obtain a consolidated environmental permit from the Department of Environmental Protection. The corridor use certificate is required for projects that are not covered by existing law related to certificates of public convenience and necessity for transmission lines, and an application for a corridor use certificate must be processed in an adjudicatory proceeding. The amendment clarifies the environmental review process that is required for proposed energy infrastructure projects and provides for the issuance of a consolidated environmental permit by the Department of Environmental Protection to take the place of any other permits or licenses the department would otherwise require for the proposed project.

3. It largely replaces the language in the bill regarding eminent domain authority to clarify and limit the eminent domain authority of transmission and distribution utilities, of holders of corridor use certificates who are not transmission and distribution utilities and of the Public Utilities Commission within an energy infrastructure corridor. The commission's eminent domain authority is specifically limited as follows: the authority may only be exercised in an adjudicatory proceeding upon petition of the Office of the Public Advocate or the Governor's Office of Energy Independence and Security demonstrating that such action is urgently needed to avoid substantial harm to electricity consumers regarding anticipated activity associated with an energy infrastructure corridor; the amount of land or easement taken is limited to that required to prevent the identified harm to consumers; and the authority does not apply to personal property, fixtures and improvements that constitute transmission and distribution plant. The amendment authorizes the commission, in an adjudicatory proceeding and upon petition of the Office of the Public Advocate or the Governor's Office of Energy Independence and Security, to transfer lands or easements acquired by eminent domain provided that a transmission and distribution utility is given the right of first refusal. The amendment also requires the commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the circumstances of any taking by eminent domain.

4. It adds language to clarify that the provisions regarding energy infrastructure corridor designation and development do not modify existing restrictions on providing service within a utility's service territory.

5. It requires the Public Utilities Commission to adopt by rule standards and procedures to implement the energy infrastructure corridor laws. The bill permits but does not require such rulemaking.

The amendment makes the following changes to Part B of the bill regarding long-term contracting authority:

1. It replaces the provision of the bill that authorizes the commission to direct investor-owned transmission and

distribution utilities to enter into contracts for differences and other financial instruments with a provision that authorizes the commission to permit, but not require, such utilities to enter into contracts for differences, but not other financial instruments.

2. It eliminates the provision of the bill that authorizes the commission to enter into contracts for differences and other financial instruments.

3. It adds provisions to direct the commission to allow transmission and distribution utilities to submit bids for interruptible, demand response or energy efficiency resources and to ensure that long-term contracts are consistent with the State's goals for greenhouse gas reduction.

4. It adds language to allow an investor owned-transmission and distribution utility to recover in rates any gains or losses derived from contracts for differences.

The amendment makes the following changes to Part C of the bill regarding the Governor's Office of Energy Independence and Security:

1. It adds several duties of the Director of the Governor's Office of Energy Independence and Security beyond the duties specified in the bill. The additional duties include working in collaboration with utilities and state agencies to negotiate agreements with developers of renewable generation in order to create value for Maine consumers and monitoring policy, planning and regulatory approval processes relating to energy transmission capacity and energy infrastructure development.

2. It adds a provision to repeal language in existing law that requires the Executive Department, State Planning Office to formulate a biennial state energy resources plan. Instead the Governor's Office of Energy Independence and Security is required to prepare and submit a comprehensive state energy plan every 2 years.

3. It amends the provision in the bill relating to the membership of the Energy Resources Council to provide that, for each state agency represented on the council, the member is the executive head of that agency or that person's designee.

4. It clarifies the contents of the Energy Resources Council's work plan and its inclusion in the council's annual report to the Legislature.

**House Amendment "A" (H-970)**

This amendment requires that rules adopted to designate an energy infrastructure corridor must include a public hearing to allow members of the public to submit oral or written testimony or comments. It also requires the Public Utilities Commission to address all written comments and state its rationale for adopting or rejecting any proposal contained in the comments. The amendment also requires the commission to dismiss a petition if the petition was filed by a person other than the Office of the Public Advocate, Executive Department, Governor's Office of Energy Independence and Security or an interested person as defined in the Maine Revised Statutes, Title 35-A, section 122. The amendment also requires the commission to consult, notify and accept comments from certain people prior to designating an energy infrastructure corridor.

**House Amendment "B" (H-999)**

This amendment repeals the provisions of the bill relating to the designation and use of energy infrastructure corridors on July 30, 2011.

**Enacted Law Summary**

Public Law 2007, chapter 656 has three parts. Part A of this law provides for the designation of energy infrastructure corridors and development of energy infrastructure within such corridors. The Public Utilities Commission is authorized to commence a proceeding to designate an energy infrastructure corridor only upon the

petition of the Executive Department, Governor's Office of Energy Independence and Security, the Office of the Public Advocate or a developer who can demonstrate to the commission the technical and financial capability to develop energy infrastructure, and the commission may designate a corridor only through major substantive rulemaking. The law requires that designation of an energy infrastructure corridor by done through major substantive rule and must include a public hearing to allow members of the public to submit oral or written testimony or comments. Part A requires potential developers of energy infrastructure within a corridor to obtain either a certificate of public convenience and necessity or a corridor use certificate from the Public Utilities Commission and obtain a consolidated environmental permit from the Department of Environmental Protection. It provides eminent domain authority within an energy infrastructure corridor under certain limited conditions. It requires the Public Utilities Commission to adopt by rule standards and procedures to implement the energy infrastructure corridor laws. The provisions of this law regarding energy infrastructure corridors are repealed on July 30, 2011.

Part B of this law authorizes the Public Utilities Commission to direct all investor-owned transmission and distribution utilities, not just those that serve more than 50,000 retail customers, to enter into long-term contracts. It also allows the commission to direct these utilities to enter into long-term contracts for purposes of lowering the cost of electricity for electric ratepayers. It authorizes the commission to permit, but not require, these utilities to enter into contracts for differences that are designed to buffer ratepayers from negative impacts from transmission development. It directs the commission to allow transmission and distribution utilities to submit bids for interruptible, demand response or energy efficiency resources and to ensure that long-term contracts are consistent with the State's goals for greenhouse gas reduction. It also allows an investor owned-transmission and distribution utility to recover in rates any gains or losses derived from contracts for differences.

Part C of this law establishes in statute the Governor's Office of Energy Independence and Security and sets forth the policy and purpose of that office. Part C also specifies the duties and responsibilities of the director of the office, and it amends the membership of the Energy Resources Council to add the director of Governor's Office of Energy Independence and Security and make the director the chair of the council. It repeals language in existing law that requires the Executive Department, State Planning Office to formulate a biennial state energy resources plan and instead requires the Governor's Office of Energy Independence and Security to prepare and submit a comprehensive state energy plan every 2 years.

The Joint Standing Committee on Utilities and Energy, by letter dated April 23, 2008, requested that the Department of Environmental Protection and the Public Utilities Commission examine the adoption of specific standards in support of the State's goals for greenhouse gas reduction and participation in the regional greenhouse gas initiative.

