

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION

LEGISLATIVE DIGEST OF BILL  
SUMMARIES AND ENACTED LAWS



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

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> 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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON AGRICULTURE,  
CONSERVATION AND FORESTRY**

April 2010

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SEN. BRUCE S. BRYANT  
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*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 628 An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE MILLS P	ONTP	

LD 628 was carried over from the First Regular Session. This bill is a concept draft that proposes to allocate prospective federal funding to support the State's dairy industry.

**LD 687 Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River**

**RESOLVE 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-363

LD 687 was carried over from the First Regular Session. This resolve requires the Department of Conservation to give priority under the Land for Maine's Future Fund to acquire, support and maintain public access to swift rivers and great ponds. Authority is granted to the department to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead River and the Kennebec River.

**Committee Amendment "A" (S-363)**

This amendment replaces the resolve. It directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. It does not authorize use of eminent domain nor does it designate acquisition of this right-of-way as a priority for the Land for Maine's Future Fund.

**Enacted Law Summary**

Resolve 2009, chapter 153 directs the Department of Conservation to seek to acquire a public right-of-way along approximately 16 miles of the Lower Enchanted Road, from Route 201 in West Forks Plantation westward to an area used for vehicle parking and launching watercraft into the Dead River. The department is not required to assume an obligation to improve or maintain the right-of-way at public expense. The department is directed to seek private and public funds to secure public access via easements or fee acquisitions. The resolve requires the department to report to the joint standing committee of the Legislature having jurisdiction over conservation matters no later than January 10, 2011 and authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature.

**LD 1182 An Act To Prevent Price Gouging in the Sale of Milk**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

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

LD 1182 was carried over from the First Regular Session. This bill prohibits the sale of milk for an unconscionably excessive price. It authorizes the Maine Milk Commission to investigate to determine whether the price is unconscionably excessive whenever the retail price to consumers for milk exceeds twice what is paid to producers of the milk. If the commission finds probable cause to believe that the price is unconscionably excessive, it may after notice and hearing make findings and issue orders to prohibit such practices. The bill specifies certain circumstances that are evidence of an unconscionably excessive price. It authorizes the commission to assess a penalty of up to \$100 per day for each violation with the proceeds to be remitted to the Women, Infants and Children Special Supplemental Food Program to be used to purchase milk and milk products for clients of the program.

**LD 1238     An Act Concerning the National Animal Identification System**

**PUBLIC 544**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER SHERMAN	OTP-AM	H-641

LD 1238 was carried over from the First Regular Session. This bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system if federal law makes the system mandatory. If the national identification system is voluntary, this bill prohibits the commissioner from forcing participation in the system, withholding indemnity from a person who does not participate in the system or denying or revoking permits, licenses, services, grants or other benefits or incentives to a person who does not participate in the system. The bill prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement. The bill also prohibits the commissioner from disseminating any confidential information to the national animal identification system unless to prevent or control a disease or to protect the public health, safety or welfare.

### **Committee Amendment "A" (H-641)**

This amendment clarifies that the Commissioner of Agriculture, Food and Rural Resources is authorized to adopt rules to implement a national animal identification system only if the system becomes mandatory through action at the federal level. It also revises the confidentiality provision in the bill to clarify that information provided to the commissioner under either a mandatory or voluntary system is confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. This amendment also adds an automatic repeal date of January 1, 2013.

### **Enacted Law Summary**

Public Law 2009, chapter 544 requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules to implement a national animal identification system but only if federal law makes the system mandatory. If the national identification system is voluntary, chapter 544 prohibits the commissioner from forcing participation in the system or imposing any penalty on or withholding any benefit from a person who does not participate in the system. Chapter 544 prohibits a municipality or political subdivision from enacting or maintaining an ordinance requiring participation in an animal identification system except to conform to a state requirement. It designates information provided to the commissioner under either a mandatory or voluntary system as confidential. The commissioner is authorized to disclose information to government entities if disclosure is necessary to prevent or control disease or to protect the public. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm. The provisions enacted in this chapter are repealed on January 1, 2013.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 1239 An Act To Provide Funding To Educate Homeowners in Integrated Pest Management**

**P & S 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SCHNEIDER	OTP-AM	H-619

LD 1239 was carried over from the First Regular Session. This bill establishes a 15¢ per container fee on the retail sale of pesticides. The proceeds of the fee are deposited in the Maine Pesticide Education Fund, which is used to fund the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs.

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

This amendment replaces the bill with a one-time transfer of \$50,000 from the Board of Pesticides Control to the University of Maine Cooperative Extension for educating homeowners in integrated pest management.

**Enacted Law Summary**

Private and Special Law 2009, chapter 31 makes a one-time transfer of \$50,000 from the Board of Pesticides Control to the University of Maine Cooperative Extension for educating homeowners in integrated pest management.

**LD 1517 Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission**

**RESOLVE 155  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-608

This resolve provides for legislative review of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission.

**Committee Amendment "A" (H-608)**

This amendment denies authorization for final adoption of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission.

**Enacted Law Summary**

Resolve 2009, chapter 155 denies authorization for final adoption of portions of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Maine Milk Commission. The production tiers and target prices proposed in the provisionally adopted rule conflict with those enacted under Public Law 2009, chapter 467. ( See bill summary for LD 1758)

Resolve 2009, chapter 155 was finally passed as an emergency measure effective February 12, 2010.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 1547 **An Act To Revise Notification Requirements for Pesticides Applications  
Using Aircraft or Air-carrier Equipment**

**PUBLIC 584  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM A OTP-AM B OTP-AM C	H-725 S-492 NUTTING J

This bill proposes revisions to requirements for notification of pesticides applications using aircraft or air-carrier equipment as enacted in Public Law 2009, chapter 378. The revisions include:

1. Excluding backpack sprayers from the definition of "air-carrier equipment";
2. Adding a definition for "sensitive area likely to be occupied" and requiring land managers to notify owners, lessees and managers before the beginning of the spray season of intended pesticides applications when the sensitive area abuts and lies within 1,320 feet of the intended spray area;
3. Allowing the information sent to participants in the pesticide information registry to be provided at any time the day before an application rather than a minimum of 24 hours before an application;
4. Authorizing waivers of notification requirements when public health or natural resources are threatened.

**Committee Amendment "A" (H-725)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It replaces the bill and repeals the requirement enacted in Public Law 2009, chapter 378 for pre-season notification of the intent to apply pesticides using aircraft or air-carrier equipment. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing the spray into the crowns of fruit trees or Christmas trees where the maximum distance is 500 feet. The amendment authorizes the board to adopt certain rules as routine technical rules in 2010. It requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 regarding the comprehensive notification registry and notification requirements. The amendment directs the board to recommend legislation and authorizes the committee of jurisdiction to submit a bill to the 125th Legislature.

**Committee Amendment "B" (H-726)**

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It differs from the majority report by requiring land managers to notify a person on the registry of all applications using air-carrier equipment when the registered property is within 1320 feet of the spray area. It also differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification.

**Committee Amendment "C" (H-727)**

This amendment is a minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It retains and revises the pre-season notification requirements enacted under Public Law 2009, chapter 378 and repealed in Committee Amendments "A" and "B". It includes a definition for "areas likely to be occupied" and specifies that pre-season notification need be sent only to residents and managers of areas likely to be occupied that lie within



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

1,320 feet of an intended spray area. Committee Amendment "C" differs from the majority report in that it does not provide an exemption from notifying those on the registry when the land manager is in compliance with another type of notice or notification. Like Committee Amendment "B", this amendment does not lower the maximum distance requiring notification for applications into the crowns of fruit trees and Christmas trees using air-carrier equipment. This amendment differs from both the majority report and Committee Amendment "B" in that it does not contain an allowance for notification on the day of an application.

### **Senate Amendment "A" To Committee Amendment "A" (S-492)**

This amendment requires a land manager to provide people on the registry with the location of the property on which pesticides will be applied. It repeals the maximum distance of 500 feet for certain applications using air-carrier equipment effective January 1, 2012. It gives additional direction to the State Board of Pesticides Control in developing rules for notification of pesticides applications and in developing the report to be submitted to the joint standing committee of the Legislature having jurisdiction over agricultural matters.

It also removes authorization for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill during the 125th Legislature.

### **Enacted Law Summary**

Public Law 2009, chapter 584 repeals the requirement enacted in Public Law 2009, chapter 378 for preseason notification of the intent to apply pesticides using aircraft or air-carrier equipment. It directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to develop a comprehensive registry of people wanting to be notified of pesticides applications near property they own or lease or on which they reside. This chapter directs the board to take certain actions to increase awareness of the registry and authorizes acceptance of donations and grants to promote awareness of the registry, to develop efficient mechanisms for accessing the registry and to promote compliance. It requires land managers to notify a person on the registry of aerial applications when the registered property is within 1,320 feet of the spray area. The maximum distance requiring notification is 1,320 feet for air-carrier applications except for those directing spray into the crowns of fruit trees or Christmas trees. The maximum distance of 500 feet for these applications is repealed January 1, 2012.

Notification of those on the registry is not required for aerial pesticides applications to control forest pests and other applications covered under the Maine Revised Statutes, Title 22, section 1471-R when those applications are in compliance with the rules of the board or for nonagricultural pesticides applications when those applications are in compliance with notification requirements for people on the registry that existed prior to 2009. This exemption is in effect until January 1, 2012. Notification on the day of but prior to application of pesticides is acceptable in certain situations. The board is authorized to waive notification requirements when public health or natural resources are threatened.

Chapter 584 authorizes the board to adopt certain rules as routine technical rules in 2010 and requires the board to report to the legislative committee of jurisdiction no later than February 1, 2011 on progress made in developing a comprehensive notification registry, recommended distances and types of applications requiring notification, the effectiveness of public awareness activities, and alternate methods of providing notification to people on the registry.

Public Law 2009, chapter 584 was enacted as an emergency measure effective April 1, 2010.

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

**LD 1585      Resolve, To Enhance Protection of Maine Farms and Nurseries**

**RESOLVE 159  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE NUTTING J	OTP-AM	H-620

This bill requires the Department of Agriculture, Food and Rural Resources to adopt rules to regulate the sale of annual plants by large-scale retailers and the producers that supply those retailers with plants on consignment.

**Committee Amendment "A" (H-620)**

The amendment replaces the bill with a resolve directing the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

**Enacted Law Summary**

Resolve 2009, chapter 159 directs the Commissioner of Agriculture, Food and Rural Resources to adopt a rule requiring a person shipping tomato seedlings into the State to notify the State Horticulturist prior to shipment. It also requires the commissioner to examine license fees in other states, consider the benefits of a dedicated account to receive license fees and make recommendations to the Joint Standing Committee of the Legislature having jurisdiction over agriculture matters regarding licenses to sell nursery stock.

Resolve 2009, chapter 159 was finally passed as an emergency measure on March 9, 2010.

**LD 1586      An Act To Amend the Definition of "Farmers' Market"**

**PUBLIC 547  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-666

Current law requires that at least 75% of products offered for sale by each seller at a farmers' market must be grown or processed by that seller. This bill changes the definition of "farmers' market" to require that only 75% of the sellers at a farmers' market must meet this requirement.

**Committee Amendment "A" (H-666)**

This amendment clarifies that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. The amendment specifically includes fiber and fiber products in the definition of farm and food products. It exempts people selling baked goods at farmers' markets from certain rules in the State of Maine Food Code 2001, Chapter 331 of Department of Agriculture, Food and Rural Resources rules. It adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

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

Public Law 2009, chapter 547 revises the law pertaining to farmers markets to clarify that only vendors selling farm or food products at a farmers' market must meet the requirement that 75% of those products be grown or processed by the vendor or under the vendor's direction. It requires a vendor selling farm or food products grown or processed by another person to identify the farm and location on which the product originated. Chapter 547 also amends the Maine Food Law to allow people selling at farmers' markets to display and sell unpackaged baked goods.

Public Law 2009, chapter 547 was enacted as an emergency measure effective March 25, 2010.

**LD 1587 An Act To Amend the Animal Welfare Laws**

**PUBLIC 548  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH NUTTING J	OTP-AM	H-684

This bill strengthens the animal trespass statute and allows the Commissioner of Agriculture, Food and Rural Resources to market and sell general merchandise to generate supplemental funds for the animal welfare program.

**Committee Amendment "A" (H-684)**

This amendment clarifies the means by which the Department of Agriculture, Food, and Rural Resources can recover costs incurred in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. The amendment changes the late fee for dog licenses from \$15 to \$25, the fee formerly applicable to dog owners who were placed on a warrant for failure to license a dog..

**Enacted Law Summary**

Public Law 2009, chapter 548 allows the court to order a person to pay restitution to the Department of Agriculture, Food, and Rural Resources for costs incurred while assisting a municipality or law enforcement officer in responding to a violation of animal trespass laws. The amendment also clarifies that the animal trespass provision applies to animals that are unattended on a public road. Chapter 548 authorizes the commissioner to sell merchandise to supplement the animal welfare auxiliary fund. The amendment changes the late fee for dog licenses from \$15 to \$25. Provisions requiring a municipal warrant and a \$25 late fee for dogs not licensed by January 30th were repealed by Public Law 2009, chapter 343, section 13 without the intended corresponding increase in the late fee without a warrant.

Public Law 2009, chapter 548 was enacted as an emergency measure effective March 25, 2010.

**LD 1598 An Act To Strengthen the Laws against Cruelty to Animals**

**PUBLIC 573**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-419

This bill changes the penalty for animal cruelty by increasing the class of certain crimes from Class D crimes to Class C crimes when 25 or more animals are involved. It authorizes the court to order a person convicted of animal cruelty to recover the cost of relocating animals. It adds probation as a sentencing option for Class D

# Joint Standing Committee on Agriculture, Conservation and Forestry

animal cruelty violations.

## Committee Amendment "A" (S-419)

This amendment removes the provision in the bill that made a Class D violation of animal cruelty involving 25 or more animals a Class C crime. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

## Enacted Law Summary

Public Law 2009, chapter 573 authorizes the court to order a person convicted of animal cruelty to recover the cost of relocating animals. It adds probation as a sentencing option for Class D animal cruelty violations. It provides an expedited schedule for hearings when animals have been seized without a court order and specifies evidence that is admissible at a possession hearing.

## LD 1607 An Act To Regulate the Transportation of Firewood

PUBLIC 585  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE GOODALL	OTP-AM	H-667 S-442 NUTTING J

This bill prohibits the transportation of firewood into the State. The Director of the Bureau of Forestry within the Department of Conservation is authorized to use rulemaking to implement the prohibition. Firewood that is packaged and clearly labeled as "kiln dried" or certified by the United States Department of Agriculture, Animal and Plant Health Inspection Service is exempt from the prohibition. It directs the Bureau of Parks and Lands, also within the Department of Conservation, to work with the Bureau of Forestry to restrict the transportation of firewood into state parks and other lands managed by the Bureau of Parks and Lands. This bill also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

## Committee Amendment "A" (H-667)

This amendment directs the Director of the Bureau of Forestry within the Department of Conservation to seek funding sufficient to implement restrictions on the transportation of firewood into the State. It requires the director to use existing rule-making authority to establish restrictions on the transportation of firewood into the State as soon as adequate funding to implement the rule is secured. It removes the definition of "firewood" in the bill, allowing a definition to be established by rule.

This amendment revises the directive to the Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation to work closely on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands. The amendment clarifies that this directive is not dependent on rules being adopted under the Maine Revised Statutes, Title 12, section 8306.

## Senate Amendment "A" To Committee Amendment "A" (S-442)

This amendment adds a definition of "firewood" and allows the Director of the Bureau of Forestry within the Department of Conservation to propose modifications to the definition to the joint standing committee of the Legislature having jurisdiction over forestry matters to achieve the intent of this legislation to protect the State's forests from pests.

## Enacted Law Summary

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

Public Law 2009, chapter 585 requires the Director of the Bureau of Forestry within the Department of Conservation to use existing rule-making authority to establish restrictions on the transportation of firewood into the State to protect the forest from introduction of the emerald ash borer and the Asian longhorned beetle. It requires the director to seek funding sufficient to implement restrictions on the transportation of firewood into the State. The Act contains a definition of "firewood." It also requires the director to use available resources to conduct surveillance to detect the presence of the emerald ash borer and the Asian longhorned beetle.

The Bureau of Forestry and the Bureau of Parks and Lands within the Department of Conservation are directed to work together on restricting firewood transported into state parks and other lands managed by the Bureau of Parks and Lands to protect the forests from the introduction of the emerald ash borer and the Asian longhorned beetle.

Public Law 2009, chapter 585 was enacted as emergency legislation effective April 1, 2010.

**LD 1684      An Act To Amend the Laws That Provide an Exemption for      ONTP**  
**Agricultural Guard Dogs from Municipal Ordinances Governing**  
**Barking Dogs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	ONTP	

This bill restricts the exemption from barking dog ordinances for agricultural working dogs to dogs engaged in agricultural guarding or herding activities on land that is classified as farmland under the State's current use taxation program for farmland and land that is not classified as farmland but meets other criteria relating to size, use and location.

**LD 1698      An Act To Prevent the Spread of Eastern Equine Encephalitis      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a state-municipal partnership to improve suppression, prevention and reporting of eastern equine encephalitis.

**LD 1726      Resolve, Regarding Legislative Review of Portions of Chapter 28:      RESOLVE 173**  
**Notification Provisions for Outdoor Pesticide Applications, a Major      EMERGENCY**  
**Substantive Rule of the Department of Agriculture, Food and Rural**  
**Resources, Board of Pesticides Control**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-683

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

This resolve provides for legislative review of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

### **Committee Amendment "A" (H-683)**

This amendment denies authorization for final adoption of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control.

### **Enacted Law Summary**

Resolve 2009, chapter 173 denies authorization for final adoption of rules proposed by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control and pertaining to notification for outdoor pesticides applications.

Resolve 2009, chapter 173 was finally passed as an emergency measure effective March 25, 2010.

See the bill summary for LD 1547 for statutory changes to pesticides notification requirements.

**LD 1744      Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

**RESOLVE 174  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-668

This resolve provides for legislative review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops to Minimize Cross Contamination, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

### **Committee Amendment "A" (H-668)**

This amendment authorizes final adoption of the rule only if certain minor changes are made to clarify that the list of potential protective measures in Chapter 9, section 4, subsection 2 is a list of measures to consider; only measures appropriate to the crop and site need be employed.

### **Enacted Law Summary**

Resolve 2009, chapter 174 authorizes final adoption of a major substantive rule of the Department of Agriculture, Food and Rural Resources. The Chapter 9 rule requires use of best management practices for growing crops to minimize cross contamination.

Resolve 2009, chapter 174 was finally passed as an emergency measure effective March 16, 2010.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

LD 1753     **An Act To Adjust the Milk Handling Fee**

**PUBLIC 468  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

This bill adjusts the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

**Enacted Law Summary**

Public Law 2009, chapter 468 adjusts the rate schedule for the milk handling fee, establishing a minimum fee of 4¢ per gallon and a maximum fee of 84¢ per gallon.

Public Law 2009, chapter 468 was enacted as an emergency measure effective February 12, 2010.

LD 1758     **An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine**

**PUBLIC 467  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1758 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized by Public Law 2009, chapter 213, Part TTT, section 9. This bill makes statutory changes to the Maine dairy stabilization program and gives directives in unallocated law for further study and rulemaking by the Maine Milk Commission. It repeals provisions for the Maine Milk Income Loss Contract.

It raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11. It requires the Maine Milk Commission to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011 and authorizes the committee to submit legislation to the 125th Legislature.

**Enacted Law Summary**

Public Law 2009, chapter 467 directs the Maine Milk Commission to develop a method of comprehensive data collection to improve the reliability of future cost of production studies and to report on the method to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2011. The report must include a timeline for implementing the new data collection method and revising the tiers of production and target prices.

It requires the Maine Milk Commission to establish 4 tiers of production within the dairy stabilization program rather than 3 and establishes 4 tiers of production and target prices to be in effect until the next cost-of-production study is complete and revised production levels and target prices are adopted through rulemaking. It repeals provisions for a Maine Milk Income Loss Contract.

PL 2009, chapter 467 raises the cap on transfers from the dairy stabilization program in fiscal years 2009-10 and 2010-11 from \$13,349,000 to \$17,361,291 and authorizes the administrator of the Maine Milk Pool to make monthly adjustments in payments as needed in fiscal year 2010-11. It establishes methods for calculating payments and

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

specifies that reductions in payments for milk produced in June, July and August of 2010 are to reflect a 1:2 ratio between adjacent tiers.

Chapter 467 authorizes the joint standing committee of the Legislature having jurisdiction over agriculture matters to submit legislation to revise the tiers and target prices used to calculate dairy stabilization payments to the 125th Legislature.

Public Law 2009, chapter 467 was enacted as an emergency measure effective February 12, 2010.

See the bill summary for LD 1829 for subsequent revisions pertaining to the distribution of payments.

**LD 1765     Resolve, Regarding Legislative Review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

**RESOLVE 185  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM   MAJ OTP-AM   MIN	H-728

This resolve provides for legislative review of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

**Committee Amendment "A" (H-728)**

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the Commissioner of Agriculture, Food and Rural Resources to include requirements for the humane handling and slaughter of poultry in Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption prior to final adoption and authorizes the commissioner to finally adopt the rule without additional hearings or proceedings.

**Enacted Law Summary**

Resolve 2009, chapter 185 authorizes final adoption of Chapter 348: Poultry Slaughter and Processing with Grower/Producer Exemption provided requirements for the humane handling and slaughter of poultry are included in the rule.

Resolve 2009, chapter 185 was finally passed as an emergency measure effective March 31, 2010.

**LD 1788     Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales**

**RESOLVE 183**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS NASS R	OTP-AM	H-737 S-458   NUTTING J



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

This bill provides a credit to a milk handler for any fee paid under Title 36, chapter 721 on packaged milk that is sold or shipped out of state by a person other than the handler that paid the fee. The credit applies as long as that milk is not later imported for sale into this State.

### **Committee Amendment "A" (H-737)**

This amendment changes the bill to a resolve. It directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010 and directs the committee to discuss and develop recommendations during an authorized interim meeting of the committee. It authorizes the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature pertaining to the collection of the milk handling fee and barriers to increasing sales of Maine-produced milk in other states.

### **Senate Amendment "A" To Committee Amendment "A" (S-458)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over agricultural matters to submit a bill to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 183 directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to examine the collection of the milk handling fee and possible impacts of the fee on the sale of milk produced in Maine and destined for out-of-state retail markets. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than October 29, 2010.

**LD 1803      Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land**

**RESOLVE 209**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH	OTP-AM	H-723 H-824 FLAHERTY S-509 RAYE

This resolve authorizes land transactions and conveyance of easements on designated lands held by the Bureau of Parks and Lands within the Department of Conservation and by the Department of Inland Fisheries and Wildlife.

### **Committee Amendment "A" (H-723)**

This amendment terminates authorization for conveying power line easements in the Town of Sullivan and the Town of Franklin on April 1, 2013.

### **Senate Amendment "B" (S-509)**

This amendment authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey by quitclaim deed without covenant, for negotiated value, a parcel of land on the edge of a public boating facility to the municipal government of the Town of Lubec.

# Joint Standing Committee on Agriculture, Conservation and Forestry

## House Amendment "A" (H-824)

This amendment directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations with interested parties, including but not limited to abutting property owners, regarding granting easements on land adjacent to the Eastern Trail near the intersection of Blackpoint Road in Scarborough, Cumberland County, with such terms and conditions as the commissioner may direct.

### Enacted Law Summary

Resolve 2009, chapter 209 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to:

1. Convey to the municipal government of Monhegan Plantation any interests in Monhegan Plantation that may have reverted to the bureau;
2. Convey the right to cross the St. John Heritage Valley Trail in the Town of St. Francis to an abutter.
3. Convey a transmission line easement to Bangor Hydro Electric Company near Donnell Pond and Tunk Lake in the Town of Sullivan and the Town of Franklin in Hancock County providing the easement is conveyed prior to April 1, 2013;
4. Together with the Land for Maine's Future Board, to allow the Frenchman Bay Conservancy to convey a transmission line easement to Bangor Hydro Electric Company across Schoodic Bog in the Town of Sullivan in Hancock County providing the easement is conveyed prior to April 1, 2013;
5. Sell a lot with a garage in Big Lake Township in Washington County; and
6. Convey a parcel of land to the Town of Lubec.

Chapter 209 also authorizes the Commissioner of Inland Fisheries and Wildlife to convey a parcel of land in the Town of Kennebunk in York County to Central Maine Power Company and directs the Commissioner of Inland Fisheries and Wildlife to initiate negotiations to grant easements on land adjacent to the Eastern Trail near the intersection of Black Point Road in Scarborough.

**LD 1806 An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act**

**PUBLIC 552**

Sponsor(s)

Committee Report

Amendments Adopted

H-686 HAYES

This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under the Government Evaluation Act. It changes the names of the divisions within the department to reflect the restructuring that began with the elimination of a director's position for the Division of Marketing and Production in Public Law 2009, chapter 462, An Act to Implement the Recommendations of the Initiative to Streamline State Government and to Make Other Necessary Changes to Law.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule

## Joint Standing Committee on Agriculture, Conservation and Forestry

for agency reviews under the Government Evaluation Act.

### House Amendment "A" (H-686)

This amendment, presented on behalf of the Committee on Bills in the Second Reading, corrects dates for agency reviews under the Government Evaluation Act.

### Enacted Law Summary

Public Law 2009, chapter 552 revises the names of the divisions within the department to reflect the restructuring of the Department of Agriculture, Food, and Rural Resources from 4 divisions to 3: the Division of Quality Assurance and Regulation, the Division of Agriculture Resources Development and the Division of Animal and Plant Health.. It removes the requirement that the commissioner establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act. The Department of Agriculture, Food, and Rural Resources and the Baxter State Park Authority are scheduled for review again in 2017.

It amends Resolve 2009, c 63 to remove the requirement that the Commissioner of Agriculture, Food, and Rural Resources establish best management practices for poultry production in rule. It also updates the proposed schedule for agency reviews under the Government Evaluation Act.

**LD 1809     An Act To Facilitate Communication between the Department of  
Administrative and Financial Services, Bureau of Revenue Services and  
the Department of Conservation, Bureau of Forestry**

**PUBLIC 568  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP	

This bill requires the Department of Conservation, Bureau of Forestry, to make information contained in certain landowner reports available to the State Tax Assessor for use in administering the commercial forestry excise tax and other taxes in the Maine Revised Statutes, Title 36. It authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

### Enacted Law Summary

Public Law 2009, chapter 568 requires the Department of Conservation, Bureau of Forestry to make information in the harvest and silvicultural practices reports submitted by owners of forest land available to the State Tax Assessor for use in administering tax laws in the Maine Revised Statutes, Title 36. Prior to enactment of chapter 568, the bureau was required to make this information available to the Bureau of Revenue Services for use in administering the Tree Growth Tax Law. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 extends the requirement that the Department of Conservation, Bureau of Forestry make information in forest harvest reports and silvicultural practices reports available to the State Tax Assessor for use in administering the Tree Growth Tax Law, making that information available for administering the commercial forestry excise tax and other taxes laws in the Maine Revised Statutes, Title 36. It also authorizes employees of the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose information pertaining to the assessment and collection of the commercial forestry excise tax to the Department of Conservation

*Joint Standing Committee on Agriculture, Conservation and Forestry*

to facilitate administration of the commercial forestry excise tax.

Public Law 2009, chapter 568 was enacted as an emergency effective March 29, 2010.

**LD 1821     An Act Pertaining to Sales Tax Exemptions for Products Purchased for  
Agricultural Use**

**PUBLIC 632**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry submitted pursuant to Resolve 2009, chapter 25, section 3. It clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post certain information on the website maintained by the Bureau of Revenue Services.

**Enacted Law Summary**

Public Law 2009, chapter 632 clarifies that antiseptics and cleaning agents used in commercial animal agricultural production are exempt from sales tax. It requires the State Tax Assessor to post on the Bureau of Revenue Services' publicly accessible website a list of products used in agricultural production for which a determination on tax exempt status has been made. The State Tax Assessor is required to post information regarding the process by which a person can request a refund for or appeal a decision by the assessor regarding sales tax paid on products used in commercial agricultural and silvicultural production or in animal agriculture and refunds of sales taxes paid on depreciable machinery and equipment or electricity for use in commercial agricultural production, commercial fishing or commercial aquacultural production.

**LD 1829     An Act To Support the Dairy Industry**

**PUBLIC 594**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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PIEH  
BRYANT B

This bill directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program only if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. Prior legislation enacted as Public Law 2009, chapter 467 authorized payment reductions if projections indicated the cap would be reached before June 30, 2011. It clarifies that the mechanism established in chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011. (See bill summary for LD 1758)

**Enacted Law Summary**

Public Law 2009, chapter 594 directs the administrator of the Maine Milk Pool to reduce payments under the dairy stabilization program if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011. It clarifies that the mechanism provided in Public Law 2009, chapter 467 for calculating payments on milk produced in June 2010, July 2010 and August 2010 is only used if projections indicate that the cap will be reached prior to March 1, 2011.

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**SUBJECT INDEX**

*Agriculture*

Enacted

LD 1586	An Act To Amend the Definition of "Farmers' Market"	PUBLIC 547 EMERGENCY
LD 1744	Resolve, Regarding Legislative Review of Chapter 9: Rule Requiring Best Management Practices for Growing Crops To Minimize Cross Contamination, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 174 EMERGENCY
LD 1806	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act	PUBLIC 552
LD 1821	An Act Pertaining to Sales Tax Exemptions for Products Purchased for Agricultural Use	PUBLIC 632

*Animal Control, Health and Welfare*

Enacted

LD 1587	An Act To Amend the Animal Welfare Laws	PUBLIC 548 EMERGENCY
LD 1598	An Act To Strengthen the Laws against Cruelty to Animals	PUBLIC 573

Not Enacted

LD 1684	An Act To Amend the Laws That Provide an Exemption for Agricultural Guard Dogs from Municipal Ordinances Governing Barking Dogs	ONTP
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*Dairy and Livestock*

Enacted

LD 1238	An Act Concerning the National Animal Identification System	PUBLIC 544
LD 1517	Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission	RESOLVE 155 EMERGENCY
LD 1753	An Act To Adjust the Milk Handling Fee	PUBLIC 468 EMERGENCY

LD 1758	An Act To Implement the Recommendations of the Task Force on the Sustainability of the Dairy Industry in Maine	PUBLIC 467 EMERGENCY
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LD 1788	Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources To Examine the Collection of the Milk Handling Fee on Packaged Milk for Out-of-state Sales	RESOLVE 183
LD 1829	An Act To Support the Dairy Industry	PUBLIC 594

Not Enacted

LD 628	An Act To Allocate Prospective Federal Funding To Support Maine's Dairy Industry	ONTP
LD 1182	An Act To Prevent Price Gouging in the Sale of Milk	ONTP
LD 1698	An Act To Prevent the Spread of Eastern Equine Encephalitis	ONTP

*Department of Conservation - Maine Forest Service*

Enacted

LD 1809	An Act To Facilitate Communication between the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Conservation, Bureau of Forestry	PUBLIC 568 EMERGENCY
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*Land Preservation, Public Access and Land Transfers*

Enacted

LD 687	Resolve, To Direct the Department of Conservation To Seek To Acquire Public Access to the Dead River	RESOLVE 153
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*Land transactions*

Enacted

LD 1803	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife and Directing the Initiation of Negotiations Regarding Easements on Certain Land	RESOLVE 209
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*Pesticides*

Enacted

LD 1239	An Act To Provide Funding To Educate Homeowners in Integrated Pest Management	P & S 31
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<b>LD 1547</b>	<b>An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment</b>	<b>PUBLIC 584 EMERGENCY</b>
<b>LD 1726</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control</b>	<b>RESOLVE 173 EMERGENCY</b>

*Plant Protection*

Enacted

<b>LD 1585</b>	<b>Resolve, To Enhance Protection of Maine Farms and Nurseries</b>	<b>RESOLVE 159 EMERGENCY</b>
<b>LD 1607</b>	<b>An Act To Regulate the Transportation of Firewood</b>	<b>PUBLIC 585 EMERGENCY</b>

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

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

April 2010

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*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 957      An Act To Establish a New Method of Determining the State Budget**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY RAYE	ONTP MAJ OTP-AM MIN	

This bill was carried over from the 1st Regular Session. 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, 2012. It also provides that the state budget beginning on July 1, 2011 is a one-year budget.

**LD 1387      An Act To Strengthen Maine's Financial Future in Perpetuity**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	ONTP	

This bill was carried over from the 1st Regular Session. This bill establishes the Irrevocable Budget Trust Fund and requires the Legislature to appropriate 5% of General Fund revenues to the Irrevocable Budget Trust Fund beginning with fiscal year 2010-11. The Treasurer of the State and the State Controller, as trustees of the fund, are required to invest the money in the fund. Beginning with fiscal year 2011-12, 5% of the earnings in the fund are transferred back to the General Fund.

**LD 1481      An Act To Authorize a General Fund Bond Issue To Fund Energy  
Efficiency Investments for Maine's Future**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This bill was carried over from the 1st Regular Session. This bill was reported to the House for the Joint Select Committee on Maine's Energy Future pursuant to Joint Order 2007, H.P. 63. and committed to the Committee on Appropriations and Financial Affairs. The funds provided by this bond issue will be used to provide for investments in weatherization and energy efficiency projects and green energy workforce development.

LD 913, as enacted (Public Law 2009, chapter 414, Part D) contains a similar bond proposal for weatherization and energy efficiency projects. LD 1826, as enacted, amended Public Law 2009, chapter 414, Part D to delete the provision of funds to the Public Utilities Commission for energy efficiency programs.

*Joint Standing Committee on Appropriations and Financial Affairs*

LD 1594 An Act To Restore Longevity Pay

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	ONTP	

This bill restores funding for longevity payments to state, judicial and legislative employees.

LD 1671 (the Supplemental Budget), as enacted, includes a restoration of longevity payments in the second year of the biennium.

LD 1668 An Act To Implement the Recommendations of the Initiative To Streamline State Government and To Make Other Necessary Changes to Law

**PUBLIC 462  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-585

LD 1668 is a result of the work of the Appropriations and Financial Affairs Committee pursuant to Public Law 2009, chapter 213 Part QQQ.

**Committee Amendment "A" (H-585)**

This amendment makes several technical changes to the bill and authorizes the Department of Education to temporarily adjust payments to local school administrative units under the General Purpose Aid for Local Schools program in fiscal year 2009-10 pursuant to the curtailment of the allotment of \$38,098,223 contained in Executive Order 05 FY 10/11 dated November 20, 2009. The action is intended to avoid overpayments of school subsidies to certain local school administrative units that may occur if the full reduction proposed in L.D. 1671, the Governor's Supplemental Budget, is enacted by the Legislature.

**Enacted Law Summary**

Public Law 2009, chapter 462 does the following:

PART A makes appropriations and allocations.