**LD 2265** **An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System**

**PUBLIC 637**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RINES | OTP-AM | H-929 |

This bill reduces the statewide E-9-1-1 surcharge from 50¢ per month to 45¢ per month.

**Committee Amendment "A" (H-929)**

This amendment reduces the statewide E-9-1-1 surcharge to 30¢ per line per month, rather than to 45¢ per line per month as proposed in the bill. The amendment adds a provision to the bill to require the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over

utilities matters by February 1, 2009. The amendment also adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 637 reduces the statewide E-9-1-1 surcharge from 50¢ per line per month to 30¢ per line per month. The law also requires the Public Utilities Commission, Emergency Services Communication Bureau to conduct a thorough review of the E-9-1-1 fund, including but not limited to surcharge revenue history and projections, expenditure history and projections and unexpended amounts in the fund, and to make a recommendation regarding the E-9-1-1 surcharge amount going forward. The Emergency Services Communication Bureau is required to report the results of its review and recommendation regarding the surcharge to the joint standing committee of the Legislature having jurisdiction over utilities matters by February 1, 2009.

Public Law 2007, chapter 637 was enacted as an emergency measure effective April 16, 2008.

## LD 2266 An Act To Promote Municipal Wind Generation Development — PUBLIC 671

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MARTIN | OTP-AM | S-579 |
| | | S-698 ROTUNDO |

This bill expands the duties of the Energy Resources Council under the Maine Revised Statutes, Title 5, section 3327 to coordinate the activities of member agencies to assist the State's political subdivisions, state agencies and rural electrification cooperatives in developing wind and other projects, including using available federal loan subsidies. The bill also expands the scope of the life-cycle cost analysis that is required under the Energy Conservation in Buildings Act to include a review of the potential incorporation of wind and solar electricity generating equipment into public facilities, and it amends the laws governing revenue-producing municipal facilities to include any qualified project under the United States Internal Revenue Code, Section 54 within the definition of revenue-producing municipal facility.

The bill also amends provisions of the Maine Wind Energy Act to establish a state policy favoring development of cost-effective wind energy resources by municipalities and by the State for the benefit of Maine's citizens. It further directs the Public Utilities Commission to monitor legal and technological developments that may affect the potential for development of wind power and to regularly advise the Energy Resources Council of its findings.

It expands the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district.

**Committee Amendment "A" (S-579)**

This amendment amends the provisions of the bill regarding the responsibilities of the Energy Resources Council to provide wind and other energy planning assistance to clarify that this assistance is intended to cover municipal or quasi-municipal entities and municipally owned corporations that provide electric service in addition to the State's political subdivisions and rural electrification cooperatives. It amends the provision of the bill regarding monitoring of legal and technological developments that may affect the potential for development of wind power resources to direct the chair of the Energy Resources Council, rather than the Public Utilities Commission, to do this work.

This amendment removes the provisions of the bill that expand the authority of municipal electric districts and rural electrification cooperatives to allow them to sell energy to wholesale customers and to buy and sell electricity products in addition to electricity and to allow municipal electric districts to sell electricity and electricity products outside the district. It also removes the provision that establishes a state policy favoring the development and ownership of wind energy projects by state agencies and political subdivisions. The amendment also adds an

appropriations and allocations section.

**Senate Amendment "A" (S-698)**

This amendment redirects the responsibility for providing assistance in wind and other energy planning and monitoring of legal and technological developments from the chair of the Energy Resources Council to the Executive Department, Governor's Office of Energy Independence and Security and strikes the provision that requires the Executive Department, Governor's Office of Energy Independence and Security to assist the Department of Administrative and Financial Services, Bureau of General Services in identifying and planning for the construction of wind and other renewable electricity generation projects. It also strikes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2007, chapter 671 expands the scope of the life-cycle cost analysis under the Energy Conservation in Buildings Act to include a review of the potential incorporation of wind and solar electricity generating equipment into public facilities and amends the laws governing revenue-producing municipal facilities to include any qualified project under the United States Internal Revenue Code, Section 54 within the definition of revenue-producing municipal facility.

This law also directs the Executive Department, Governor's Office of Energy Independence and Security to provide assistance in wind and other energy planning and to monitor legal and technological developments related to wind energy development. The law requires the office to report by January 15, 2009 on its wind energy monitoring and assistance activities to the joint standing committee having jurisdiction over utilities and energy matters and authorizes the committee to submit legislation to the First Regular Session of the 124th Legislature.

## LD 2269 An Act To Strengthen Maine's Consumer Protections against "Slamming" PUBLIC 638

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| RINES | OTP-AM | H-893 |
| | | S-569 BARTLETT |

This bill prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. This bill also prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and requires that the carrier make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The bill requires the Public Utilities Commission to inform telephone customers about the consumer protections and rights regarding an unauthorized change of carrier.

**Committee Amendment "A" (H-893)**

This amendment clarifies the provision of the bill that prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The amendment removes the provision of the bill that prohibits such a carrier from misrepresenting its identity or services when conversing with potential customers and removes the provision of the bill that requires that the carrier to make and retain audio recordings of telephone conversations with customers who authorize a change of carriers. The amendment changes the customer education portion of the bill to require the Public Advocate rather than the Public Utilities Commission to provide the customer education.

**Senate Amendment "A" (S-569)**

Under current law, a telephone utility may not furnish service in any municipality in which another telephone utility is furnishing services without the approval of the Public Utilities Commission. This amendment adds a provision to the bill to provide that the commission may not grant such approval to a telephone utility not currently authorized to

provide service in this State unless the telephone utility provides satisfactory evidence that the telephone utility has at least $250,000 in fixed assets in this State or the telephone utility purchases and maintains a surety bond in the amount of $250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

**Enacted Law Summary**

Public Law 2007, chapter 638 prohibits a local or intrastate interexchange carrier of telecommunications services from initiating a change of a customer's carrier without the customer's express authorization. The law also requires the Public Advocate to inform telephone customers about consumer rights and protections related to an unauthorized change of carrier.

This law also prohibits the Public Utilities Commission from granting approval for a telephone utility not currently authorized to provide service in this State to furnish service in any municipality in which another telephone utility is furnishing service unless the telephone utility seeking approval: (1) provides satisfactory evidence that it has at least $250,000 in fixed assets in this State or (2) purchases and maintains a surety bond in the amount of $250,000 to ensure it has the financial ability to meet its obligations under the utility laws.

## LD 2279 An Act To Ensure Equitable Payment for E-9-1-1 Services

**PUBLIC 622**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| MITCHELL | OTP-AM | S-580 |

This bill requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The bill provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. This bill also requires the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for acting as a public safety answering point.