PART B transfers the General Fund share of excess equity reserve for workers' compensation from the Workers' Compensation Management Fund to the unappropriated surplus of the General Fund; transfers the equitable share of workers' compensation excess equity reserve to each participating fund; and requires the State Budget Officer to calculate and distribute achieved through an adjustment in the rates for workers' compensation.

PART C lapses a specified amount from the unencumbered balance in All Other from the General Fund Debt Service Payments account in the office of the Treasurer of State to the General Fund.

PART D eliminates the requirement that the Secretary of State publish information about certain ballot questions in the State's daily newspapers.

*Joint Standing Committee on Appropriations and Financial Affairs*

PART E increases the amount of the fixed transfers from the Local Government Fund to the General Fund from the state-municipal revenue sharing.

PART F authorizes the Commissioner of Conservation to install fee collection stations at unstaffed entrances of certain state parks and historic sites and establish fees to generate specified additional undedicated General Fund revenue.

PART G requires that all unspent Personal Services appropriations in executive branch agencies lapse to the Salary Plan program, General Fund account and lapses additional specified amounts in fiscal year 2009-10 and fiscal year 2010-11 to the General Fund to recognize the additional transfers to the Salary Plan as General Fund savings.

PART H limits slot machine revenue credited to the Fund for a Healthy Maine to a specified annual amount in fiscal years ending June 30, 2010, June 30, 2011 and June 30, 2012.

PART I repeals a provision of law that allows General Fund balances in the State Supplement to Federal Supplemental Security program to carry forward from one fiscal year to the next and prohibits the transfer by financial order of State Supplement to Federal Supplemental Security program funds.

PART J establishes an annual limit on the amount of General Fund appropriations the Driver Education and Evaluation Programs may receive.

PART K removes the Director, Division of Market and Production Development from the list of major policy-influencing positions within the Department of Agriculture, Food and Rural Resources.

PART L authorizes the Department of Education to temporarily adjust payments to local school administrative units under the General Purpose Aid for Local Schools program in fiscal year 2009-10 pursuant to the curtailment of the allotment contained in Executive Order 05 FY 10/11 dated November 20, 2009.

Public Law 2009, chapter 462 was enacted as an emergency measure effective January 21, 2010.

**LD 1671 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011**

**PUBLIC 571  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM	H-790 H-798 CAIN

LD 1671 is the Governor's proposed Supplemental Budget Bill for the 2010-2011 biennium.

**Committee Amendment "A" (H-790)**

This is the unanimous report of the Committee in response to the Governor's proposed bill.

**House Amendment "C" To Committee Amendment "A" (H-798)**

This amendment makes technical corrections to Committee Amendment "A".

## *Joint Standing Committee on Appropriations and Financial Affairs*

### **Enacted Law Summary**

Public Law 2009, chapter 571 achieves a net savings to the General Fund of \$360,377,841 and a net savings to the Fund for a Healthy Maine of \$11,894,553.

PART A makes appropriations and allocations of funds for the 2010-2011 biennium.

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

PART C authorizes the consolidation of information technology funding into a separate program account within each agency while allowing those accounts containing information technology funds that currently carry forward to continue to do so.

PART D transfers unexpended funds from the Baxter Compensation Authority account to the General Fund.

PART E relates to the funding of K-12 education.

PART F lapses certain unencumbered balances and transfers certain unexpended funds within the Department of Administrative and Financial Services accounts to the General Fund.

PART G transfers certain unexpended funds within the Department of Administrative and Financial Services accounts to the General Fund.

PART H transfers certain unexpended funds within various Capital Construction Reserve Fund accounts to the General Fund unappropriated surplus.

PART I transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Administrative and Financial Services to the General Fund.

PART J transfers excess equity reserves for fiscal years 2008-09 and 2009-10 and savings from rate reductions for retiree health insurance in fiscal year 2010-11 to the General Fund and requires the State Budget Officer to distribute the statewide deappropriation.

PART K transfers certain unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account to the General Fund.

PART L transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the General Fund.

PART M transfers unexpended balances and the increase in revenue projected by the Revenue Forecasting Committee and enhanced federal medical assistance percentage under the American Recovery and Reinvestment Act of 2009 from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund.

PART N requires the calculation and distribution of the savings in the Statewide Service Center account to each General Fund account for executive branch departments and agencies statewide from a reduction in retiree health insurance rates.

PART O requires the expedited repayment to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation of the unpaid balance of the initial deposit made to the Payroll Processor Recovery Fund maintained by the Finance Authority of Maine.

## *Joint Standing Committee on Appropriations and Financial Affairs*

PART P lapses an unencumbered balance forward of the Maine State Library, Library Special Acquisitions Fund program to the General Fund.

PART Q lapses a specified unencumbered balance forward in the Maine State Cultural Affairs Council, New Century Program Fund to the General Fund.

PART R transfers certain unexpended funds in the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account to the General Fund.

PART S lapses a specified unencumbered balance forward in the Pollution Control Structures program, General Fund account to the General Fund.

PART T requires the State Budget Officer to calculate and distribute projected additional General Fund savings from the Statewide Information Technology account to departments and agencies statewide.

PART U modifies the statute related to filing complaints regarding the education of children with disabilities.

PART V repeals the provision of law on subsidizable costs of operating child care programs in private secondary schools that references the Essential Programs and Services Funding Act.

PART W corrects a conflict in statute by removing the position of Director of Special Projects and External Affairs within the Department of Education from those that are appointed by, and serve at the pleasure of, the Commissioner of Education.

PART X moves the location of deposits of net proceeds from the sale of used computers and peripheral equipment by the Department of Education; makes a technical correction to the Department of Education accounting structure change previously enacted; amends Resolve 2007 chapter 217 to strike a requirement for a specific reimbursement from the Teacher Retirement Account; and corrects an erroneous carry forward of a specified balance in the Workshops Other Special Revenue Funds Account.

PART Y removes the requirement that the Emergency Medical Services print and distribute certain information that will be available electronically.

PART Z authorizes the Department of Administrative and Financial Services to enter into certificate of participation financing for the acquisition of State Police motor vehicles and enter into financing agreements for the acquisition of vehicles for the Central Fleet and transfers certain unexpended funds in various accounts of the Department of Public Safety to the General Fund.

PART AA lapses certain unencumbered balances forward and transfers certain unexpended funds in various Other Special Revenue Funds accounts in the Department of Conservation and authorizes the sale of a Jet Ranger Helicopter, and the transfer to the General Fund of the resulting proceeds, within a specified time period.

PART BB transfers unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account to the General Fund.

PART CC lapses specified amounts from accounts within the Legislature to the General Fund in each year of the biennium and adjusts appropriations to legislative branch departments related to the restoration of longevity payments and savings associated with rate reductions for retiree health insurance.

PART DD transfers certain unexpended funds from the Bureau of Revenue Services Fund to the General Fund.

PART EE repeals Public Law 2009, chapter 213 Part LLL, section 1 which provides for the calculation and transfer

## *Joint Standing Committee on Appropriations and Financial Affairs*

of savings from the elimination of positions in the Department of Corrections. The required savings is reflected in Part A of this bill.

PART FF directs the Commissioner of Administrative and Financial Services to deposit \$1,500,000 in proceeds from the sale or lease of state-owned properties to the General Fund.

PART GG adopts a new process for purposes of calculating the sales apportionment factor for C corporations.

PART HH creates a short-term and 5-year initiative to raise revenue and reduce outstanding tax receivables.

PART II excludes specified property used by a telecommunications business from the Business Tax Exemption program and the Business Equipment Tax Reimbursement program in specified application periods.

PART JJ requires an additional transfer from the Local Government Fund to the General Fund.

PART KK establishes an emergency contingency account for short-term use requiring legislative approval. Balances not committed by the legislature by a specified date are to be transferred to the Maine Budget Stabilization Fund.

PART LL changes the date of the employment tax increment financing deposit and corrects a conflict between 2 previously enacted laws.

PART MM adjusts the estimated reimbursement payment to municipalities under the Homestead Property Tax Exemption program.

PART NN provides that employees of the Finance Authority of Maine are eligible for participation in the state employee group health plan.

PART OO lapses a specified amount of unencumbered balance forward in the Compensation and Benefit Plan, General Fund account to the General Fund.

PART PP corrects the allocations from a previously authorized General Fund bond issue.

PART QQ transfers certain unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the General Fund.

PART RR authorizes the distribution of executive branch statewide savings from increased efficiencies and other cost reduction initiatives.

PART SS transfers savings from a return of excess equity and savings from a reduction in workers' compensation rates certain balances from Other Special Revenue Funds accounts to the General Fund.

PART TT transfers savings resulting from shutdown days and other statewide reductions previously authorized, from Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund.

PART UU amends current law on elective share in an estate matter in Probate Court.

PART VV establishes a one-time hospital assessment for state fiscal year 2010-11.

PART WW directs the Department of Health and Human Services to amend its rules to reduce the need for, and number of, medical assessments to determine nursing home medical eligibility.

## *Joint Standing Committee on Appropriations and Financial Affairs*

PART XX requires that any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

PART YY directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to make recommendations for changes to the allocation of watercraft registration fees between their departments.

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

PART AAA updates the base year for the hospital tax.

PART BBB transfers a specified amount from the General Fund to Other Special Revenue Funds accounts within the Department of Health and Human Services for indirect cost allocation settlements.

PART CCC authorizes a one-day borrowing, or interfund advance by the General Fund from Other Special Revenue Funds.

PART DDD directs the Governor to implement recommendations of the 2008 report of the natural resources agency task force appointed by the Governor relating to eliminating duplication and achieving efficiencies in the natural resources sector.

PART EEE requires the Department of Health and Human Services, Office of Health Data and Program Management to adopt rules to set the fees for obtaining copies of vital records at the September 2009 levels.

PART FFF requires the Department of Agriculture, Food and Rural Resources, Harness Racing Commission, the University of Maine System and the Maine Community College System to provide an annual report regarding funds received from the net slot machine revenue of a slot machine facility and requires the Joint Standing Committee on Legal and Veterans Affairs to meet during the interim to review the allocation of funds from slot machine facilities and any other allocation of funds regarding casinos approved by the Legislature or the voters in the State and make recommendations for changes.

PART GGG requires the Department of Health and Human Services to convene a provider working group to participate in the process of developing and implementing standardized rates for private nonmedical institutions, including substance abuse treatment facilities and community residences for persons with mental illness to achieve specified savings.

PART HHH directs the Treasurer of State to convene a working group to investigate opportunities to align the use of payment cards across State Government.

PART III requires the Department of Health and Human Services to review its rules regarding food handling requirements in nursing facilities.

PART JJJ amends the laws governing the health credit premium program by reducing the number of levels of the state share of the individual premium for the standard plan.

PART KKK increases the baseline appropriation for the Debt Service - UMS program within the University of Maine System.

PART LLL allows the University of Maine System, the Maine Community College System and the Maine Maritime Academy to impose a surcharge for the use of a credit card to pay for tuition, fees and other services under specified conditions.

## *Joint Standing Committee on Appropriations and Financial Affairs*

PART MMM restores longevity payments to employees of the executive, judicial and legislative branches of State Government in fiscal year 2010-11.

PART NNN provides that any All Other balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account must be carried forward to June 30, 2011 to be used for the same purposes.

PART OOO gives the Department of Health and Human Services the authority to adopt any emergency rules necessary to implement the provisions included in the bill that are under the department's jurisdiction without demonstrating that the rules are necessary to avoid a threat to the public health, safety or general welfare.

PART PPP allows the Department of Health and Human Services to eliminate a service in the MaineCare program under specified conditions.

PART QQQ extends the period between a regional school unit budget meeting at which the regional school unit's annual budget is approved and its budget validation referendum; establishes the year for regional school units to consider continued use of the budget validation referendum process; and provides a method to reinstate the referendum.

PART RRR allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units.

PART SSS continues the authorization for any unencumbered Personal Services balances in the accounts that provide the General Fund match for eligible disproportionate share hospital components in the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center to be transferred to the All Other line category by financial order.

PART TTT provides the methodology for distributing the fundwide deallocation from the Fund for a Healthy Maine and authorizes transfer of the savings to the applicable programs.

PART UUU increases the transfers to the Maine Budget Stabilization Fund.

PART VVV provides additional time for a school administrative unit to comply with the reorganization law under specified conditions.

PART WWW allows the State Board of Property Tax Review to charge fees for petitions for appeal that are filed with the board and creates the Property Tax Review Board Fund, in which fees are deposited to assist in funding the board and establishes filing fees.

PART XXX extends the amount of time that the carry-forward of a school administrative unit's unallocated balances may exceed 3% of the previous fiscal year's school budget.

PART YYY directs the State Librarian to designate a nonprofit organization as the private support organization for the Maine State Library.

PART ZZZ requires the Commissioner of Education and the Commissioner of Health and Human Services to present a status report to the Joint Standing Committee on Education and Cultural Affairs regarding the financial implications of implementing any proposed changes to the Department of Health and Human Services rules pertaining to MaineCare.

PART AAAA directs the State Board of Corrections to continue efforts to achieve efficiencies within the unified correctional system and directs counties to participate in the board's initiatives.



## *Joint Standing Committee on Appropriations and Financial Affairs*

PART BBBB adds a one-time increase to the commercial forestry excise tax and requires the State Tax Assessor to report on the effect of the per acre tax rate of additional acreage added to the tax base and additional collections from enforcement activities.

PART CCCC requires the Department of Health and Human Services to convene a stakeholder group to redesign the shared living home model of housing and services for adults with developmental disabilities; requires the department to provide certain training; specifies a required reduction in the program; and requires the establishment of a reimbursement structure that produces a specified amount in General Fund savings.

PART DDDD requires the Department of Health and Human Services to amend rules regarding state survey follow-ups for minor deficiencies to reduce the need for nursing facility survey revisits.

PART EEEE amends a resolve enacted in the First Regular Session of the 124th Legislature establishing a task force on kinship families.

PART FFFF requires the Commissioner of Administrative and Financial Services and the Commissioner of Public Safety to convene a study group to evaluate gambling and liquor-related oversight activities.

PART GGGG exempts the Department of Conservation, Division of Forest Protection from the provision of the Maine Revised Statutes that lapses unexpended General Fund Personal Services appropriations to the Salary Plan program, General Fund account at the close of each fiscal year.

PART HHHH provides that the Commissioner of Public Safety, under the direction of the Gambling Control Board, shall hire an executive director and that the director shall hire staff in accordance with the Civil Service Law.

PART IIII provides deappropriations of salary savings from the Department of Health and Human Services and authorizes its distribution.

PART JJJJ requires a review of certain functions of the Executive Department, State Planning Office to achieve specified General Fund savings.

PART KKKK transfers a specified amount from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services for the federal disallowance related to targeted case management services provided in 2002 and 2003.

PART LLLL directs the Department of Administrative and Financial Services, State Liquor and Lottery Commission to enter into an agreement to offer the multijurisdictional lottery game known as Mega Millions and to adopt routine technical rules to implement the lottery game.

PART MMMM suspends the cost-of-living adjustment in the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges for one year.

PART NNNN authorizes the Commissioner of Conservation to install fee collection containers at certain unstaffed state parks and historic sites and establish fees to generate a specified amount of additional undedicated General Fund revenue.

PART OOOO directs the Governor to implement a statewide curtailment of General Fund allotments no later than October 1, 2010 to replace unrealized budgeted savings if the extension of the enhanced Medicaid matching is not enacted by the United States Congress by July 1, 2010.

PART PPPP requires the Department of Health and Human Services to convene a working group of stakeholders to conduct a study and make recommendations regarding the delivery of mental health and substance abuse outpatient

*Joint Standing Committee on Appropriations and Financial Affairs*

services.

PART QQQQ requires the Department of Health and Human Services to convene a stakeholder advisory group to provide guidance to the department regarding the transition to managed care for the MaineCare program.

PART RRRR directs the Department of Health and Human Services to use funds provided to adjust MaineCare rates, where necessary and applicable, to actuarially based rates. Only those rates for services that would otherwise be subject to a 10% rate reduction in Part A may be considered for the purpose of this Part.

PART SSSS directs the Department of Health and Human Services to establish a rate structure that supports 2 levels of crisis services.

Public Law 2009, chapter 451 was enacted as an emergency measure effective March 31, 2010.

**LD 1748 An Act To Authorize a General Fund Bond Issue To Purchase and Upgrade Trackage of the Montreal, Maine and Atlantic Railway**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT JACKSON	ONTP	

The funds provided by this bond issue will be used to purchase and upgrade 241 miles of track of the Montreal, Maine and Atlantic Railway to maintain service to towns in the northern part of the State and to prevent closure of this trackage.

LD 1748 was originally referred to the Joint Standing Committee on Transportation, which issued a divided report: The majority report of that committee was OTP-A with the amendment being the addition of a fiscal note; the minority report was ONTP. The bill was then committed to the Appropriations and Financial Affairs Committee, which reported the bill out ONTP.

LD 1826, as enacted, contains a similar bond proposal.

**LD 1761 An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

The funds provided by this bond issue will be used to purchase the software and the hardware necessary for health care providers to exchange patients' health care records electronically.

LD 1761 was originally referred to the Committee on Health and Human Services. That committee reported the bill out in an amended form, Committee Amendment "A" (S-445), which proposed the following: establishing the Electronic Medical Records Infrastructure Program and associated fund within the Finance Authority of Maine; providing that the fund is administered by a person designated by the Governor; authorizing the fund to provide loans to qualified recipients to establish an electronic medical records infrastructure to allow health care providers to exchange patients' health care records electronically; authorizing the fund to provide grants to



*Joint Standing Committee on Appropriations and Financial Affairs*

LD 1826 **An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election**

**PUBLIC 645  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM MAJ ONTP MIN	H-830 S-546 DIAMOND

LD 1826 is the Governor's proposed bond issue.