**Committee Amendment "A" (S-580)**

This amendment removes that portion of the bill that directs the Maine Communications System Policy Board within the Department of Public Safety to set by rule the fees the department charges municipalities for public safety answering point services provided by the department. Instead, the amendment directs the Public Utilities Commission to establish these fees in an adjudicatory proceeding. The amendment also adds a mandate preamble to the bill.

**Enacted Law Summary**

Public Law 2007, chapter 622 requires a municipality that does not have a public safety answering point to contract with another entity, which may be the Department of Public Safety, for receiving 9-1-1 calls and dispatching emergency services. The law provides that if a municipality fails to contract for these services, the Department of Public Safety is required to act as the public safety answering point and the municipality is required to pay the department for those services. The law also directs the Public Utilities Commission to establish, in an adjudicatory proceeding, the fees that municipalities that contract with the Department of Public Safety must pay for public safety answering point services and dispatch services provided by the department.

Public Law 2007, chapter 622 was enacted as an emergency measure effective April 15, 2008.

**LD 2283** **An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development**

**PUBLIC 661**
**EMERGENCY**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| BARTLETT | OTP-AM | S-581 |

This bill implements recommendations of the Governor's Task Force on Wind Power Development in Maine.

Part A of this bill sets as a goal for the State the development of at least 2,000 megawatts of installed wind power capacity by 2015 and at least 3,000 megawatts of installed wind power capacity by 2020. Part A provides for expedited permitting of grid-scale wind energy development and establishes an expedited permitted area consisting of all organized areas of the state excluding waters subject to tidal influence and specific places within unorganized and deorganized areas of the state. It establishes the Department of Environmental Protection (DEP) as the primary siting authority for wind energy development in the organized areas and the Maine Land Use Regulation Commission (LURC) as the primary siting authority in the unorganized and deorganized areas of the state. It specifies how the primary siting authority must look at the effects of a wind energy development on scenic resources. It specifically requires that the primary siting authority determine whether the development has an unreasonable adverse effect on scenic values and existing uses related to the scenic character of a scenic resource of state or national significance but does not require that a development "fits harmoniously" into the existing natural environment. It outlines the siting considerations for smaller-scale wind energy developments in organized areas of the State and establishes DEP certification requirements for the construction and operation of such developments. A development with a generating capacity of less than 100 kilowatts is exempted from these certification requirements. Part A of the bill also requires the Governor's Office of Energy Independence and Security on an annual basis to monitor and make an assessment of progress toward meeting the state's wind energy development goals.

Part B of this bill specifies the process and criteria for the DEP review of wind energy development applications, including review of expedited wind energy development proposals under the Natural Resources Protection Act and the Site Location of Development Law. It also prohibits the Board of Environmental Protection from assuming jurisdiction over an application for an expedited wind energy development of certification of a smaller-scale wind energy development. Part B of the bill also specifies that a decision regarding an expedited wind energy development application may be appealed directly to the Supreme Judicial Court sitting as the Law Court. Part B requires the DEP and LURC, no later than September 1, 2008, to jointly specify submission requirements for wind energy development applications.

Part C of this bill authorizes the Maine Land Use Regulation Commission to add areas to the expedited permitting areas for wind energy development. It requires LURC to adopt rules no later than September 1, 2008 listing specified places that comprise the expedited permitting area. It also specifies the process and criteria for LURC review of proposed wind energy developments of greater than 100 kilowatts. Part C also directs LURC to amend its comprehensive land use plan to conform with the provisions of this bill.

Part D of this bill adds wind energy systems to the Public Utilities Commission's existing solar energy rebate program. To qualify for a rebate, a wind energy system must be installed by a master electrician or a factory-trained and approved dealer working under the supervision of a master electrician. Part D divides the funding for rebates equally between solar energy systems and wind energy systems.

Part E of this bill specifies that the Act applies to a proposed development for which the DEP or LURC has not accepted an application as complete for processing as of the effective date of the Act and specifies any rules adopted pursuant to this Act by DEP or LURC as routine technical rules.

**Committee Amendment "A" (S-581)**

This amendment makes the following changes to the bill.

1. It clarifies the definition of "scenic resource of state or national significance" to specify that it is limited to areas that are owned by the public or to which the public has legal right of access and to clarify that it includes scenic viewpoints on pedestrian trails that the Department of Conservation designates by rule as having state or national significance, as well as scenic viewpoints on state public reserved land as provided in the bill.

2. It clarifies that the rulemaking of the Executive Department, State Planning Office with respect to the methodology for conducting a scenic inventory of scenic resources is limited to those resources located in the coastal area.

3. It clarifies the application of the scenic standard regarding the effect of an expedited wind energy development to require the primary siting authority to determine whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on the scenic character or existing uses related to scenic character of the scenic resource.

4. It clarifies that municipalities are permitted but not required to enforce the standards for a wind energy development certification issued by the Department of Environmental Protection for a smaller-scale wind energy development and that the department is not responsible for enforcement of such standards.

5. It adds language to require the Executive Department, Governor's Office of Energy Independence and Security to submit its findings and recommendations from its annual assessment of progress toward reaching the State's wind energy goals to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to require the office in its the first report, due January 15, 2009, to include an assessment of whether additional funding is needed to analyze the tangible benefits realized by wind energy developments.

6. It clarifies, with respect to appeals to the Board of Environmental Protection of license or permit decisions of the Commissioner of Environmental Protection regarding wind energy developments, that the administrative record of the department includes the record of any adjudicatory hearing of the department.

7. It amends the provision in the bill regarding the special fee that may be required by the DEP to provide a maximum fee of $250,000 until September 1, 2009 and $75,000 beginning September 1, 2009, rather than an unlimited fee for wind energy development as proposed in the bill. It also adds language to clarify that the Commissioner of Environmental Protection has the authority to enter into an agreement with an applicant for a payment of costs in excess of the maximum special fee.

8. It adds to the provision in the bill regarding submission requirements to be specified by the DEP and LURC for applications for wind energy developments to include as additional submission requirements postconstruction reporting of tangible benefits from wind energy development and decommissioning plans, including demonstration of ability to fully fund any necessary future decommissioning costs.

9. It clarifies that LURC's authority to amend the list of places included in the expedited permitting area is limited to adding additional areas to the list, and it clarifies the reference to the portion of Skinner Township included in the expedited permitting area.

10. It amends the provision in the bill regarding the establishment of a wind energy rebate to limit qualified wind energy systems to those with a peak generating capacity of 100 kilowatts or less and to specify that a qualified system is one that is located in an area with demonstrated wind energy potential rather than an area with a specific wind energy classification based on United States Department of Energy maps as provided in the bill. It revises the installation requirements for wind energy systems to narrow the requirement to the installation of the electrical components of the system. It also amends the allotment of the solar and wind energy rebate program funds between the different rebates to require the Public Utilities Commission to determine for each fiscal year the allotment of

funds between solar photovoltaic system rebates, solar thermal system rebates and qualified wind energy system rebates, with a minimum of 20% of the fund provided to each of the 3 types of rebates.

11. It adds language to specify that this Act does not apply to a smaller-scale wind energy development in the organized areas subject to certification by the DEP if a municipality has accepted an application for that proposed development as complete for processing as of the effective date of the Act. It also adds language to clarify that the Act is not intended to limit municipal authority to regulate wind energy development.

**Enacted Law Summary**

Public Law 2007, chapter 661 implements recommendations of the Governor's Task Force on Wind Power Development in Maine.

Part A of this law sets as a goal for the State the development of at least 2,000 megawatts of installed wind power capacity by 2015 and at least 3,000 megawatts of installed wind power capacity by 2020. Part A provides for expedited permitting of grid-scale wind energy development and establishes an expedited permitted area consisting of all organized areas of the state excluding waters subject to tidal influence and specific places within unorganized and deorganized areas defined in rule. It establishes the Department of Environmental Protection (DEP) as the primary siting authority for wind energy development in the organized areas and the Maine Land Use Regulation Commission (LURC) as the primary siting authority in the unorganized and deorganized areas of the State. It specifies how the primary siting authority must look at the effects of a wind energy development on scenic resources. It specifically requires that the primary siting authority determine whether the development significantly compromises views from a scenic resource of state or national significance such that the development has an unreasonable adverse effect on scenic values and existing uses related to the scenic character of a scenic resource of state or national significance; it does not require that a development "fits harmoniously" into the existing natural environment. It outlines the siting considerations for smaller-scale wind energy developments in organized areas of the State. It establishes certification requirements under the DEP for the construction and operation of smaller-scale wind energy development located in the organized areas of the State. A development with a generating capacity of less than 100 kilowatts is exempted from these requirements. Part A of the law also requires the Governor's Office of Energy Independence and Security on an annual basis to monitor and make an assessment of progress toward meeting the state's wind energy development goals and to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15th of each year.

Part B of this law prohibits the Board of Environmental Protection from assuming jurisdiction over an application for an expedited wind energy development of certification of a smaller-scale wind energy development. It also specifies the process and criteria for the DEP review of wind energy development applications, including review of expedited wind energy development proposals under the Natural Resources Protection Act and the Site Location of Development Law. Part B of the law also specifies that a decision regarding an expedited wind energy development application may be appealed directly to the Supreme Judicial Court sitting as the Law Court. Part B requires the DEP and LURC, no later than September 1, 2008, to jointly specify submission requirements for wind energy development applicants, including postconstruction reporting of tangible benefits and decommissioning plans.

Part C of this law authorizes the LURC to add areas to the expedited permitting areas for wind energy development. It requires LURC to adopt rules no later than September 1, 2008 listing specified places that comprise the expedited permitting area. It also specifies the process and criteria for LURC review of proposed wind energy developments of greater than 100 kilowatts. Part C also directs LURC to amend its comprehensive land use plan to conform with the provisions of this bill.

Part D of this law adds wind energy systems to the Public Utilities Commission's existing solar energy rebate program. To qualify for a rebate, a wind energy system must have a peak generating capacity of 100 kilowatts or less and the electrical components of the system must be installed by a master electrician or a factory-trained and approved dealer working under the supervision of a master electrician. Part D authorizes the Public Utilities

Commission to determine for each fiscal year the allotment of funds between solar photovoltaic system rebates, solar thermal system rebates and qualified wind energy system rebates, with a minimum of 20% of the funds provided to each of the three types of rebates.

Part E of this law specifies that the Act applies to a proposed development for which the DEP or LURC has not accepted an application as complete for processing as of the effective date of the Act and specifies any rules adopted pursuant to this Act by DEP or LURC as routine technical rules. It also specifies that the Act does not apply to a proposed wind energy development of a type that is subject to a smaller-scale wind energy development in the organized areas subject to DEP certification, if a municipality has accepted an application for that proposed development as complete for processing as of the effective date of the Act. It also adds language to clarify that the Act is not intended to limit municipal authority to regulate wind energy development.

Public Law 2007, chapter 661 was enacted as an emergency measure effective April 18, 2008.

**LD 2292** **Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity** **ONTP**

| Sponsor(s) | Committee Report | Amendments Adopted |
|---|---|---|
| DILL | ONTP | |

This resolve directs the Governor's Office of Energy Independence and Security to create a stakeholder group to review the potential sale of the excess capacity that occurs during the transition from analog broadcasting to digital broadcasting and to report its findings and recommendations and any suggested legislation to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

The Joint Standing Committee on Utilities and Energy, by letter dated April 14, 2008, requested that the ConnectME Authority convene a stakeholder group to examine the issues presented in the bill and report back to the committee by January 15, 2009.

# *Joint Standing Committee on Utilities and Energy*

## SUBJECT INDEX

### *Cable Television*

Enacted

| | | |
|---|---|---|
| LD 2133 | An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement | PUBLIC 548 |

### *E911*

Enacted

| | | |
|---|---|---|
| LD 2141 | Resolve, Regarding Legislative Review of Chapter 3: Provision of Enhanced E-9-1-1 Access-only Service, a Major Substantive Rule of the Public Utilities Commission | RESOLVE 157 |
| LD 2238 | An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service | PUBLIC 504 |
| LD 2265 | An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System | PUBLIC 637<br>EMERGENCY |
| LD 2279 | An Act To Ensure Equitable Payment for E-9-1-1 Services | PUBLIC 622<br>EMERGENCY |

### *Electricity*

Enacted

| | | |
|---|---|---|
| LD 1221 | An Act To Amend the Charter of the Kennebunk Light and Power District | P & S 35 |
| LD 1248 | An Act To Authorize Load Aggregation for Consumer-owned Electric Utilities | PUBLIC 481 |
| LD 2002 | An Act To Protect Electricity Consumers of Maine | PUBLIC 575 |
| LD 2041 | An Act To Decrease Energy Costs on Swans Island and Frenchboro | P & S 36 |
| LD 2050 | Resolve, Directing the Public Utilities Commission and the Public Advocate To Advocate for the Adoption and Implementation of Demand-side Management Programs | RESOLVE 177<br>EMERGENCY |
| LD 2135 | Resolve, Regarding Public Safety and Protection Related to Gas and Electric Utilities | RESOLVE 168 |
| LD 2254 | Resolve, Regarding ISO New England | RESOLVE 193<br>EMERGENCY |

Not Enacted

| | | |
|---|---|---|
| LD 398 | An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities | DIED ON ADJOURNMENT |
| LD 435 | An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric | ACCEPTED ONTP REPORT |
| LD 1098 | An Act To Promote Electricity Transmission Independence | ONTP |
| LD 1935 | An Act To Promote Competition in Maine's Electric Industry | ONTP |