**Committee Amendment "A" (H-830)**

This is the majority report of the Committee in response to various general obligation bond proposals.

Part A authorizes a \$69,800,000 bond issue for improvements to highways, railroads and marine facilities, including port and harbor structures. Part A requires a June 2010 referendum.

Part B increases the amount of the bond request in Public Law 2009, chapter 414, Part C by \$5,200,000 for the Safe Drinking Water Revolving Loan Fund and the Wastewater Treatment Facility State Revolving Loan Fund.

Part C amends Public Law 2009, chapter 414, Part D to increase the amount of the bond request for the Maine Marine Wind Energy Demonstration Site Fund by \$5,000,000 so that the Efficiency Maine Trust programs can accelerate wind energy components manufacturing in Maine.

Part D authorizes a \$5,000,000 bond issue. An amount of \$3,500,000 is to be awarded on a competitive basis for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$1,500,000 is to be used to upgrade community-based health and dental care clinics across the State to increase their capacity.

Part E establishes a regular monitoring requirement regarding grant recipients of funding authorized in Part D.

Part F establishes the Oral Health Advisory Committee to award the funds authorized in Part D.

Part G makes Part E and Part F contingent on passage of the General Fund bond issue described in Part D.

Part H transfers \$2,128,500 from the short-term emergency reserve account to offset the General Fund appropriations added for the additional debt service costs in fiscal year 2010-11.

**Senate Amendment "J" To Committee Amendment "A" (S-546)**

This amendment amends Committee Amendment "A" to:

1. Add an emergency preamble and emergency clause;
2. Reduce the amount in bonds authorized for the purchase and preservation of railroad track in Aroostook County;
3. Reduce the amount in bonds authorized for the Mountain Division Railroad;
4. Reduce the amount in bonds authorized for the Ocean Gateway deep water pier;
5. Reduce the amount in bonds authorized for the Small Harbor Improvement Program;
6. Authorize the specific allocation of \$4,000,000 of the transportation bond approved by voters in November 2009 to be used for capital rail purposes;
7. Direct the Governor to establish an Aroostook County rail task force;
8. Eliminate the increases in the amount of the bond request in Public Law 2009, chapter 414, Part C for the Safe Drinking Water Revolving Loan Fund and the Wastewater Treatment Facility State Revolving Loan Fund;
9. Eliminate the allocation in the bond request in Public Law 2009, chapter 414, Part D for weatherization and energy efficiency programs; and
10. Appropriate funds and transfer funds from the Maine Budget Stabilization Fund and the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to partially fund the acquisition of railroad trackage; and reduce the amount of the one-day borrowing from Other Special Revenue Funds authorized in Public Law 2009, chapter 571, Part CCC.

## *Joint Standing Committee on Appropriations and Financial Affairs*

### **Enacted Law Summary**

Public Law 645 authorizes the issuance of new bonds in the amount of \$57,900,000 and eliminates or reduces previously authorized bond requests in the amount of \$13,500,000 for a net increase in bond authorizations of \$44,300,000.

Part A authorizes a \$47,800,000 bond issue for improvements to highways, railroads and marine facilities, including port and harbor structures. Part A requires a June 2010 referendum.

Part B directs the Governor to establish an Aroostook County rail task force.

Part C eliminates the allocation in the bond request in Public Law 2009, chapter 414, Part D for weatherization and energy efficiency programs and changes the allocation in the bond request in Public Law 2009, chapter 414, Part D for the Maine Marine Wind Energy Demonstration Site fund from the Department of Administrative and Financial Services to the University of Maine System, increases that allocation for an additional specified purpose and adds a leverage requirement.

Part D authorizes a \$5,000,000 bond issue. An amount of \$3,500,000 is to be awarded on a competitive basis for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$1,500,000 is to be used to upgrade community-based health and dental care clinics across the State to increase their capacity.

Part E establishes a regular monitoring requirement regarding grant recipients of funding authorized in Part D.

Part F establishes the Oral Health Advisory Committee to award the funds authorized in Part D.

PART G makes Part E and Part F contingent on passage of the General Fund bond issue described in Part D.

PART H repeals Public Law 2009, c. 213, Part DD, §§2 to 5 which authorizes the transfer from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers program General Fund account to be used for obligations of the MaineCare program and for hospital settlements. This part also appropriates \$7,000,000 to fund the acquisition of railroad track in Aroostook County; transfers funds from the Maine Budget Stabilization Fund and the short-term emergency contingency account established pursuant to Public Law 2009, chapter 571, Part KK to partially fund the acquisition; and reduces the amount of the one-day borrowing from Other Special Revenue Funds authorized in Public Law 2009, chapter 571, Part CCC.

PART I reduces the allocation in the bond request in Public Law 2009, chapter 414, Part B for the Maine Historic Preservation Commission by \$250,000 and the Small Enterprise Growth Fund by \$1,000,000.

PART J reduces the allocation in the bond request in Public Law 2009, chapter 414, Part E to the State Planning Office for the Land for Maine's Future Board working waterfront preservation activities by \$250,000.

Public Law 2009, chapter 645 was enacted as an emergency measure effective April 12, 2010.

*Joint Standing Committee on Appropriations and Financial Affairs*

LD 1830 An Act To Make Administrative Changes to Tax Laws To Maintain a  
Balanced Budget

P & S 41

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DIAMOND	OTP-AM MAJ ONTP MIN	H-825

Public Law 2009, chapter 382 is suspended pursuant to a people's veto. A referendum is scheduled to be held June 8, 2010. Certain dates contained in the law have passed so, in order to ensure the proper administration of the laws if the people's veto fails, this bill provides that the implementation dates specified in Public Law 2009, chapter 382 be extended for one year.

**Committee Amendment "A" (H-825)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 382 is suspended pursuant to a people's veto. A referendum is scheduled to be held June 8, 2010. Certain dates contained in the law have passed so, in order to ensure the proper administration of the laws if the people's veto fails, this bill provides that the implementation dates specified in Public Law 2009, chapter 382 be extended for one year.

*Joint Standing Committee on Appropriations and Financial Affairs*

SUBJECT INDEX

*Budget Bills*

Enacted

LD 1668	An Act To Implement the Recommendations of the Initiative To Streamline State Government and To Make Other Necessary Changes to Law	PUBLIC 462 EMERGENCY
LD 1671	An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011	PUBLIC 571 EMERGENCY

*Fiscal Policy*

Not Enacted

LD 957	An Act To Establish a New Method of Determining the State Budget	ACCEPTED ONTP REPORT
LD 1387	An Act To Strengthen Maine's Financial Future in Perpetuity	ONTP

*General Obligation Bond Bills*

Enacted

LD 1826	An Act To Authorize Bond Issues for Ratification by the Voters for the June 2010 Election and November 2010 Election	PUBLIC 645 EMERGENCY
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Not Enacted

LD 1481	An Act To Authorize a General Fund Bond Issue To Fund Energy Efficiency Investments for Maine's Future	ONTP
LD 1748	An Act To Authorize a General Fund Bond Issue To Purchase and Upgrade Trackage of the Montreal, Maine and Atlantic Railway	ONTP
LD 1761	An Act To Authorize a General Fund Bond Issue To Create a New Electronic Medical Records Infrastructure	ONTP
LD 1816	An Act To Authorize a Bond Issue for Ratification by the Voters for the June 2010 Election To Create Jobs in the State	ONTP

*Miscellaneous Funding and Other Requests*

Enacted

<b>LD 1825</b>	<b>Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located at 187-189 State Street, Augusta, Known as the Smith-Merrill House, and at 159 Hogan Road, Bangor, known as the Elizabeth Levinson Center</b>	<b>RESOLVE 205</b>
<b>LD 1830</b>	<b>An Act To Make Administrative Changes to Tax Laws To Maintain a Balanced Budget</b>	<b>P &amp; S 41</b>
<b><u>Not Enacted</u></b>		
<b>LD 1594</b>	<b>An Act To Restore Longevity Pay</b>	<b>ONTP</b>



STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH  
AND ECONOMIC DEVELOPMENT**

April 2010

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

**LD 1      An Act To Stimulate Capital Investment for Innovative Businesses in  
Maine**

**PUBLIC 633**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM MAJ ONTP MIN	S-378

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053. The 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 by means of a competitive selection. The Small Enterprise Growth Board 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 2031, and the bill restricts tax credit redemption to \$10,000,000 per year.

**Committee Amendment "A" (S-378)**

This amendment is the majority report of the committee and it replaces the bill with a smaller initiative to encourage, but not require, the Maine Public Employees Retirement System to invest in venture capital funds that are seeking to invest in Maine businesses in the targeted technology sectors. The amendment establishes an innovation finance program authorizing the Finance Authority of Maine to approve refundable tax credits equal to up to 80% of certain investments by the retirement system in venture capital funds that the authority determines will give strong consideration to investing in Maine businesses. Tax credits under this program are limited to \$20,000,000. No more than \$4,000,000 of tax credits may be placed at risk with respect to any single venture capital fund. The amendment includes a recapture provision where if the retirement system redeems a credit and subsequently achieves an aggregate annual return in excess of 8% on all investments under the program, it is required to return the excess to the State until it has reimbursed the credits redeemed. It also adds an exception from the laws governing public records by allowing the retirement system to protect the confidentiality of information that could impair the ability of the retirement system to obtain such information in the future or that could cause substantial harm to the retirement system or that could cause substantial harm to the venture capital funds into which the retirement system invests under the innovation finance program.

**Enacted Law Summary**

Public Law 2009, chapter 633 establishes an innovation finance program to encourage, but not require, the Maine Public Employees Retirement System to invest in venture capital funds that are seeking to invest in Maine businesses in the targeted technology sectors. The innovation finance program authorizes the Finance Authority of Maine to approve refundable tax credits equal to up to 80% of certain investments by the retirement system in venture capital funds that the authority determines will give strong consideration to

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

investing in Maine businesses. Tax credits under this program are limited to \$20,000,000. No more than \$4,000,000 of tax credits may be placed at risk with respect to any single venture capital fund. The law includes a recapture provision where if the retirement system redeems a credit and subsequently achieves an aggregate annual return in excess of 8% on all investments under the program, it is required to return the excess to the State until it has reimbursed the credits redeemed. It also adds an exception from the laws governing public records by allowing the retirement system to protect the confidentiality of information that could impair the ability of the retirement system to obtain such information in the future or that could cause substantial harm to the retirement system or that could cause substantial harm to the venture capital funds into which the retirement system invests under the innovation finance program.

**LD 91 An Act To Fund the Maine Downtown Center**

**P & S 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON GOODALL	OTP-AM	H-607

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053. This bill includes ongoing General Fund appropriations of \$75,000 per year to recapitalize the Maine Downtown Center.

**Committee Amendment "B" (H-607)**

This amendment strikes the appropriations and allocations section of the bill and replaces it with a one-time appropriation to the Executive Department, State Planning Office to recapitalize the Maine Downtown Center.

**Enacted Law Summary**

Private and Special Law 2009, chapter 42 provides a one-time appropriation to the Executive Department, State Planning Office to recapitalize the Maine Downtown Center.

**LD 272 An Act To License Home Building and Improvement Contractors**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD SCHNEIDER	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This bill creates the Maine Home Contractor Licensing Act. The bill contains provisions concerning: 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 of the Maine Home Contractor Licensing Board; and fees for licensing.

**Committee Amendment "A" (H-760)**

This amendment is the minority report of the committee and it replaces the bill. It creates the Maine Residential Builders and Specialty Contractors Act and establishes the Maine Residential Builders and Specialty Contractors Board within the Department of Professional and Financial Regulation, Office of Licensing and Registration.

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

Beginning January 1, 2013, the board will authorize persons to practice residential building by issuing a license to residential builders and a registration certificate to residential specialty contractors. It establishes the requirements for licensure as a residential builder and for registration as a residential specialty contractor and includes certain specific exemptions from licensure and registration. The amendment also provides for staggered initial appointments to the board and requires that all members be appointed to the board no later than May 1, 2011. The board is required to convene its first meeting no later than July 15, 2011.

**LD 355      An Act To Protect Residential Consumers of Home Heating Fuel**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This bill amends the statutory requirements for price protection and prepaid home heating oil, kerosene, liquefied petroleum gas and natural gas contracts to require these contracts to include a conspicuous cancellation clause in no less than 12-point boldface type of uniform font that clearly states the terms and conditions by which a consumer may be released from the obligations of the contract, including any fees, penalties, notice provisions and deadlines that may apply.

**LD 696      Resolve, To Reclaim Past Unredeemed Beverage Container Deposits**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L PERRY J	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session of the 124th Legislature pursuant to Joint Order H.P. 1053. This resolve seeks to recapture unredeemed or abandoned deposits from beverage containers subject to commingling agreements. Specifically, the resolves requires the Office of Program Evaluation and Government Accountability to conduct an audit to estimate deposit amounts unaccounted for during the last 15 years and requires initiators of deposits to pay the estimates, plus interest, within 60 days of notice from the department. Failure to pay will result in a daily fine added to the assessment.

**Committee Amendment "A" (H-599)**

This amendment is the minority report of the committee. This amendment incorporates a fiscal note.

**LD 1389      An Act To Create Regional Quality of Place Investment Strategies for  
High-value Jobs, Products and Services in Maine**

**PUBLIC 483**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ ONTP MIN	S-353

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

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

Part A establishes the Maine Quality of Place Council to act as a coordinating body for state and regional quality of place investment strategies. The council consists of state and regional public agency representatives and private citizens. Its responsibilities include working with other state agencies to recommend how state agencies may align their laws, programs and funding with a state quality of place investment strategy to support regional efforts and assessing how regional quality of place investment strategies align with state efforts. The council will also create performance measures to assess state and regional quality of place investment strategies. It will also award annually Maine Quality of Place Prosperity Awards recognizing the preservation, enhancing and marketing of Maine's quality of place assets to stimulate job creation and economic prosperity.

Part A also provides definitions for both state and regional quality of place investment strategies. It establishes a fund for implementing regional quality of place investment strategies. The fund will consist of any bond proceeds and any public and private contributions received for its purpose. This Part also requires applications for other state program funds to receive preference points if they are submitted as part of a regional quality of place investment strategy.

Part B requires regional planning and development districts that have in place a United States Department of Commerce, Economic Development Administration comprehensive economic development strategy to develop a regional quality of place investment strategy by engaging regional sector leaders, setting priorities and leveraging public and private development activities and funds.

Part C requires the Executive Department, State Planning Office to provide assistance to the Maine Quality of Place Council, engage in public education regarding asset-based investment strategies and a state quality of place investment strategy and work with regional planning and development districts to aid them in development of regional quality of place investment strategies.

### **Committee Amendment "A" (S-353)**

This amendment is the majority report of the committee and it strikes and replaces the bill. Like the bill, the amendment establishes the Maine Quality of Place Council. Under the amendment, the council is composed of 12 members, including 6 state agency representatives and 6 private citizens. The amendment requires that the council, in consultation with directors of economic development districts, establish standards and guidelines for regional quality of place investment strategies. It also requires the council to work with relevant state agencies to identify how they can actively promote, strengthen and support efforts to make best use of Maine's quality of place assets, including initiatives that support and implement regional quality of place investment strategies, and to encourage state agencies to fund projects that are identified as priorities in regional asset-based strategies developed by economic development districts. The amendment requires the council to coordinate its work with other state economic plans and with the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. The amendment defines "quality of place assets" to mean those exceptional, marketable, place-based competitive strengths, resources and advantages that drive the local and regional economy and its sustainability, including:

1. Sustainable economic activities based on natural resources, including farming, fishing, forestry, nature-based and heritage-based tourism and outdoor recreation and leisure;
2. Downtowns and community centers;
3. Historic buildings, structures and related facilities;
4. Arts, culture and creative economy activities;

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

5. Landscapes, including the working landscapes of farms, forests and waterfronts;
  6. Access to outdoor recreational activities and leisure over public and private lands, including motorized and nonmotorized activities;
  7. Skills and knowledge of a workforce that relate to quality of place, including but not limited to those of workers in fishing, farming, forestry, research, historic preservation, the arts and culture, tourism and outdoor recreation and leisure; and
  8. Intellectual assets, including schools and colleges, research institutes, museums and educational programs.
- The amendment further charges the Department of Economic and Community Development and the Executive Department, State Planning Office with jointly staffing the council and requires an annual report from the council to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

The amendment also provides that if an economic development district chooses to develop a regional quality of place assets inventory and regional quality of place investment strategy, then the district shall seek involvement from leading representatives of natural resources-based businesses, tourism, outdoor recreation and leisure, land conservation, arts and culture, historic preservation, downtown and community revitalization and municipal, transportation and workforce development interests within the region and any other entity that represents regional business or economic development interests, as well as consult with the council. It requires that, in addition to a regional quality of place assets inventory, a regional quality of place investment strategy must include identification of sustainable market opportunities that make best use of the region's identified quality of place assets, an investment plan that includes one or more initiatives designed to realize the identified market opportunities, priorities among the region's identified and recommended quality of place investments and initiatives, opportunities and approaches for leveraging other public and private development activities and funds to support the regional quality of place investment strategy and a plan to achieve full implementation, monitoring and measurement of the results of the strategy.