### *Energy*

Enacted

| | | |
|---|---|---|
| LD 2255 | An Act To Protect Maine's Energy Sovereignty through the Designation of Energy Infrastructure Corridors and Energy Plan Development | PUBLIC 656 |

### *Miscellaneous*

Enacted

| | | |
|---|---|---|
| LD 2182 | An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services | PUBLIC 553 EMERGENCY |

### *Nuclear Power*

Not Enacted

| | | |
|---|---|---|
| LD 1918 | An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine | DIED BETWEEN HOUSES |

### *Public Utilities Commission*

Enacted

| | | |
|---|---|---|
| LD 1955 | An Act Regarding Certain Positions at the Public Utilities Commission | PUBLIC 482 |

### *Renewable Resources*

Enacted

| | | |
|---|---|---|
| LD 1942 | Resolve, Regarding Loans for Geothermal Heating Systems | RESOLVE 156 |
| LD 2061 | An Act To Clarify the Qualifications of Installers under the Solar Energy Rebate Program | PUBLIC 493 EMERGENCY |
| LD 2149 | Resolve, To Encourage Renewable Energy and Energy Conservation in Maine | RESOLVE 183 |
| LD 2266 | An Act To Promote Municipal Wind Generation Development | PUBLIC 671 |

| | | |
|---|---|---|
| LD 2283 | An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development | PUBLIC 661<br>EMERGENCY |

Not Enacted

| | | |
|---|---|---|
| LD 1099 | An Act To Encourage Wind Energy Development | ONTP |

## *Telecommunications*

Enacted

| | | |
|---|---|---|
| LD 1989 | An Act To Clarify Maine's "Do Not Call" Laws | PUBLIC 489<br>EMERGENCY |
| LD 2060 | An Act To Create Consistency in the Authority of the Public Utilities Commission To Provide Tariff Exemptions | PUBLIC 478 |
| LD 2104 | An Act To Provide for Fairness and Accuracy in Utility Rate Setting | PUBLIC 550 |
| LD 2180 | An Act To Ensure the Integrity of Prepaid Calling Accounts | PUBLIC 511 |
| LD 2246 | An Act To Extend the ConnectME Authority | PUBLIC 698 |
| LD 2269 | An Act To Strengthen Maine's Consumer Protections against "Slamming" | PUBLIC 638 |

Not Enacted

| | | |
|---|---|---|
| LD 1216 | Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation | ONTP |
| LD 2103 | Resolve, Directing the Public Utilities Commission To Study Existing Barriers to Digital Telephone Service Access in Rural Areas of the State | ONTP |
| LD 2292 | Resolve, To Establish a Stakeholder Group To Study the Sale or Lease of the State's Excess Broadband Capacity | ONTP |

## *Water/Sewer - Charters*

Enacted

| | | |
|---|---|---|
| LD 1936 | An Act To Include the Town of Nobleboro within the Great Salt Bay Sanitary District | P & S 38 |
| LD 2076 | An Act To Amend the Charter of the Norway Water District | P & S 32<br>EMERGENCY |
| LD 2117 | An Act To Create the Starboard Water District | P & S 34<br>EMERGENCY |

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# APPENDIX A

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## SESSION STATISTICS

## OVERALL AND
## BY INDIVIDUAL COMMITTEE

# 123rd LEGISLATURE
# SECOND REGULAR AND FIRST SPECIAL SESSIONS

## Summary of Committee Actions

| I. BILLS AND PAPERS CONSIDERED | Number | % of All Bills/Papers |
|---|---|---|
| A. Bills referred to Committee | | |
| *Bills referred and voted out* | 353 | 62.7% |
| *Bills Carried Over from previous session* | 169 | 30.0% |
| Total Bills referred | 522 | 92.7% |
| B. Bills reported out by law or joint order | 12 | 2.1% |
| C. Bills introduced without reference | 29 | 5.2% |
| Total Bills considered by Legislature | 563 | 100.0% |
| Orders and Resolutions referred to Committees | | |
| *Joint Study Orders referred and voted out* | 2 | 0.4% |
| *Joint Resolutions referred and voted out* | 0 | 0.0% |
| *Orders and Resolutions Carried Over* | 2 | 0.4% |
| Total Orders and Resolutions Referred | 2 | 0.4% |

| II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES | Number | % of All Committee Reports |
|---|---|---|
| A. Unanimous committee reports | | |
| *Ought to Pass* | 41 | 7.7% |
| *Ought to Pass as Amended* | 227 | 42.7% |
| *Ought to Pass as New Draft* | 0 | 0.0% |
| *Ought Not to Pass* | 142 | 26.7% |
| Total unanimous reports | 410 | 77.2% |
| B. Divided committee reports | | |
| *Two-way reports* | 111 | 20.9% |
| *Three-way reports* | 9 | 1.7% |
| *Four-way reports* | 0 | 0.0% |
| Total divided reports | 120 | 22.6% |
| Total Committee reports | 531 [2] | 99.1% |
| III. CONFIRMATION HEARINGS | 64 | N/A |

| IV. FINAL DISPOSITION | Number | % of All Bills/Rules |
|---|---|---|
| A. Bills and Papers enacted or finally passed | | |
| *Joint Study Orders* | 2 | 0.0% |
| *Public laws* | 235 | 41.7% |
| *Private and Special Laws* | 14 | 2.5% |
| *Resolves* | 84 | 14.9% |
| *Constitutional Resolutions* | 0 | 0.0% |
| Total Enacted or Finally Passed | 335 | 59.5% |
| B. Resolves to authorize major substantive rules | | |
| Rules authorized without legislative changes | 12 | 54.5% |
| Rules authorized with legislative changes | 9 | 40.9% |
| Rules not authorized by the Legislature | 1 | 4.5% |
| Total number of rules reviewed | 22 | 100.0% |
| C. Bills Reviewed by Judiciary Committee for Confidentiality | 9 | 100.0% |
| D. Bills vetoed or held by Governor | | |
| *Vetoes over-ridden* | 0 | 0.0% |
| *Vetoes sustained* | 1 | 0.2% |
| *Held by the Governor* | 5 | 0.9% |
| Total | 6 | 1.1% |