### **Enacted Law Summary**

Public Law 2009, chapter 483 establishes the Maine Quality of Place Council. The council is composed of 12 members, including 6 state agency representatives and 6 private citizens. The law requires that the council, in consultation with directors of economic development districts, establish standards and guidelines for regional quality of place investment strategies. It requires the council to work with relevant state agencies to identify how they can actively promote, strengthen and support efforts to make best use of Maine's quality of place assets, including initiatives that support and implement regional quality of place investment strategies, and to encourage state agencies to fund projects that are identified as priorities in regional asset-based strategies developed by economic development districts. It requires the council to coordinate its work with other state economic plans and with the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. It also defines "quality of place assets" to mean those exceptional, marketable, place-based competitive strengths, resources and advantages that drive the local and regional economy and its sustainability, including:

1. Sustainable economic activities based on natural resources, including farming, fishing, forestry, nature-based and heritage-based tourism and outdoor recreation and leisure;
2. Downtowns and community centers;
3. Historic buildings, structures and related facilities;
4. Arts, culture and creative economy activities;
5. Landscapes, including the working landscapes of farms, forests and waterfronts;

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- 6. Access to outdoor recreational activities and leisure over public and private lands, including motorized and nonmotorized activities;
- 7. Skills and knowledge of a workforce that relate to quality of place, including but not limited to those of workers in fishing, farming, forestry, research, historic preservation, the arts and culture, tourism and outdoor recreation and leisure; and
- 8. Intellectual assets, including schools and colleges, research institutes, museums and educational programs.

The law further charges the Department of Economic and Community Development and the Executive Department, State Planning Office with jointly staffing the council and requires an annual report from the council to the Governor and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. It also provides that if an economic development district chooses to develop a regional quality of place assets inventory and regional quality of place investment strategy, then the district shall seek involvement from leading representatives of natural resources-based businesses, tourism, outdoor recreation and leisure, land conservation, arts and culture, historic preservation, downtown and community revitalization and municipal, transportation and workforce development interests within the region and any other entity that represents regional business or economic development interests, as well as consult with the council. It requires that, in addition to a regional quality of place assets inventory, a regional quality of place investment strategy must include identification of sustainable market opportunities that make best use of the region's identified quality of place assets, an investment plan that includes one or more initiatives designed to realize the identified market opportunities, priorities among the region's identified and recommended quality of place investments and initiatives, opportunities and approaches for leveraging other public and private development activities and funds to support the regional quality of place investment strategy and a plan to achieve full implementation, monitoring and measurement of the results of the strategy.

**LD 1393     An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature by Joint Order, H.P. 1053. This bill provides a new exception category for qualification for Pine Tree Development Zone benefits for a seafood processing business that makes certain written commitments. The process for qualifying for this exception and the conditions for meeting those qualifications are similar to those that presently exist for manufacturing businesses in order for them to qualify for Pine Tree Development Zone benefits under circumstances in which they would not otherwise be qualified.

**LD 1499     An Act To Protect Confidential Consumer Records in Self-service Storage Facilities**

**PUBLIC 525**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-389

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

This bill protects the confidentiality of personal information relating to clients, customers or others with whom a tenant does business kept in self-service storage facilities if the tenant defaults on rental payments by requiring that the tenant notify the facility operator when the tenant intends to store such information, prohibiting the sale at auction of such information if the facility operator knows of its existence and requiring a purchaser of the contents of a unit to return any personal information.

### **Committee Amendment "A" (S-389)**

This amendment strikes language in the bill regarding requirements for a self-service storage rental agreement. It also adds medical information to the definition of "personal information" and makes other technical corrections to the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 525 protects the confidentiality of personal information relating to clients, customers or others with whom a tenant does business kept in self-service storage facilities if the tenant defaults on rental payments by requiring that the tenant notify the facility operator when the tenant intends to store such information, prohibiting the sale at auction of such information if the facility operator knows of its existence and requiring a purchaser of the contents of a unit to return any personal information.

**LD 1505      Resolve, To Ensure Consistency in the Scheduled Expiration of Terms  
of the Board Members of the Finance Authority of Maine**

**RESOLVE 162  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT SCHNEIDER	OTP-AM	H-657

This resolve amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine in order to ensure that the terms of the board members remain staggered in accordance with laws governing those terms.

### **Committee Amendment "A" (H-657)**

This amendment, like the resolve, amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine to ensure that the terms of the board members remain staggered. However, the amendment changes one of the board members, pushes back the terms affected and clarifies that members serve 4-year terms after the changed terms have expired.

### **Enacted Law Summary**

Resolve 2009, chapter 162 amends the terms of membership of 3 members of the board of directors of the Finance Authority of Maine to ensure that the terms of the board members remain staggered. It pushes back the terms affected and clarifies that members serve 4-year terms after the changed terms have expired.

Resolve 2009, chapter 162 was finally passed as an emergency measure effective March 17, 2010.



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

**LD 1520     An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents**

**PUBLIC 464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD SCHNEIDER	OTP	

This bill allows the Board of Dental Examiners to issue a temporary permit to a qualified individual to practice as a dental resident under the supervision of a licensed dentist within a board-approved dental residency program setting.

**Enacted Law Summary**

Public Law 2009, chapter 464 allows the Board of Dental Examiners to issue a temporary permit to a qualified individual to practice as a dental resident under the supervision of a licensed dentist within a board-approved dental residency program setting.

**LD 1530     An Act To Facilitate Recovery Zone Facility Bonds, Recovery Zone Economic Development Bonds and Qualified Energy Conservation Bonds**

**PUBLIC 517  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-381

This bill facilitates the issuance of recovery zone facility bonds authorized by the federal American Recovery and Reinvestment Act of 2009.

**Committee Amendment "A" (S-381)**

This amendment makes technical changes to the bill and creates a mechanism to allow for a reallocation process that waives each county's allocation for facility bonds, economic development bonds and qualified energy conservation bonds pursuant to the federal American Recovery and Reinvestment Act of 2009 to the Finance Authority of Maine and the Maine Municipal Bond Bank to enable the reallocation of the unused volume cap across the State in a timely manner.

**Enacted Law Summary**

Public Law 2009, chapter 517 facilitates the issuance of recovery zone facility bonds authorized by the federal American Recovery and Reinvestment Act of 2009. It creates a mechanism to allow for a reallocation process that waives each county's allocation for facility bonds, economic development bonds and qualified energy conservation bonds pursuant to the federal American Recovery and Reinvestment Act of 2009 to the Finance Authority of Maine and the Maine Municipal Bond Bank to enable the reallocation of the unused volume cap across the State in a timely manner.

Public Law 2009, chapter 517 was enacted as an emergency measure effective March 17, 2010.

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

LD 1541 An Act To Protect Consumers from Charges after a Free Trial Period

PUBLIC 502

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT SCHNEIDER	OTP-AM	H-626

This bill prohibits a merchant from offering a consumer product or service for a free trial period if the consumer is required to contact the merchant to avoid receiving additional products or services and incurring a financial obligation.

**Committee Amendment "A" (H-626)**

This amendment replaces the bill and makes the following changes to the laws governing required disclosures to consumers.

The amendment repeals the current prohibition on charges after a trial period and instead prohibits a seller from making a free offer to a consumer in Maine unless, at the time the consumer agrees to the free offer, the seller obtains directly from the consumer information necessary for billing the consumer and the seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer.

The amendment also repeals the current exception for sales under \$25 and adds a new exception for free offers where the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.

**Enacted Law Summary**

Public Law 2009, chapter 502 makes the following changes to the laws governing required disclosures to consumers:

1. It repeals the current prohibition on charges after a trial period and instead prohibits a seller from making a free offer to a consumer in Maine unless, at the time the consumer agrees to the free offer, the seller obtains directly from the consumer information necessary for billing the consumer and the seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer; and
2. It also repeals the current exception for sales under \$25 and adds a new exception for free offers where the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate.

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**LD 1572     An Act To Correct Errors in the Laws Relating to Unlicensed Practice  
and Other Provisions of the Professional and Occupational Licensing  
Laws**

**PUBLIC 465**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP	

This bill amends general provisions relating to the professional and occupational licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration to clarify the application of those provisions to regulatory functions of the office.

The bill also corrects incorrect statutory citations to "this Title" that were not updated when certain provisions were transferred from the Maine Revised Statutes, Title 32 to Title 10.

**Enacted Law Summary**

Public Law 2009, chapter 465 amends general provisions relating to the professional and occupational licensing programs within the Department of Professional and Financial Regulation, Office of Licensing and Registration to clarify the application of those provisions to regulatory functions of the office.

The law also corrects incorrect statutory citations to "this Title" that were not updated when certain provisions were transferred from the Maine Revised Statutes, Title 32 to Title 10.

**LD 1597     An Act To Clarify the Educational Requirements for Eligibility for  
Examination for Licensure as a Certified Public Accountant**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP MAJ OTP MIN	

This bill clarifies the law pertaining to the educational requirements for eligibility for examination for licensure as a certified public accountant and the requirements for licensure.

**LD 1608     Resolve, Directing the Commissioner of Professional and Financial  
Regulation To Study the Complaint Resolution Process**

**RESOLVE 191**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N GOODALL	OTP-AM	H-658 S-438 BARTLETT

This bill establishes the Independent Office of Administrative Law Judges to decide cases related to licensing complaints from licensing boards under the Department of Professional and Financial Regulation.

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

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

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department of Professional and Financial Regulation. It requires the Commissioner of Professional and Financial Regulation to submit any recommendations from the study to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011. It also authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to submit a bill regarding the subject matter of the study to the First Regular Session of the 125th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-438)**

This amendment removes the authority for the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to submit a bill to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 191 directs the Commissioner of Professional and Financial Regulation, in consultation with interested parties including the Maine Regulatory Fairness Board, to conduct a study of the need to establish protocols for the resolution of complaints made to occupational and professional licensing boards within and affiliated with the Department. It requires the Commissioner of Professional and Financial Regulation to submit any recommendations from the study to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 15, 2011.

**LD 1659 An Act To Enhance the Small Enterprise Growth Fund**

**PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP	

This bill allows the Small Enterprise Growth Board to establish and manage separate investment funds raised from entities other than the State.

**Enacted Law Summary**

Public Law 2009, chapter 475 allows the Small Enterprise Growth Board to establish and manage separate investment funds raised from entities other than the State.

**LD 1664 An Act To Enhance the Redevelopment of the Brunswick Naval Air Station**

**PUBLIC 641  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-503

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

This bill creates a fund to support Brunswick Naval Air Station redevelopment. Funds will be appropriated by the State, and the Midcoast Regional Redevelopment Authority is authorized to receive funds from gifts, grants, devises, bequests, trusts or security documents. This bill sets forth goals to be pursued by the Midcoast Regional Redevelopment Authority and directs the authority to include a report on its progress toward those goals in its annual report to the Governor and the Legislature. The Midcoast Regional Redevelopment Authority is given power to act as an airport authority. This bill also directs the Maine Community College System to establish the Advanced Technology and Engineering Center as a campus of Southern Maine Community College at Brunswick Naval Air Station.

### **Committee Amendment "A" (S-503)**

This amendment establishes the Brunswick Naval Air Station Job Increment Financing Fund to receive annually from the State 50% of the increase in Maine income tax withholding attributed to employees in the base area over the tax withholding at the base level of employment for a business, with payments made to the fund allocated as follows:

1. For payments transferred to the fund in 2011 and 2012, 100% must be allocated to Southern Maine Community College for use solely to fund the costs of higher education services, including, but not limited to, faculty and staff salaries and instruction, operations, equipment, maintenance and financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;
2. For payments made to the fund in 2013, 75% must be allocated to the college for the uses stated above and 25% must be allocated to the Midcoast Regional Redevelopment Authority for use solely to fund the costs of municipal services in the base area, including, but not limited to, water, sewer, electricity, telecommunications, fire protection, police protection, sanitation services and the maintenance of buildings, facilities, grounds and roads; and
3. For payments made to the fund in 2014 and after, 50% must be allocated to the college and 50% must be allocated to the authority.

The amendment provides that payments to the fund will no longer be made after January 1, 2031. It requires that if at least 5,000 net new jobs are created prior to 2031, the fund must be reviewed by the joint standing committee of the Legislature having jurisdiction over economic development matters in order to determine whether continuance of the fund is necessary. The amendment also changes the name of the Maine Community College System campus of Southern Maine Community College at Brunswick Naval Air Station, the creation of which is proposed in the bill, from the Advanced Technology and Engineering Center to the Midcoast Campus.

### **Enacted Law Summary**

Public Law 2009, chapter 641 amends the statutory goals and responsibilities of the Midcoast Regional Redevelopment Authority and provides the authority with the powers of a municipality to operate as an airport authority. It directs the authority to include in its annual report to the Governor and the Legislature a summary of its progress toward meeting these new goals. The law also directs the Maine Community College System to establish a Midcoast Campus of Southern Maine Community College at Brunswick Naval Air Station.

The law establishes the Brunswick Naval Air Station Job Increment Financing Fund to support Brunswick Naval Air Station redevelopment. The Fund will receive annually from the State 50% of the increase in Maine income tax withholding attributed to employees in the base area over the tax withholding at the base level of employment for a business, with payments made to the fund allocated as follows:

1. For payments transferred to the fund in 2011 and 2012, 100% must be allocated to Southern Maine Community College for use solely to fund the costs of higher education services, including, but not limited to, faculty and staff salaries and instruction, operations, equipment, maintenance and financing costs, including, but not limited to,

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closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

2. For payments made to the fund in 2013, 75% must be allocated to the college for the uses stated above and 25% must be allocated to the Midcoast Regional Redevelopment Authority for use solely to fund the costs of municipal services in the base area, including, but not limited to, water, sewer, electricity, telecommunications, fire protection, police protection, sanitation services and the maintenance of buildings, facilities, grounds and roads; and

3. For payments made to the fund in 2014 and after, 50% must be allocated to the college and 50% must be allocated to the authority.

The law provides that payments to the fund will no longer be made after January 1, 2031. It requires that if at least 5,000 net new jobs are created prior to 2031, the fund must be reviewed by the joint standing committee of the Legislature having jurisdiction over economic development matters in order to determine whether continuance of the fund is necessary.

Public Law 2009, chapter 641 was enacted as an emergency measure effective April 12, 2010.

### LD 1677 An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors

**PUBLIC 560  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-427

This bill prohibits the collection and use of personal information collected on the Internet from a minor who is at least 13 years of age and under 17 years of age for the purposes of pharmaceutical marketing in violation of rules adopted by the Attorney General. The bill requires the Attorney General to adopt rules consistent with the federal Children's Online Privacy Protection Act of 1998, 15 United States Code, Sections 6501 to 6506 (2007) and 16 Code of Federal Regulations, Part 312 (1999), which regulates the collection and use of personal information from children under 13 years of age on the Internet.

The rules, which are routine technical rules, must define "pharmaceutical marketing" in a manner that includes the business of advertising or otherwise promoting the sale of prescription and over-the-counter drugs, as regulated by the United States Food and Drug Administration, and ensures the adequate protection of the health and safety of minors who are at least 13 years of age and under 17 years of age. The bill establishes that a violation is an unfair trade practice as prohibited by the Maine Unfair Trade Practices Act.

#### **Committee Amendment "A" (S-427)**

This amendment adds an emergency preamble, emergency clause and new title to the bill. It also strikes everything in the bill except the repeal of the Maine Revised Statutes, Title 10, chapter 1055, which concerned data collection and marketing practices directed at minors.

#### **Enacted Law Summary**

Public Law 2009, chapter 560 repeals the Maine Revised Statutes, Title 10, chapter 1055, which concerned data collection and marketing practices directed at minors.

Public Law 2009, chapter 560 was enacted as an emergency measure effective March 29, 2010.

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**LD 1679    An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits**

**PUBLIC 627  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-400

This bill makes captive insurance companies located anywhere in the State eligible for Pine Tree Development Zone benefits for a 10-year period and provides for a 100% state income tax credit during that 10-year period. The bill also extends the availability of the income tax credit for all qualified Pine Tree Development Zone businesses for 10 years until 2029.

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

This amendment strikes sections of the bill that designate all captive insurance companies anywhere in the State as being in a tier 1 location for purposes of Pine Tree Development Zone benefits but leaves the amended definition of "financial services" within the Pine Tree Development Zone laws to clarify that captive insurance companies are part of the financial services sector and therefore eligible to apply for Pine Tree Development Zone benefits. It retroactively restores electricity rate benefits for qualified Pine Tree Development Zone businesses. The amendment also makes several technical corrections to the Pine Tree Development Zone laws in order to ensure that the tax benefits in the bill as amended expire on the same date. This amendment also makes those technical corrections retroactive to September 12, 2009, the date the law establishing tier 1 and tier 2 locations took effect. It makes a correction to the tax increment financing laws to reflect the changes made to the Pine Tree Development Zone laws.

**Enacted Law Summary**

Public Law 2009, chapter 627 amends the definition of "financial services" within the Pine Tree Development Zone laws to clarify that captive insurance companies are part of the financial services sector and therefore eligible to apply for Pine Tree Development Zone benefits. It retroactively restores electricity rate benefits for qualified Pine Tree Development Zone businesses. The law also makes several technical corrections to the Pine Tree Development Zone laws in order to ensure that the tax benefits in the bill as amended expire on the same date. This law also makes those technical corrections retroactive to September 12, 2009, the date the law establishing tier 1 and tier 2 locations took effect. It also makes a correction to the tax increment financing laws to reflect the changes made to the Pine Tree Development Zone laws.

Public Law 2009, chapter 627 was enacted as an emergency measure effective April 9, 2010.

**LD 1683    An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers**

**PUBLIC 562**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-396

This bill removes motorized recreational vehicles from the laws governing motor vehicle manufacturers, distributors and dealers and adds them to the laws governing nonmotorized recreational vehicles.

**Committee Amendment "A" (S-396)**

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This amendment makes several technical changes to the bill. It makes changes to the provisions governing good cause in dealer agreements, amends the number of days for written notice within survivorship provisions, amends the terms for reasonable compensation under the warranty and strikes the provision allowing the court to award attorney's fees and replaces it with the requirement that each party must be responsible for its own attorney's fees.

### **Enacted Law Summary**

Public Law 2009, chapter 562 removes motorized recreational vehicles from the laws governing motor vehicle manufacturers, distributors and dealers and adds them to the laws governing nonmotorized recreational vehicles.

**LD 1685    An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine**

**PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON	OTP-AM	H-753

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to enhance and clarify the licensing and oversight authority of the Mixed Martial Arts Authority of Maine, which is established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 4-D.

### **Committee Amendment "A" (H-753)**

This amendment replaces the bill, which was a concept draft. It authorizes the board of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections of mixed martial arts competitions, exhibitions or events and enhances enforcement mechanisms of the board. The amendment requires the authority to adopt rules regarding the certification process for authorized participants and a requirement that a physician be present during each mixed martial arts competition, exhibition or event. It allows the board to discipline authorized participants if they fail to adhere to the rules adopted by the authority and allows for fines up to \$500 for each violation. It extends the deadline for the authority to adopt rules from March 1, 2010 to October 15, 2010.

### **Enacted Law Summary**

Public Law 2009, chapter 582 authorizes the board of directors of the Mixed Martial Arts Authority of Maine to conduct specific inspections of mixed martial arts competitions, exhibitions or events and enhances enforcement mechanisms of the board. The law requires the authority to adopt rules regarding the certification process for authorized participants and adds the requirement that a physician be present during each mixed martial arts competition, exhibition or event. It allows the board to discipline authorized participants if they fail to adhere to the rules adopted by the authority and allows for fines up to \$500 for each violation. The law extends the deadline for the authority to adopt rules from March 1, 2010 to October 15, 2010.

**LD 1701    An Act To Facilitate an Increase in Sales of Motor Vehicles**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON ALFOND	ONTP	

This bill removes the current prohibition on sales of motor vehicles on Sunday. In addition, this bill repeals the existing exception from that prohibition for the sale of motor homes, which will no longer be necessary.



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

**LD 1702    An Act To Amend the Laws Governing Advanced Practice Registered Nurses**

**PUBLIC 512**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP	

This bill repeals a provision in the laws governing registered nurses relating to delegated medical procedures that are already within the scope of practice of certain advanced practice registered nurses.

**Enacted Law Summary**

Public Law 2009, chapter 512 repeals a provision in the laws governing registered nurses relating to delegated medical procedures that are already within the scope of practice of certain advanced practice registered nurses.

**LD 1743    An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds**

**P & S 33  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N SCHNEIDER	OTP-AM	H-624

This bill establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2010 and 2011. Under federal law, a maximum of \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010 and at least \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2011. This bill allocates the state ceiling among the state level issuers of tax-exempt bonds.

**Committee Amendment "A" (H-624)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2009, chapter 33 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2010 and 2011. Under federal law, a maximum of \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2010 and at least \$273,775,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2011. This law allocates the state ceiling among the state level issuers of tax-exempt bonds.

Private and Special Law 2009, chapter 33 was enacted as an emergency measure effective March 5, 2010.

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

LD 1774    **An Act To Strengthen Collection of Unredeemed Beverage Container Deposits**

**PUBLIC 592  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L SCHNEIDER	OTP-AM MAJ OTP-AM MIN	H-717

This bill amends the laws relating to beverage containers to provide that the Department of Agriculture, Food and Rural Resources may remove beverages from sale when the initiator of deposit is not in compliance with reporting and payment requirements.

This bill amends the laws governing the Department of Administrative and Financial Services, Bureau of Revenue Services to provide that the bureau may disclose to the Department of Agriculture, Food and Rural Resources registration, reporting and payment information necessary for the administration and enforcement of the beverage container laws.

**Committee Amendment "A" (H-717)**

This amendment is the majority report of the committee and incorporates a fiscal note.

**Committee Amendment "B" (H-718)**

This amendment is the minority report of the committee and replaces the bill with a provision that exempts wine distributors that are not participants in commingling agreements and that have wine distributing facilities in this State from the laws governing unclaimed deposits for beverage containers. This amendment also removes the emergency preamble and the emergency clause.

**Enacted Law Summary**

Public Law 2009, chapter 592 amends the laws relating to beverage containers to provide that the Department of Agriculture, Food and Rural Resources may remove beverages from sale when the initiator of deposit is not in compliance with reporting and payment requirements. It amends the laws governing the Department of Administrative and Financial Services, Bureau of Revenue Services to provide that the bureau may disclose to the Department of Agriculture, Food and Rural Resources registration, reporting and payment information necessary for the administration and enforcement of the beverage container laws.

Public Law 2009, chapter 592 was enacted as an emergency measure effective April 1, 2010.

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

**SUBJECT INDEX**

*Bonds*

Enacted

LD 1530	An Act To Facilitate Recovery Zone Facility Bonds, Recovery Zone Economic Development Bonds and Qualified Energy Conservation Bonds	PUBLIC 517 EMERGENCY
LD 1743	An Act To Provide for the 2010 and 2011 Allocations of the State Ceiling on Private Activity Bonds	P & S 33 EMERGENCY

*Business Regulation*

Enacted

LD 1683	An Act Regarding the Law Governing Recreational Vehicle Manufacturers, Distributors and Dealers	PUBLIC 562
LD 1774	An Act To Strengthen Collection of Unredeemed Beverage Container Deposits	PUBLIC 592 EMERGENCY

Not Enacted

LD 696	Resolve, To Reclaim Past Unredeemed Beverage Container Deposits	ACCEPTED ONTP REPORT
LD 1701	An Act To Facilitate an Increase in Sales of Motor Vehicles	ONTP

*Consumer Protection*

Enacted

LD 1499	An Act To Protect Confidential Consumer Records in Self-service Storage Facilities	PUBLIC 525
LD 1541	An Act To Protect Consumers from Charges after a Free Trial Period	PUBLIC 502
LD 1677	An Act Regarding the Laws Governing Data Collection and Marketing Practices Directed at Minors	PUBLIC 560 EMERGENCY

Not Enacted

LD 272	An Act To License Home Building and Improvement Contractors	DIED BETWEEN HOUSES
LD 355	An Act To Protect Residential Consumers of Home Heating Fuel	ONTP

### *Economic Development- Agencies*

#### Enacted

LD 1505	Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine	RESOLVE 162 EMERGENCY
LD 1664	An Act To Enhance the Redevelopment of the Brunswick Naval Air Station	PUBLIC 641 EMERGENCY

### *Economic Development-Programs*

#### Enacted

LD 1	An Act To Stimulate Capital Investment for Innovative Businesses in Maine	PUBLIC 633
LD 91	An Act To Fund the Maine Downtown Center	P & S 42
LD 1389	An Act To Create Regional Quality of Place Investment Strategies for High-value Jobs, Products and Services in Maine	PUBLIC 483
LD 1659	An Act To Enhance the Small Enterprise Growth Fund	PUBLIC 475
LD 1679	An Act To Create Jobs and Stimulate Economic Development by Making Captive Insurers Eligible for Pine Tree Development Zone Benefits	PUBLIC 627 EMERGENCY

#### Not Enacted

LD 1393	An Act To Provide an Exception to the Pine Tree Development Zone Requirements for Seafood Processing Businesses	ONTP
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### *Occupational and Professional Regulation*

#### Enacted

LD 1520	An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents	PUBLIC 464
LD 1572	An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws	PUBLIC 465
LD 1608	Resolve, Directing the Commissioner of Professional and Financial Regulation To Study the Complaint Resolution Process	RESOLVE 191
LD 1685	An Act To Clarify the Enforcement Role of the Mixed Martial Arts Authority of Maine	PUBLIC 582
LD 1702	An Act To Amend the Laws Governing Advanced Practice Registered Nurses	PUBLIC 512

#### Not Enacted



STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

April 2010

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REP. DAVID C. BURNS

## *Joint Standing Committee on Criminal Justice and Public Safety*

LD 568      **An Act To Amend the Sex Offender Registration Laws**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES DIAMOND	ONTP	

LD 568 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

This bill implements recommendations for immediate legislative changes to the Sex Offender Registration and Notification Act of 1999, as recommended by the Joint Standing Committee on Criminal Justice and Public Safety in its Final Report of the Criminal Justice and Public Safety Committee Study of Sex Offender Registration Laws in November 2008.

The bill 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. The fact that a person must previously have been convicted of a Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 offense against a victim who had not attained 14 years of age is material to the commission of the crime of prohibited contact with a minor. The bill also specifies that the person must initiate the direct or indirect contact with another person who has not attained 14 years of age.

The bill 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.

The bill 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.

The bill amends that part of the definition of "lifetime registrant" in the Sex Offender Registration and Notification Act of 1999 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. 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. This change would undo the expansion of 10-year registrants who became lifetime registrants with the 2005 change, including those registrants whose duty to register had ended prior to that change.

Changes proposed in LD 568 were enacted in Public Law 2009, chapter 365 during the First Regular Session of the 124th Legislature. LD 568 was considered as a vehicle for additional amendments to the Sex Offender Registration and Notification Act of 1999 during the Second Regular Session of the 124th Legislature, but changes to the SORNA of 1999 were adopted only in the committee bill, LD 1822, An Act to Further Amend

**Joint Standing Committee on Criminal Justice and Public Safety**

the Sex Offender Registration and Notification Act of 1999. LD 1822 was reported out of committee as a unanimous ought to pass report and went straight to the floor. LD 1822, now Public Law 2009, chapter 570, was enacted as an emergency measure effective March 30, 2010.

**LD 791      An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-364

This bill prohibits the furnishing of a place for minors to use illegal drugs. A person is guilty of furnishing a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs if that person knowingly furnishes a minor a place to use scheduled drugs, imitation scheduled drugs or counterfeit drugs. Violation of the offense would be a Class B crime if the violation involves a counterfeit drug or a schedule W drug, a Class C crime if the violation involves a schedule X, Y or Z drug and a Class D crime if the violation involves an imitation scheduled drug.

**Committee Amendment "A" (S-193)**

This amendment was adopted during the First Regular Session of the 124th Legislature. The amendment replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment also adds an appropriations and allocations section.

LD 791 was recommitted to the Committee on Criminal Justice and Public Safety after being removed from the Special Appropriations Table and was subsequently carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053.

**Committee Amendment "B" (S-364)**

This amendment was adopted by the Second Regular Session of the 124th Legislature. This intent of this amendment is the same as Committee Amendment "A." Committee Amendment "B" replaces the bill and mirrors the penalties for furnishing a place for a minor to consume alcohol in the Maine Revised Statutes, Title 28-A, section 2081. For purposes of this new crime, a minor is a person under 21 years of age. The amendment is drafted to comply with Maine Criminal Code drafting standards for prior convictions, including violations for conduct that is substantially similar and committed in another jurisdiction. The amendment also adds an appropriations and allocations section.

This bill and its accompanying amendment were referred to the Special Appropriations Table and died on adjournment.

**LD 1139      An Act To Require Internet Service Providers To Retain Records**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DIAMOND	ONTP	



***Joint Standing Committee on Criminal Justice and Public Safety***

This bill requires that Internet service providers retain customer records for at least 180 days and directs the Attorney General to adopt routine technical rules governing the retention of those records. Failure to comply with the retention requirements is a civil violation for which a fine of up to \$10,000 per violation may be adjudged.

LD 1139 was carried over to any special or regular session of the 124th Legislature by joint order, House Paper 1053. The committee voted this bill ought not to pass at this time, with the understanding that the Department of Public Safety and Internet service providers will continue to work together on the issue of retention of records, and Congress is also currently considering similar legislation to comprehensively regulate record retention.

**LD 1497    An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors**

**PUBLIC 551  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	H-701 MCKANE S-377

This bill makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.

1. Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the original effective dates of legislation requiring smoke detectors.
2. Smoke detectors are required in all rental units rather than only rental apartments. At the time of new occupancy, the landlord must ensure that smoke detectors are present.
3. Landlords may install 10-year sealed tamper-resistant battery-powered smoke detectors in rented single-family dwellings.
4. Smoke detectors required upon transfer of a dwelling to a new owner may be powered by the electrical service, by battery or by both.
5. The definition of "electrical service" for carbon monoxide detectors is clarified as either plugging the device into an outlet or hard-wiring it.
6. Carbon monoxide detectors in rental units, new construction and dwellings that are transferred to new owners are required to be powered by both electrical service and by battery.
7. The buyer of any single-family dwelling or multifamily apartment building must install carbon monoxide detectors and certify that the buyer has done so.
8. Carbon monoxide detectors are required in all rental units. At the time of new occupancy, the landlord must ensure that carbon monoxide detectors are present.
9. Rental units requiring carbon monoxide detectors do not include hotels, motels, inns or bed and breakfast establishments licensed as eating and lodging places under the Maine Revised Statutes, Title 22, chapter 562.

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10. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.

11. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

### **Committee Amendment "A" (S-377)**

This amendment makes the following changes to the bill.

1. It removes the requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code and clarifies that they must be installed according to the manufacturer's requirements at the time of installation.
2. It clarifies that smoke detectors installed or replaced after the effective date of the bill within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.
3. It requires a buyer of a single-family dwelling or multiapartment building to certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition rather than on the day of closing.
4. It removes smoke detector installers and carbon monoxide detector installers from protection from liability from damages resulting from the operation of the detectors.
5. It includes closing agents and lenders in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.
6. It clarifies that claims for relief are for damages from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not only the proper operation, maintenance or effectiveness.
7. It removes the exemption for hotels, motels, inns or bed and breakfasts from the requirement for rental units to have carbon monoxide detectors. This would allow the Department of Public Safety, Office of the State Fire Marshal the ability to require carbon monoxide detectors in these facilities through rulemaking.

### **House Amendment "A" To Committee Amendment "A" (H-701)**

This amendment requires a buyer of a single-family dwelling or a multiapartment building to install smoke detectors and carbon monoxide detectors within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.

### **Enacted Law Summary**

Public Law 2009, chapter 551 makes the following clarifications to the law governing smoke detectors and carbon monoxide detectors.

1. Smoke detectors are required in each unit in a multifamily building and in any single-family dwelling built after January 1, 1982. Smoke detectors are also required in any single-family dwelling in which an addition adding a new bedroom is constructed, or in any dwelling that is converted to a single-family dwelling, after September 19, 1985. These dates reflect the original effective dates of legislation requiring smoke detectors.

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2. Smoke detectors and carbon monoxide detectors are required in all rental units not only rental apartments and must be installed at the time of a new occupancy if they are not already present.
3. Landlords may install 10-year sealed tamper-resistant battery-powered smoke detectors in rented single-family dwellings.
4. Smoke detectors required upon transfer of a dwelling to a new owner may be powered by the electrical service, by battery or by both.
5. The definition of electrical service for carbon monoxide detectors is clarified as either plugging the device into an outlet or hard-wiring it.
6. The buyer of any single-family dwelling or multiapartment building must certify at closing that the buyer will install smoke detectors and carbon monoxide detectors within 30 days of acquisition of occupancy of the dwelling, whichever is later, if smoke detectors and carbon monoxide detectors are not already present.
7. The requirement for smoke detectors and carbon monoxide detectors to be installed in accordance with the National Electric Code is removed. The detectors must be installed according to the manufacturer's requirements at the time of installation.
8. Smoke detectors installed or replaced after the effective date of the law within 20 feet of a kitchen or bathroom with a tub or shower must be of a photoelectric type, except that ionization detectors are permitted in bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom with a tub or shower.
9. Smoke detector installers and carbon monoxide detector installers are removed from protection from liability from damages resulting from the operation of the detectors.
10. Closing agents and lenders are included in the list of people exempt from claims for relief resulting from the operation of smoke detectors or carbon monoxide detectors.
11. Claims for relief for damages are from the operation, maintenance or effectiveness of smoke detectors and carbon monoxide detectors, not the proper operation, maintenance or effectiveness.
12. The Commissioner of Public Safety may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution. This amends Public Law 2009, chapter 162, which required the transfer of \$100,000 for this purpose.
13. One-time funding of \$115,000 is provided in fiscal year 2010-11 for the purpose of purchasing carbon monoxide detectors and educational materials.

Public Law 2009, chapter 551 was enacted as an emergency measure effective March 3, 2010.

LD 1522    **An Act To Streamline the Renewal Process for a Permit To Carry a Firearm**

**PUBLIC 503**

Sponsor(s)

PRATT

Committee Report

OTP-AM

Amendments Adopted

H-633

## *Joint Standing Committee on Criminal Justice and Public Safety*

This bill requires the Commissioner of Public Safety to renew, upon payment of the filing fee, a permit authorizing a person to carry a firearm who would otherwise be prohibited from doing so, unless the Commissioner of Public Safety has revoked that permit for cause. This provision deals only with the issuance of permits to carry black powder rifles.

Prior to the four-year limit on these permits, no further tracking or checking of permit holders was done; once a permit was issued, it lasted forever even if the holder committed new crimes or other bad acts. The adoption of the four-year permit renewal process requires a person to apply to the Commissioner of Public Safety; the Commissioner then does a background check on the applicant. The background check is the same kind of procedure conducted before certain professional licenses are issued.

The Commissioner then sends letters to the sentencing judge, the Attorney General, the District Attorney where applicant resides and the District Attorney where the conviction making the person ineligible to possess a firearm occurred, the law enforcement agency that investigated that crime, and the Chief of Police and Sheriff where the crime occurred, as well as the Chief and Sheriff where the applicant resides at time of filing the permit application. Any objection results in a denial of issuance of the permit. Objections may be based on such factors as the existence of protection from abuse orders, past crimes and history of violence and repeated criminal conduct that shows a history of disrespect for the law. An applicant who has been denied may challenge the decision by filing an 80-C appeal, which is defended by the Attorney General.