[2] Total number of committee reports does not include five bills that were referred to committees, but were not reported out and died on adjournment.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 16 | 72.7% | 2.8% |
| *Bills Carried Over from previous session* | 4 | 18.2% | 0.7% |
| Total Bills referred | 20 | 90.9% | 3.6% |
| B. Bills reported out by law or joint order | 2 | 9.1% | 0.4% |
| Total Bills considered by Committee | 22 | 100.0% | 3.9% |
| 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 | 18.2% | 0.8% |
| *Ought to Pass as Amended* | 13 | 59.1% | 2.4% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 4 | 18.2% | 0.8% |
| Total unanimous reports | 21 | 95.5% | 4.0% |
| B. Divided committee reports | | | |
| *Two-way reports* | 0 | 0.0% | 0.0% |
| *Three-way reports* | 1 | 4.5% | 0.2% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 1 | 4.5% | 0.2% |
| Total committee reports | 22 | 100.0% | 4.1% |
| 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* | 11 | 50.0% | 2.0% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 7 | 31.8% | 1.2% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 18 | 81.8% | 3.2% |
| B. Major substantive rules | | | |
| Authorized without legislative changes | 2 | 66.7% | 9.1% |
| Authorized with legislative changes | 0 | 0.0% | 0.0% |
| Not authorized by the Legislature | 1 | 33.3% | 4.5% |
| Total number of rules reviewed | 3 | 100.0% | 13.6% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 9 | 28.1% | 1.6% |
| *Bills Carried Over from previous session* | 23 | 71.9% | 4.1% |
| Total Bills referred | 32 | 100.0% | 5.7% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 32 | 100.0% | 5.7% |
| 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* | 0 | 0.0% | 0.0% |
| *Ought to Pass as Amended* | 4 | 12.5% | 0.8% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 24 | 75.0% | 4.5% |
| Total unanimous reports | 28 | 87.5% | 5.3% |
| B. Divided committee reports | | | |
| *Two-way reports* | 4 | 12.5% | 0.8% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 4 | 12.5% | 0.8% |
| Total committee reports | 32 | 100.0% | 6.0% |

| 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* | 1 | 3.1% | 0.2% |
| *Private and Special Laws* | 1 | 3.1% | 0.2% |
| *Resolves* | 3 | 9.4% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 5 | 15.6% | 0.9% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
122nd Legislature, Second Regular Session

# 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* | 18 | 64.3% | 3.2% |
| *Bills Carried Over from previous session* | 7 | 25.0% | 1.2% |
| Total Bills referred | 25 | 89.3% | 4.4% |
| B. Bills reported out by law or joint order | 3 | 10.7% | 0.5% |
| Total Bills considered by Committee | 28 | 100.0% | 5.0% |
| 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* | 4 | 14.8% | 0.8% |
| *Ought to Pass as Amended* | 9 | 33.3% | 1.7% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 8 | 29.6% | 1.5% |
| Total unanimous reports | 21 | 77.8% | 4.0% |
| B. Divided committee reports | | | |
| *Two-way reports* | 6 | 22.2% | 1.1% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 6 | 22.2% | 1.1% |
| Total committee reports | 27 [1] | 96.4% | 5.1% |
| III. CONFIRMATION HEARINGS | 10 | 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* | 11 | 39.3% | 2.0% |
| *Private and Special Laws* | 1 | 3.6% | 0.2% |
| *Resolves* | 3 | 10.7% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 15 | 53.6% | 2.7% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 100.0% | 4.5% |
| 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% | 4.5% |
| 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* | 1 | 3.6% | 0.2% |
| Total | 1 | 3.6% | 0.2% |

[1] Total number of committee reports does not include one bill, LD 2179, that was referred to the committee, but was not reported out.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 17 | 45.9% | 3.0% |
| *Bills Carried Over from previous session* | 19 | 51.4% | 3.4% |
| Total Bills referred | 36 | 97.3% | 6.4% |
| B. Bills reported out by law or joint order | 1 | 2.7% | 0.2% |
| Total Bills considered by Committee | 37 | 100.0% | 6.6% |
| Orders and Resolutions referred to Committee | | | |
| *Joint Study Orders referred and voted out* | 2 | 100.0% | 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 | 2 | 100.0% | 0.0% |

| II. COMMITTEE REPORTS | Number | % of this Committee's Reports | % of All Committee Reports |
|---|---|---|---|
| A. Unanimous committee reports | | | |
| *Ought to Pass* | 1 | 2.6% | 0.2% |
| *Ought to Pass as Amended* | 24 | 61.5% | 4.5% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 8 | 20.5% | 1.5% |
| Total unanimous reports | 33 | 84.6% | 6.2% |
| B. Divided committee reports | | | |
| *Two-way reports* | 5 | 12.8% | 0.9% |
| *Three-way reports* | 1 | 2.6% | 0.2% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 6 | 15.4% | 1.1% |
| Total committee reports | 39 | 100.0% | 7.3% |
| 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* | 18 | 48.6% | 3.2% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 3 | 8.1% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 21 | 56.8% | 3.7% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 100.0% | 4.5% |
| 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% | 4.5% |
| 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* | 1 | 2.7% | 0.2% |
| Total | 1 | 2.7% | 0.2% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 28 | 80.0% | 5.0% |
| *Bills Carried Over from previous session* | 6 | 17.1% | 1.1% |
| Total Bills referred | 34 | 97.1% | 6.0% |
| B. Bills reported out by law or joint order | 1 | 2.9% | 0.2% |
| Total Bills considered by Committee | 35 | 100.0% | 6.2% |
| 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* | 2 | 5.7% | 0.4% |
| *Ought to Pass as Amended* | 16 | 45.7% | 3.0% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 5 | 14.3% | 0.9% |
| Total unanimous reports | 23 | 65.7% | 4.3% |
| B. Divided committee reports | | | |
| *Two-way reports* | 9 | 25.7% | 1.7% |
| *Three-way reports* | 2 | 5.7% | 0.4% |
| *Four-way reports* | 1 | 2.9% | 0.2% |
| Total divided reports | 12 | 34.3% | 2.3% |
| Total committee reports | 35 | 100.0% | 6.6% |
| III. CONFIRMATION HEARINGS | 17 | 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* | 9 | 25.7% | 1.6% |
| *Private and Special Laws* | 2 | 5.7% | 0.4% |
| *Resolves* | 13 | 37.1% | 2.3% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 24 | 68.6% | 4.3% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 25.0% | 4.5% |
| Rules authorized with legislative changes | 3 | 75.0% | 13.6% |
| Rules not authorized by the Legislature | 0 | 0.0% | 0.0% |
| Total number of rules reviewed | 4 | 100.0% | 18.2% |
| C. Bills vetoed or held by Governor | | | |
| *Vetoes over-ridden* | 0 | 0.0% | 0.0% |
| *Vetoes sustained* | 1 | 2.9% | 0.2% |
| *Held by the Governor* | 0 | 0.0% | 0.0% |
| Total | 1 | 2.9% | 0.2% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 43 | 86.0% | 7.6% |
| *Bills Carried Over from previous session* | 7 | 14.0% | 1.2% |
| Total Bills referred | 50 | 100.0% | 8.9% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 50 | 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* | 8 | 16.0% | 1.5% |
| *Ought to Pass as Amended* | 23 | 46.0% | 4.3% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 14 | 28.0% | 2.6% |
| Total unanimous reports | 45 | 90.0% | 8.5% |
| B. Divided committee reports | | | |
| *Two-way reports* | 5 | 10.0% | 0.9% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 5 | 10.0% | 0.9% |
| Total committee reports | 50 | 100.0% | 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* | 17 | 34.0% | 3.0% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 15 | 30.0% | 2.7% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 32 | 64.0% | 5.7% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 4 | 66.7% | 18.2% |
| Rules authorized with legislative changes | 2 | 33.3% | 9.1% |
| Rules not authorized by the Legislature | 0 | 0.0% | 0.0% |
| Total number of rules reviewed | 6 | 100.0% | 27.3% |
| 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% |