### **Committee Amendment "A" (H-633)**

This amendment replaces the bill. The amendment specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. Again, as current law provides, the Commissioner may deny any application for a permit, even if no objection is filed.

### **Enacted Law Summary**

Public Law 2009, chapter 503 specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the Commissioner may not issue the permit. The reason for the objection must be communicated in writing to the Commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the Commissioner regarding a second or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a second or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. As has always been the case, the Commissioner may deny any application for a permit, even if no objection is filed.

**LD 1531 An Act To Update Laws Regulating the Maine Emergency Management Agency**

**PUBLIC 479**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFKY	OTP	

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This bill removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

### **Enacted Law Summary**

Public Law 2009, chapter 479 removes the provision permitting a prospective hazardous chemical and substance inventory report and fee based on projected inventory levels to be submitted to the Maine Emergency Management Agency at the time of registration and leaves the requirement that the inventory report and fee for the previous year be submitted annually on March 1st.

**LD 1576     An Act To Improve the Ability of the Commissioner of Corrections To  
Respond in Special Situations**

**PUBLIC 498**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM	H-615

This bill authorizes the Commissioner of the Department of Corrections to establish ongoing emergency response teams consisting of personnel from more than one facility to assist in emergency situations throughout the department. Current law provides that when emergency situations are certified by the chief administrative officer to exist at a facility, the Commissioner, with approval of the Governor, may assign personnel, from other facilities temporarily and as necessary, to assist in the emergency.

### **Committee Amendment "A" (H-615)**

This amendment clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. The amendment ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. The amendment does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

### **Enacted Law Summary**

Public Law 2009, chapter 498 clarifies that the Commissioner of Corrections has authority to create interfacility teams to respond to special situations throughout the department. Public Law 2009, chapter 498 ensures that the commissioner may pull staff with expertise from one facility to assist in a special situation in another facility. This does not change the current procedure for emergencies, in which the commissioner must seek approval from the Governor to assign personnel as necessary to assist in emergency situations.

**LD 1583     An Act To Improve the Delivery of Community Corrections Services**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	H-679

## *Joint Standing Committee on Criminal Justice and Public Safety*

This bill amends the juvenile disposition provisions to provide that restitution orders for juvenile offenders be handled through the Department of Corrections, just as the department handles orders for adult offenders. The bill provides that all repeat sexual assault offenders who are incarcerated as a result of a probation revocation must participate in a sex offender treatment program when requested by the department or in the alternative, have their probation revoked.

The bill authorizes probation officers to respond to violations of no contact conditions of probation for probationers or to violations of no contact conditions for supervised release for sex offenders while the probationer or offender is still incarcerated. LD 1583 allows a probation officer to move for revocation of probation of a person who is serving an initial term of imprisonment or being held for a violation and who continues to have prohibited contact with the victim while in jail or prison. The bill also provides the same authority for revocation of supervised release for a sex offender who is incarcerated and continues to have prohibited contact with a victim.

### **Committee Amendment "A" (H-679)**

This amendment specifies that probation and supervised release may be revoked for misconduct occurring during a term of imprisonment served pursuant to any partial revocation of probation or supervised release. The bill authorizes revocation of probation and supervised release only for misconduct occurring during the initial term of imprisonment. The amendment also adds an appropriations and allocations section.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

### **LD 1588 An Act To Change the Penalties for Writing Bad Checks**

**PUBLIC 495**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-616

This bill authorizes a person in a civil action against another for a dishonored check to recover up to three times the amount of the check, in addition to court costs, processing and interest. Current law authorizes recovery of the amount of the check, plus the other charges. Current law also provides that before recovering costs, the holder must first give notice for payment of the check, as outlined in Title 14 §6073, to the person liable, and the person liable fails to tender the amount of the check plus bank fees and mailing costs within 10 days of receiving that notice.

The bill provides a person up to 18 months after the date on the dishonored check to bring an action to recover costs, and specifies that if a person does not pay three times the amount of the dishonored check before a hearing, then the court may award reasonable attorney's fees and shall award a civil penalty not to exceed \$50 to the holder of the dishonored check.

The bill also amends the crime of theft by creating a new version; a person is guilty of theft if the person negotiates a worthless instrument as described in Title 17-A §708 and 30 days have passed since the there was a transfer of property in exchange for the worthless instrument.

The bill also amends the negotiating a worthless instrument statute by increasing the Class of crime from a Class E to a Class D crime and by making negotiating a worthless instrument of more than \$500 up to \$10,000 a Class C crime.

### **Committee Amendment "A" (H-616)**

This amendment replaces the bill and increases from an amount not to exceed \$50 to an amount not to exceed \$150 the civil penalty that a court may order be paid to the holder of a bad check by a person liable for the check. This

## *Joint Standing Committee on Criminal Justice and Public Safety*

penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

### **Enacted Law Summary**

Public Law 2009, chapter 495 increases from an amount not to exceed \$50 to an amount not to exceed \$150 the civil penalty that a court may order be paid to the holder of a bad check by a person liable for the check. This penalty, in addition to reasonable attorney's fees, may be imposed by the court when the person liable does not pay the amount of the check, plus costs and interest, before the hearing.

**LD 1590    An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	ONTP	

This bill makes the following changes to the polygraph examiner and private investigator licensing laws that are administered by the Department of Public Safety.

1. Polygraph is redefined more generally as an instrument designed to verify the truth of statements.
2. Only licensed polygraph examiners are authorized to conduct polygraphs.
3. Canada is included in the reciprocity law for polygraph examiners.
4. Inquiries into sexual behavior of an examinee are grounds for denial, suspension or revocation of a polygraph license unless the inquiry is specifically relevant or an applicant for a position with a law enforcement agency.
5. Only a licensed polygraph examiner whose license has been endorsed by the Commissioner can administer post-conviction sex offender polygraph exams. That license requires 40 hours of training and 200 complete polygraph exams.
6. Exceptions to private investigator license requirements are increased to include expert testimony; licensed professionals, whose professional work includes responsibilities that include private investigation; and securing information from the public domain including the Internet.

**LD 1609    An Act To Expand the Use of Ignition Interlock Devices**

**PUBLIC 482**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL JACKSON	OTP	

This bill allows a person who committed a second or third OUI offense prior to September 1, 2008 to apply for early termination of a driver's license suspension on the condition that the person installs an ignition interlock device (IID) in the motor vehicle the person operates. This bill repeals the prior effective date that applied the new law to OUI offenses occurring after August 31, 2008, making the option available to more persons.

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The bill also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

### Enacted Law Summary

Public Law 2009, chapter 482 allows a person who committed a second or third OUI offense prior to September 1, 2008 to apply for early termination of a driver's license suspension on the condition that the person installs an ignition interlock device (IID) in the motor vehicle the person operates. Public Law 2009, chapter 482 repeals the prior effective date that applied the new law to OUI offenses occurring after August 31, 2008, making the option available to more persons.

Public Law 2009, chapter 482 also clarifies that the mandatory requirement of installing an IID by persons with four or more OUIs be applied only from the time the law was enacted for offenses committed after August 31, 2008 and going forward. Since the IID requirement is mandatory in these cases, applying the law prospectively puts defendants on notice of the requirement.

### LD 1610 An Act To Establish the Silver Alert Program

PUBLIC 583

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM MAJ ONTP MIN	H-709

This bill establishes the Silver Alert Program, a statewide alert program for missing adults with disabilities. A missing adult is defined as one who has a cognitive impairment, lives in Maine, whose whereabouts is unknown and whose disappearance threatens their well-being. The Silver Alert Program is established in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Maine Association of Broadcasters, the Governor's Office and appropriate law enforcement agencies. It requires a local law enforcement agency to notify the Department of Public Safety, all law enforcement officers in the county and enter a report to the state missing persons file and the National Crime Information Center. The department would issue an alert including notifying the media. The bill also requires all law enforcement agencies to adopt written policies regarding missing adults with disabilities and requires the Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards for such policies by no later than January 1, 2011. All law enforcement agencies would be required to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than June 1, 2011 that their policies are consistent with the minimum standards established by the board and to certify to the Board of Trustees of the Maine Criminal Justice Academy by no later than January 1, 2012 that all law enforcement officers have received orientation and training with respect to the policies.

### Committee Amendment "A" (H-709)

This amendment, which is the majority report, replaces the bill. It requires the Department of Public Safety to develop a Silver Alert Program for missing senior citizens in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Office of the Governor, a statewide organization representing broadcast groups in the State and appropriate law enforcement agencies. The Silver Alert Program must include standards of procedure for receiving reports of a missing person with an irreversible deterioration of intellectual faculties such as dementia, activating a Silver Alert at the appropriate local or statewide level, and a plan for alerting the public through the media and highway message signs. The Silver Alert Program must also include appropriate training for all law



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enforcement officers. The program and training must be developed and implemented within existing resources. The amendment removes the requirement for Board of Trustees of the Maine Criminal Justice Academy to establish mandatory minimum standards by January 1, 2011 and for law enforcement agencies to certify that their policies are consistent with those standards.

### **Enacted Law Summary**

Public Law 2009, chapter 583 requires the Department of Public Safety to develop a Silver Alert Program for missing senior citizens in cooperation with the Department of Transportation, the Maine Turnpike Authority, the Office of the Governor, a statewide organization representing broadcast groups in the State and appropriate law enforcement agencies. The Silver Alert Program must include standards of procedure for receiving reports of a missing person with an irreversible deterioration of intellectual faculties such as dementia, activating a Silver Alert at the appropriate local or statewide level, and a plan for alerting the public through the media and highway message signs. The Silver Alert Program must also include appropriate training for all law enforcement officers. The program and training must be developed and implemented within existing resources.

**LD 1611      *Resolve, Directing the Department of Corrections To Coordinate Review of Due Process Procedures and To Ensure Transparency in Policies Regarding the Placement of Special Management Prisoners***

**RESOLVE 213**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ MARRACHE	ONTP A OTP-AM B OTP-AM C	H-763

This bill proposes minimum standards for the humane treatment of special management prisoners of the Department of Corrections. As defined in this bill, a "special management prisoner" is a prisoner assigned to one of several high-risk categories and confined in a secure special management unit. The bill also defines "serious mental illness" and "special management unit (SMU)."

The minimum standards established in this bill include the following.

The confinement of prisoners with serious mental illness to a SMU is prohibited.

The department shall provide a private evaluation by a licensed mental health professional within 48 hours of a prisoner's placement in a SMU and shall provide subsequent evaluations at least every seven days after the initial evaluation. Evaluations must be in person, not through a cell door and must assess the current mental status and condition of the prisoner, the current risk of suicide or other self-harming behavior and include a review of the prisoner's inpatient and outpatient treatment history. A prisoner determined to suffer from a serious mental illness at the time of an evaluation must be removed from the SMU within seven days. If the prisoner is subsequently transferred to a psychiatric or mental health unit or a hospital, the commissioner shall ensure that the prisoner is held in conditions that are consistent with those established in the bill.

A prisoner's confinement to a SMU may be no more than 45 consecutive days, unless it is determined at a hearing that the prisoner has committed or attempted to commit a sexual assault, an escape from confinement or an act of violence within the previous 45 days of incarceration. Hearings must be held by a panel of at least three persons appointed by the Commissioner of Corrections, one of whom must be a clinician representing the mental health staff at that facility.

The hearing process, at which the department has the burden of proof, involves the following. The Commissioner must provide written notice to the prisoner at least 72 hours before the hearing and the notice must set forth the factual basis for the continued placement in the SMU. Notice must also be provided to the prisoner indicating that

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the prisoner has the right to: appear in person at the hearing, to submit evidence in the prisoner's own defense, to call witnesses and to be represented by an attorney. The Commissioner shall make audiovisual recording of hearing and maintain the recording and all related records until at least 120 days after the person is released from incarceration. The panel shall issue a written decision within five days after the hearing and provide a copy, including the reasons for the decision, to the prisoner. If the decision is to hold prisoner in SMU longer than 45 days, the decision must include guidance to the prisoner as to how to gain release from the SMU, and the panel shall review its decision every seven days to determine if the prisoner should continue to be held in the SMU. After receipt of the decision, a prisoner may appeal the decision of the panel to the Commissioner. The Commissioner shall respond to the appeal in writing within seven days. A decision by the Commissioner on an appeal or a failure to issue a decision within seven days is a final agency action as defined in Title 5, section 8002, and the prisoner is entitled to judicial review of that decision under title 5, chapter 375, subchapter 7.

Corporal punishment of special management prisoners is prohibited, and the use of chemical agents or instruments of physical restraint on special management prisoners is prohibited, unless an audiovisual record of that process is made and the procedure is conducted in the presence of appropriate medical staff. The recording must be retained until at least 120 days after the prisoner is released from incarceration. Instruments of physical restraint, including but not limited to handcuffs, chains, leg shackles, restraint chairs and four-point restraints, may not be used on special management prisoners.

A special management prisoner's access to food, medical or sanitary facilities, mail or legal assistance may not be restricted for disciplinary reasons.

The Commissioner is required to maintain a current list of all special management prisoners that includes the date of confinement in the SMU, the date of last review, the reasons for placement in the SMU and when the prisoner has been housed in the SMU for more than 60 days, a written statement of the criteria to support the extended confinement. The Commissioner shall provide the list on a quarterly basis to each board of visitors for each correctional facility.

The Commissioner, to the extent permitted by an interstate compact in effect at the time, may not transfer a prisoner to an out-of-state facility unless the administrator of that out-of-state facility has agreed in writing to adhere to the provisions of special management proposed in this bill with respect to the treatment of that prisoner. The Commissioner shall return that prisoner to Maine if these special management standards are not met.

The board of visitors of each correctional facility is required to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. Each board is required to include its findings in its annual report to this committee.

The Commissioner is required to review the status of all current special management prisoners in the State to determine whether prisoners confined to SMUs should remain in those units and to ensure that prisoners held in SMUs more than 45 days receive a hearing as outlined in this bill.

The Commissioner is also required to review all policies in effect on the effective date of this Act relating to special management prisoners and update those policies as necessary to conform to the law.

### **Committee Amendment "A" (H-763)**

This amendment is one of two minority amendments of the committee. The amendment replaces the title and creates a resolve directing the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections, to review due process procedures and other policies related to the placement of special management prisoners. The amendment also requires the Commissioner to consider an appropriate timeline for regular reporting to the joint standing committee of the Legislature having jurisdiction over corrections matters and to report all recommendations, including any suggested policy or legislative changes, to that

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committee by January 15, 2011. Upon receiving that report, the committee may report out a bill to the 125th Legislature.

### **Committee Amendment "B" (H-764)**

This amendment is one of two committee minority amendments and establishes minimum standards for the humane treatment of special management prisoners of the Department of Corrections. As defined in this amendment, a "special management prisoner" is a prisoner assigned to disciplinary, high-risk or administrative segregation and confined in a SMU. The amendment amends the definition of "severe mental illness" to mean schizophrenia, bipolar disorder, schizoaffective disorder, major depression or any other psychiatric condition that is recognized by a statewide association of psychiatric physicians that would tend to cause the prisoner's emotional stability to deteriorate if confined in a SMU for an extended period.

The amendment amends the provision addressing special management unit criteria for persons with serious mental illness by adding the requirement that evaluations must be conducted with audio privacy.

The minimum standards established in the amendment include limiting a prisoner's confinement to a special management unit to 45 days unless it is determined at a hearing that within the previous 45 days the prisoner has committed or attempted to commit a sexual assault, an escape from confinement, an act of serious physical violence or that housing the prisoner in the general population of a correctional facility would pose an immediate and unacceptable risk to the safety of staff or other prisoners. At hearings, the department has the burden of proof by a preponderance of the evidence. The amendment prohibits the confinement of prisoners with serious mental illness to a SMU and requires that a special management prisoner determined to be suffering from serious mental illness be removed from the SMU within seven days. The amendment strikes language that addresses corporal punishment and restrictions on transferring prisoners out of state.

The amendment also authorizes the calling of relevant witnesses and having an attorney at hearings, but requires that these be secured and paid for by the prisoner. The amendment requires panel review of a placement decision every 30 days instead of every seven days and specifies that appeals are made to the chief administrative officer of the facility and not to the Commissioner of Corrections. The amendment also clarifies that holding a prisoner for more than 45 days must be based on a finding as outlined in the Maine Revised Statutes, Title 34-A, section 1406, subsection 3.

The amendment also requires the Commissioner to maintain a current list of all special management prisoners and, when the prisoner has been retained for more than 60 days in one or more of the units of the SMU, to also retain a written statement of the criteria relied upon to support that extended confinement. The Commissioner shall provide the boards of visitors, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters with a copy of that list on a quarterly basis.

The amendment further requires the State Board of Corrections to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. The State Board of Corrections is required to include its findings in its annual report to the joint standing committee of the Legislature having jurisdiction over corrections matters.

The amendment maintains the requirement of the bill that the Commissioner of Corrections review the status of all special management prisoners in the State to determine whether prisoners confined to SMUs should remain in those units and to ensure that prisoners held in SMUs more than 45 days receive a hearing. The Commissioner is also required to review all policies in effect on the effective date of the bill relating to special management prisoners and update those policies as necessary to conform to the law.

This amendment was not adopted.