[1] The number of carry overs does not include one bill, LD 1697, that was carried over in the HHS committee and was re-referred to the IFS co

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried ove

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 13 | 72.2% | 2.3% |
| *Bills Carried Over from previous session* | 5 | 27.8% | 0.9% |
| Total Bills referred | 18 | 100.0% | 3.2% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 18 | 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* | 0 | 0.0% | 0.0% |
| *Ought to Pass as Amended* | 4 | 22.2% | 0.8% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 7 | 38.9% | 1.3% |
| Total unanimous reports | 11 | 61.1% | 2.1% |
| B. Divided committee reports | | | |
| *Two-way reports* | 7 | 38.9% | 1.3% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 7 | 38.9% | 1.3% |
| Total committee reports | 18 | 100.0% | 3.4% |

| III. CONFIRMATION HEARINGS | 1 | 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* | 6 | 33.3% | 1.1% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 1 | 5.6% | 0.2% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 7 | 38.9% | 1.2% |
| 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 | 1 | 100.0% | 4.5% |
| Total number of rules reviewed | 1 | 100.0% | 4.5% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 11 | 55.0% | 2.0% |
| *Bills Carried Over from previous session* | 9 [1] | 45.0% | 1.6% |
| Total Bills referred | 20 | 100.0% | 3.6% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 20 | 100.0% | 3.6% |
| 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* | 1 | 5.0% | 0.2% |
| *Ought to Pass as Amended* | 5 | 25.0% | 0.9% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 5 | 25.0% | 0.9% |
| Total unanimous reports | 11 | 55.0% | 2.1% |
| B. Divided committee reports | | | |
| *Two-way reports* | 8 | 40.0% | 1.5% |
| *Three-way reports* | 1 | 5.0% | 0.2% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 9 | 45.0% | 1.7% |
| Total committee reports | 20 | 100.0% | 3.8% |
| III. CONFIRMATION HEARINGS | 1 | 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* | 9 | 45.0% | 1.6% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 3 | 15.0% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 12 | 60.0% | 2.1% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 100.0% | 4.5% |
| 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% | 4.5% |
| 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% |

[1] The number of carry overs includes one bill, LD 1687, that was carried over in the HHS committee and was re-referred to the IFS committee.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
122nd Legislature, Second Regular Session

# 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* | 24 | 55.8% | 4.3% |
| *Bills Carried Over from previous session* | 18 | 41.9% | 3.2% |
| Total Bills referred | 42 | 97.7% | 7.5% |
| B. Bills reported out by law or joint order | 1 | 2.3% | 0.2% |
| Total Bills considered by Committee | 43 | 100.0% | 7.6% |
| 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 | 12.2% | 0.9% |
| *Ought to Pass as Amended* | 19 | 46.3% | 3.6% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 14 | 34.1% | 2.6% |
| Total unanimous reports | 38 | 92.7% | 7.2% |
| B. Divided committee reports | | | |
| *Two-way reports* | 2 | 4.9% | 0.4% |
| *Three-way reports* | 1 | 2.4% | 0.2% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 3 | 7.3% | 0.6% |
| Total committee reports | 41 [1] | 95.3% | 7.7% |
| III. CONFIRMATION HEARINGS | 12 | 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 | 55.8% | 4.3% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 1 | 2.3% | 0.2% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 25 | 58.1% | 4.4% |
| 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% |

[1] Total number of committee reports does not include two bills, LD 1348 and LD 1349, that were referred to the committee, but were not reported out.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 12 | 42.9% | 2.1% |
| *Bills Carried Over from previous session* | 16 | 57.1% | 2.8% |
| Total Bills referred | 28 | 100.0% | 5.0% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 28 | 100.0% | 5.0% |
| 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* | 3 | 10.7% | 0.6% |
| *Ought to Pass as Amended* | 8 | 28.6% | 1.5% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 8 | 28.6% | 1.5% |
| Total unanimous reports | 19 | 67.9% | 3.6% |
| B. Divided committee reports | | | |
| *Two-way reports* | 9 | 32.1% | 1.7% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 9 | 32.1% | 1.7% |
| Total committee reports | 28 | 100.0% | 5.3% |
| III. CONFIRMATION HEARINGS | 7 | 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* | 11 | 39.3% | 2.0% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 0 | 0.0% | 0.0% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 11 | 39.3% | 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 19 | 70.4% | 3.4% |
| *Bills Carried Over from previous session* | 8 | 29.6% | 1.4% |
| Total Bills referred | 27 | 100.0% | 4.8% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 27 | 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* | 1 | 3.8% | 0.2% |
| *Ought to Pass as Amended* | 10 | 38.5% | 1.9% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 3 | 11.5% | 0.6% |
| Total unanimous reports | 14 | 53.8% | 2.6% |
| B. Divided committee reports | | | |
| *Two-way reports* | 12 | 46.2% | 2.3% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 12 | 46.2% | 2.3% |
| Total committee reports | 26 [1] | 96.3% | 4.9% |
| 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* | 11 | 40.7% | 2.0% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 3 | 11.1% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 14 | 51.9% | 2.5% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 100.0% | 4.5% |
| 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% | 4.5% |
| 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* | 2 | 7.4% | 0.4% |
| Total | 2 | 7.4% | 0.4% |

[1] Total number of committee reports does not include one bill, LD 1924, that was referred to the committee, but was not reported out.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 11 | 78.6% | 2.0% |
| *Bills Carried Over from previous session* | 3 | 21.4% | 0.5% |
| Total Bills referred | 14 | 100.0% | 2.5% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 14 | 100.0% | 2.5% |
| 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* | 0 | 0.0% | 0.0% |
| *Ought to Pass as Amended* | 8 | 57.1% | 1.5% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 3 | 21.4% | 0.6% |
| Total unanimous reports | 11 | 78.6% | 2.1% |
| B. Divided committee reports | | | |
| *Two-way reports* | 3 | 21.4% | 0.6% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 3 | 21.4% | 0.6% |
| Total committee reports | 14 | 100.0% | 2.6% |

| III. CONFIRMATION HEARINGS | 1 | 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* | 9 | 64.3% | 1.6% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 2 | 14.3% | 0.4% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 11 | 78.6% | 2.0% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 0 | 0.0% | 0.0% |
| Rules authorized with legislative changes | 1 | 100.0% | 4.5% |
| Rules not authorized by the Legislature | 0 | 0.0% | 0.0% |
| Total number of rules reviewed | 1 | 100.0% | 4.5% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 32 | 91.4% | 5.7% |
| *Bills Carried Over from previous session* | 2 | 5.7% | 0.4% |
| Total Bills referred | 34 | 97.1% | 6.0% |
| B. Bills reported out by law or joint order | 1 | 2.9% | 0.2% |
| Total Bills considered by Committee | 35 | 100.0% | 6.2% |
| 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 | 11.4% | 0.8% |
| *Ought to Pass as Amended* | 21 | 60.0% | 4.0% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 8 | 22.9% | 1.5% |
| Total unanimous reports | 33 | 94.3% | 6.2% |
| B. Divided committee reports | | | |
| *Two-way reports* | 2 | 5.7% | 0.4% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 2 | 5.7% | 0.4% |
| Total committee reports | 35 | 100.0% | 6.6% |
| 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* | 25 | 71.4% | 4.4% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 3 | 8.6% | 0.5% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 28 | 80.0% | 5.0% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 1 | 100.0% | 4.5% |
| 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% | 4.5% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 17 | 89.5% | 3.0% |
| *Bills Carried Over from previous session* | 2 | 10.5% | 0.4% |
| Total Bills referred | 19 | 100.0% | 3.4% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 19 | 100.0% | 3.4% |
| 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* | 1 | 5.3% | 0.2% |
| *Ought to Pass as Amended* | 10 | 52.6% | 1.9% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 4 | 21.1% | 0.8% |
| Total unanimous reports | 15 | 78.9% | 2.8% |
| B. Divided committee reports | | | |
| *Two-way reports* | 4 | 21.1% | 0.8% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 4 | 21.1% | 0.8% |
| Total committee reports | 19 | 100.0% | 3.6% |
| 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* | 5 | 26.3% | 0.9% |
| *Private and Special Laws* | 2 | 10.5% | 0.4% |
| *Resolves* | 5 | 26.3% | 0.9% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 12 | 63.2% | 2.1% |
| 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* | 1 | 5.3% | 0.2% |
| Total | 1 | 5.3% | 0.2% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 28 | 51.9% | 5.0% |
| *Bills Carried Over from previous session* | 26 | 48.1% | 4.6% |
| Total Bills referred | 54 | 100.0% | 9.6% |
| B. Bills reported out by law or joint order | 0 | 0.0% | 0.0% |
| Total Bills considered by Committee | 54 | 100.0% | 9.6% |
| 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* | 0 | 0.0% | 0.0% |
| *Ought to Pass as Amended* | 23 | 43.4% | 4.3% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 13 | 24.5% | 2.4% |
| Total unanimous reports | 36 | 67.9% | 6.8% |
| B. Divided committee reports | | | |
| *Two-way reports* | 17 | 32.1% | 3.2% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 17 | 32.1% | 3.2% |
| Total committee reports | 53 [1] | 98.1% | 10.0% |
| 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* | 17 | 31.5% | 3.0% |
| *Private and Special Laws* | 0 | 0.0% | 0.0% |
| *Resolves* | 6 | 11.1% | 1.1% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 23 | 42.6% | 4.1% |
| 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% |

[1] Total number of committee reports does not include one bill, LD 1972, that was referred to the committee, but was not reported out.
Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# JOINT STANDING COMMITTEE ON TRANSPORTATION

## 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* | 27 [1] | 79.4% | 4.8% |
| *Bills Carried Over from previous session* | 6 | 17.6% | 1.1% |
| Total Bills referred | 33 | 97.1% | 5.9% |
| B. Bills reported out by law or joint order | 1 | 2.9% | 0.2% |
| Total Bills considered by Committee | 34 | 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* | 2 | 5.9% | 0.4% |
| *Ought to Pass as Amended* | 12 | 35.3% | 2.3% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 8 | 23.5% | 1.5% |
| Total unanimous reports | 22 | 64.7% | 4.1% |
| B. Divided committee reports | | | |
| *Two-way reports* | 9 | 26.5% | 1.7% |
| *Three-way reports* | 3 | 8.8% | 0.6% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 12 | 35.3% | 2.3% |
| Total committee reports | 34 | 100.0% | 6.4% |
| 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* | 16 | 47.1% | 2.8% |
| *Private and Special Laws* | 1 | 2.9% | 0.2% |
| *Resolves* | 5 | 14.7% | 0.9% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 22 | 64.7% | 3.9% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 0 | 0.0% | 0.0% |
| Rules authorized with legislative changes | 1 | 100.0% | 4.5% |
| Rules not authorized by the Legislature | 0 | 0.0% | 0.0% |
| Total number of rules reviewed | 1 | 100.0% | 4.5% |
| 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% |

[1] The number of bills referred to committee includes LD 1790, which was voted on by the committee in the First Regular Session, but was not enacted until the Second Regular Session as an unsigned law.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# 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* | 28 | 73.7% | 5.0% |
| *Bills Carried Over from previous session* | 8 | 21.1% | 1.4% |
| Total Bills referred | 36 | 94.7% | 6.4% |
| B. Bills reported out by law or joint order | 2 | 5.3% | 0.4% |
| Total Bills considered by Committee | 38 | 100.0% | 6.7% |
| 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* | 5 | 13.2% | 0.9% |
| *Ought to Pass as Amended* | 18 | 47.4% | 3.4% |
| *Ought to Pass as New Draft* | 0 | 0.0% | 0.0% |
| *Ought Not to Pass* | 6 | 15.8% | 1.1% |
| Total unanimous reports | 29 | 76.3% | 5.5% |
| B. Divided committee reports | | | |
| *Two-way reports* | 9 | 23.7% | 1.7% |
| *Three-way reports* | 0 | 0.0% | 0.0% |
| *Four-way reports* | 0 | 0.0% | 0.0% |
| Total divided reports | 9 | 23.7% | 1.7% |
| Total committee reports | 38 | 100.0% | 7.2% |

| 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* | 18 | 47.4% | 3.2% |
| *Private and Special Laws* | 5 | 13.2% | 0.9% |
| *Resolves* | 6 | 15.8% | 1.1% |
| *Constitutional Resolutions* | 0 | 0.0% | 0.0% |
| Total Enacted or Finally Passed | 29 | 76.3% | 5.2% |
| B. Resolves to authorize major substantive rules | | | |
| Rules authorized without legislative changes | 0 | 0.0% | 0.0% |
| Rules authorized with legislative changes | 1 | 100.0% | 4.5% |
| Rules not authorized by the Legislature | 0 | 0.0% | 0.0% |
| Total number of rules reviewed | 1 | 100.0% | 4.5% |
| 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% |

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions

# APPENDIX B

# CUMULATIVE INDEX BY LD NUMBER

| LD and Session ID | Page # |
|---|---|
| LD 1 (S1) | 219 |
| LD 3 (S1) | 61 |
| LD 6 (R2) | 384 |
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