### **House Amendment "A" To Committee Amendment "A" (H-820)**

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This amendment removes the review of policies related to placement of special management prisoners provided in Committee Amendment "A". The amendment requires the Department of Corrections to divert or remove an inmate with a serious mental illness, as defined in the amendment, from confinement in a SMU when such confinement could last for a period in excess of one week and states that this provision may not prevent the disciplinary process from proceeding in accordance with department rules for disciplinary hearings.

The amendment also requires the Commissioner of Corrections to maintain a current list of all special management prisoners and, when a prisoner has been retained for more than 60 days in one or more of the units of the SMU, to also maintain a written statement of the criteria relied upon to support that extended confinement. The Commissioner shall provide the boards of visitors, the State Board of Corrections and the joint standing committee of the Legislature having jurisdiction over corrections matters a copy of the list on a quarterly basis.

The amendment further requires the State Board of Corrections to annually conduct a comprehensive review of the policies, standards and treatment of special management prisoners to determine the effectiveness of those policies and standards and the degree to which the treatment of special management prisoners complies with the law. The State Board of Corrections is required to include its findings in an annual report to the joint standing committee of the Legislature having jurisdiction over corrections matters.

This amendment was not adopted.

### **House Amendment "B" To Committee Amendment "A" (H-823)**

This amendment replaces the review of policies related to placement of special management inmates provided in Committee Amendment "A" with a requirement that the Director of the Office of Program Evaluation and Government Accountability convene a working group to review the policy of secure and humane use of segregation as set forth in this amendment and departmental policies, rules and practices related to the placement of special management inmates. The amendment requires the working group to provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010 and a final report including any suggested legislation to the committee by December 15, 2011. It also adds an appropriations and allocations section.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-518)**

This amendment replaces the review of policies related to placement of special management inmates provided in Committee Amendment "A" with a requirement that the Director of the Office of Program Evaluation and Government Accountability convene a working group to review the policy of secure and humane use of segregation as set forth in this amendment and departmental policies, rules and practices related to the placement of special management inmates. The amendment requires the working group to provide an interim report to the joint standing committee of the Legislature having jurisdiction over corrections matters by November 15, 2010 and a final report including any suggested legislation to the committee by December 15, 2011. It also adds an appropriations and allocations section.

This amendment was not adopted.

### **Enacted Law Summary**

Resolve 2009, chapter 213 directs the Commissioner of Corrections, in consultation with the mental health and substance abuse focus group of the State Board of Corrections, to review due process procedures and other policies related to the placement of special management prisoners. Resolve 2009, chapter 213 also requires the Commissioner to consider an appropriate timeline for regular reporting to the joint standing committee of the Legislature having jurisdiction over corrections matters and to report all recommendations, including any suggested policy or legislative changes, to that committee by January 15, 2011. Upon receiving that report, the committee may

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report out a bill to the 125th Legislature.

## LD 1612 An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card

PUBLIC 493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS	OTP-AM	H-617

This bill amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. The bill provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a crime. The bill also provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license or identification card when operation of the motor vehicle by that person is punishable as a traffic infraction.

The bill further adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A. The bill also clarifies which prohibited acts are strict liability crimes.

### Committee Amendment "A" (H-617)

This amendment strikes from the bill language regarding the suspension of an identification card, as it is not suspended like a driver's license. The amendment also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

### Enacted Law Summary

Public Law 2009, chapter 493 amends the offense of possessing or displaying a suspended license by creating a two-tier violation, a crime and a traffic infraction, which parallels the changes made to the operating after suspension statute by Public Law 2009, chapter 297. Public Law 2009, chapter 493 provides that a person commits a Class E crime if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a crime. Public Law 2009, chapter 493 further provides that a person commits a traffic infraction if that person displays or possesses a suspended driver's license when operation of the motor vehicle by that person is punishable as a traffic infraction. Public Law 2009, chapter 493 also gives a law enforcement officer the authority to have towed a motor vehicle of a person who is issued a summons for a traffic infraction operating after suspension.

Public Law 2009, chapter 493 also adds a cross-reference to clarify what is intended by the conduct of "operating while license suspended." The conduct is as described in the Maine Revised Statutes, Title 29-A, section 2412-A, subsection 1-A, paragraph A.

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**LD 1700     An Act Concerning Statewide Communications Interoperability**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	ONTP MAJ OTP-AM MIN	H-775

This bill requires that the Department of Administrative and Financial Services, Office of Information Technology ensure that, in meeting the purposes set forth in the law establishing the Statewide Radio and Network System Reserve Fund, the ability of state agencies and agencies of county and local government to communicate with one another is in no way diminished, and the counties and local units of government are not required to replace or upgrade their equipment at their own expense solely in order to maintain their ability to communicate with state agencies. The bill also requires that a portion of the Statewide Radio and Network System Reserve Fund, which is financing the statewide radio and network system used by state agencies, is used to reimburse county and local governments for the purchase of radio equipment necessary for them to communicate on the new network.

**Committee Amendment "A" (H-775)**

This amendment, which is the minority report, removes the requirement for the Statewide Radio and Network System Reserve Fund to reimburse counties and local units of government for purchasing radio equipment necessary for counties and local units of government to communicate on the new statewide radio and network system. It requires the Department of Administrative and Financial Services, Office of Information Technology to ensure that the ability of county and local governments to communicate with state agencies is enhanced whenever possible and is not significantly diminished under the new statewide radio and network system.

**LD 1703     Resolve, To Implement the Recommendations of the Juvenile Justice  
Task Force**

**RESOLVE 204  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL GERZOFKY	OTP-AM	H-708 S-498 GERZOFKY

This emergency resolve implements the recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system by June 1, 2010. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

The resolve directs that by December 1, 2010, the Department of Corrections shall design and implement two demonstration projects that use a capitated funding model to provide services for youth who are in the juvenile justice system. The specific goals for the demonstration projects are to increase school completion and reduce the use of detention and incarceration. The demonstration projects shall include access to a full array of in-home and out-of-home placements and substance abuse and mental health services. The demonstration projects shall work with the coordinated services district system developed under Section 1 and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The demonstration projects must be

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funded with existing resources.

The resolve directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system by June 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

The resolve directs that by June 1, 2010 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

The resolve requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011 and gives that committee authority to introduce suggested legislation to implement the recommendations to the 125th Legislature.

### **Committee Amendment "A" (H-708)**

This amendment strikes from the resolve language directing the Department of Corrections to design and implement two demonstration projects. The amendment adds language to the resolve directing the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The amendment also specifies that the coordinated services district system must be funded with existing resources.

The amendment also changes some dates for development in order to provide adequate time for completion of the necessary work.

### **House Amendment "A" To Committee Amendment "A" (H-773)**

This amendment changes reporting dates and provides a deadline of April 30, 2011 for the committee of jurisdiction to submit a bill to the 125th Legislature. This amendment was not adopted.

### **Senate Amendment "A" (S-498)**

This amendment removes language that requires the Department of Corrections to include with its progress report proposed legislation necessary to implement the initiatives. It also removes language that provides the joint standing committee of the Legislature having jurisdiction over juvenile justice issues authority to introduce legislation to the 125th Legislature based on the department's report.

### **Enacted Law Summary**

Resolve 2009, chapter 204 implements recommendations of the Juvenile Justice Task Force. The resolve includes directives to the Departments of Corrections, Education, Health and Human Services and Labor to develop a statewide coordinated services district system. The system will be responsible for coordinating and implementing service delivery initiatives for the purpose of increasing high school graduation rates, reducing the number of youth in the juvenile justice system, reducing child abuse and neglect and increasing employment opportunities for youth. The resolve also directs the system to work with the Children's Cabinet.

Resolve 2009, chapter 204 directs the Department of Corrections, in cooperation with the Department of Health and Human Services, the Department of Education and the Department of Labor, to work with the coordinated services district system and the Children's Cabinet to coordinate services and to ensure flexible funding and timely response and provision of services. The coordinated services district system must be funded with existing resources.

Resolve 2009, chapter 204 directs the Departments of Corrections and Health and Human Services to develop a plan that will detail a statewide system for in-home and out-of-home placements for youth in the juvenile justice system.

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by September 1, 2010. The plan must include funding options for emergency shelter placements, foster home placements and residential placements.

Resolve 2009, chapter 204 directs that by January 15, 2011 the Departments of Corrections, Health and Human Services and Education develop a plan that identifies an ongoing mechanism for providing flexible funding for youth who are served by multiple state agencies. The plan must include resources from public, private and nonprofit sectors.

Resolve 2009, chapter 204 also requires that the Department of Corrections report progress on these cooperative initiatives to the joint standing committee of the Legislature having jurisdiction over juvenile justice matters by January 15, 2011.

Resolve 2009, chapter 204 was finally passed as an emergency measure effective April 7, 2010.

### **LD 1737 An Act To Clarify Safety Requirements in Acadia National Park**

**PUBLIC 607**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-424 S-459 RAYE

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Unless the State prohibits possession in the national parks and wildlife refuges, people can carry firearms in those places.

This bill proposes to maintain the prohibition of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

This bill's intent is to promote public safety and the preservation of wildlife by maintaining consistency with the prior prohibition against possession of firearms in national parks, with exceptions noted above, which are like the exceptions in some of Maine's state parks. In some of Maine's state parks hunting is permitted at certain times; at some firearms are prohibited at all times.

#### **Committee Amendment "B" (S-425)**

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. The amendment prohibits possession of firearms in Acadia National Park except within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by state or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties. Under this amendment, violation of this prohibition is a Class E crime.

This amendment was not adopted.



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### **Committee Amendment "A" (S-424)**

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and amends the bill to apply only to Acadia National Park. In addition to the exceptions to the prohibition for possession of a firearm provided in the bill, the amendment authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252. This amendment also establishes penalties for violations, including a Class D crime for illegal possession of a concealed firearm, a Class E crime for illegal possession of a firearm, and a civil violation for failure to have proper identification or permit while carrying a concealed firearm.

### **Senate Amendment "A" To Committee Amendment "A" (S-459)**

This amendment clarifies the violation provisions in Committee Amendment "A" as they pertain to concealed weapons and weapons that are not concealed.

### **Enacted Law Summary**

The federal Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, Section 512 repealed a federal ban on firearms in national parks, effective February 22, 2010. The federal law prohibits the Department of Interior from adopting or enforcing rules that prohibit people from possessing firearms in national parks and wildlife refuges, as long as the person is in compliance with state law. Public Law 2009, chapter 607 maintains the prohibitions of possession of firearms in national parks by prohibiting possession of a firearm in any unit of the United States National Park System in Maine, except: within a residential dwelling; to the extent the firearm is used in connection with hunting when and where authorized by State or federal law; within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use; or when the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.

Public Law 2009, chapter 607 also adds additional exceptions to the prohibition for possession of a firearm in Acadia National Park. Specifically, it authorizes possession of a firearm when the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B who possesses photographic identification; when the firearm is a concealed firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C who possesses photographic identification; or when the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in the Maine Revised Statutes, Title 25, chapter 252.

**LD 1740      Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections**

**RESOLVE 165  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a

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state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

### **Enacted Law Summary**

Resolve 2009, chapter 165 provides for legislative review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a major substantive rule of the State Board of Corrections. The rule establishes the process and standards used by the Board of Corrections to determine the use of state correctional facilities and county jails including if a state correctional facility or county jail should be assigned a new service responsibility, downsized or closed.

Resolve 2009, chapter 165 was finally passed as an emergency measure effective March 22, 2010.

**LD 1745    An Act To Amend the Laws Governing County Jail Budgeting for York County**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	OTP-AM	S-461

This bill provides that the county commissioners of York County may use revenue generated from boarding prisoners in the county jail in York County for any county expense. It requires the county commissioners to use money from the budget of the county jail in York County to pay the cost of payroll expenses for administrative services that are properly allocated to the county jail in York County. It requires the county commissioners of York County to pay the cost of debt service for the county jail in York County from the budget of the county jail in York County.

### **Committee Amendment "A" (S-461)**

This amendment replaces the bill. It amends the tax assessment that can be collected annually by counties for the provision of correctional services, excluding debt service, so that York County's cap is reduced by \$280,433. The lease-purchase arrangement for the heating, ventilating and air conditioning system that amounts to \$280,433 a year is determined as debt rather than correctional expenditures and moved outside of the cap. The changes take effect on July 1, 2010 to coincide with the fiscal year. The amendment adds an emergency preamble and emergency clause.

This amendment was never removed from the Special Appropriations Table and died on adjournment.

### **Senate Amendment "A" To Committee Amendment "A" (S-548)**

This amendment removes the emergency preamble and emergency clause. This amendment was never introduced.

**LD 1766    Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections**

**RESOLVE 170  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

## *Joint Standing Committee on Criminal Justice and Public Safety*

This resolve provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

### **Enacted Law Summary**

Resolve 2009, chapter 170 provides for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections. The updated rule makes technical changes to the Batterer Intervention Program Certification.

Resolve 2009, chapter 170 was finally passed as an emergency measure effective March 24, 2010.

### **LD 1777 An Act To Display the Homeland Security Advisory System at Public Transportation Facilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON NUTTING J	ONTP	

This bill requires the posting of information about the federal Homeland Security Advisory System and its color-coded threat conditions in publicly accessible locations in public transportation facilities.

### **LD 1789 An Act Containing the Recommendations of the Criminal Law Advisory Commission**

**PUBLIC 608**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-742

This bill amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

The bill amends the Maine Juvenile Code to provide the court the authority to employ upon any default in payment of a fine or restitution the levying of execution or the taking of other measures authorized for the collection of unpaid civil judgments to collect the unpaid fine or restitution. A levy of execution does not affect confinement ordered as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid. The amendment is modeled on Title 17-A, section 1304, subsection 4 and Title 17-A, section 1329, subsection 4.

The bill amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.

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The bill clarifies the law regarding the offense of aiding escape by striking the term "contraband" from the offense and replacing that term with the relevant portion of the current definition of "contraband." The bill deletes from the law regarding the offense of trafficking in prison contraband the current reference to the definition of "contraband" in Title 17-A, section 756 and defines "contraband" in Title 17-A, section 757, subsection 2 using the relevant portion that is repealed in Title 17-A, section 756, subsection 2.

The bill enacts Title 17-A, section 1177 in chapter 48 of the Maine Criminal Code addressing victims' rights to provide notice to victims of the existence of Title 16, sections 53A, 53B and 53C, to clarify that certain communications by victims to sexual assault counselors, victim advocates, victim witness advocates or victim witness coordinators are privileged from disclosure.

The bill specifies that, in the context of dissemination of sexually explicit material, and possession of sexually explicit material for purposes of determining a period of probation, it is not the age of the person depicted at the time of the alleged dissemination or possession of the sexually explicit visual image or material that the State must plead and prove, but rather the age of the victim at the time the sexually explicit conduct occurred.

The bill clarifies that if a court orders as a condition of probation that the convicted person forfeit and pay a specific amount of restitution, that order, as a matter of law, also constitutes the imposition of restitution as a sentencing alternative and no additional stand-alone order in this regard is necessary.

The bill gives the court where a warrant of arrest is executed the same authority to conduct the default hearing as the court located where the warrant is issued. The court where a warrant of arrest is executed may exercise its discretion as to whether to hold the hearing or instead return the offender to the issuing court for that purpose.

The bill clarifies the statutes concerning default by adding a reference to Title 17-A, chapter 54-C following the reference to "community service work."

The bill amends the provision regarding time and method of restitution to reflect the new Title 17-A, section 1326-F, which addresses restitution deducted from judgment in civil action, and Title 17-A, section 1329, which addresses what happens when a defendant defaults in payment of restitution. The changes comprehensively address any offender who has completed any term of commitment to the Department of Corrections or any period of probation and still has not paid the restitution ordered by the court in full.

The bill amends the provision regarding income withholding orders to expressly allow probation officers to apply for income withholding orders when an offender owing restitution receives a sentence that includes a period of probation, making this provision consistent with the recent amendment to Title 17-A, section 1326-A, which leaves to the Department of Corrections the determination for probationers of the time and method of restitution payment.

The bill enacts a new section that comprehensively addresses the situation in which an offender who has completed the term of commitment to the Department of Corrections or the period of probation still has not paid the restitution ordered by the court in full. It provides notice to former Department of Corrections' clients still owing restitution that the duty to pay remains; requires that monetary compensation continue to be paid to the Department of Corrections; and requires that, unless otherwise modified by the court, the time and method of payment determined by the Department of Corrections during the former term of commitment or period of probation continues to control.

The bill amends the statutes concerning default to ensure that restitution payments are made to the same agency to which the restitution was required to be paid under Title 17-A, section 1326-A or 1326-F.

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### **Committee Amendment "A" (H-742)**

This amendment includes by reference to the Maine Revised Statutes, Title 16, section 53-B, subsection 3 and section 53-C, subsection 3 certain exceptions to disclosure privileges in a provision of the bill making certain communications made by victims privileged from disclosure. This amendment also clarifies the duties of the Department of Corrections in regard to overseeing payment of restitution by offenders who are no longer incarcerated or on probation.

### **Enacted Law Summary**

Public Law 2009, chapter 608 implements recommendations from the Criminal Law Advisory Commission. Public Law 2009, chapter 608 amends the Maine Juvenile Code to specify that restitution for juvenile offenders is the same as restitution for adult offenders under the Maine Revised Statutes, Title 17-A, chapter 54, except that section 1329, the restitution default provision, does not apply to juvenile offenders. Although section 1329 does not apply to juvenile offenders, enforcement of a restitution order imposed in a juvenile case is available pursuant to Title 15, section 3314, subsection 7, enforcement of a dispositional order.

Public Law 2009, chapter 608 amends the Maine Juvenile Code to provide the court the authority to employ upon any default in payment of a fine or restitution the levying of execution or the taking of other measures authorized for the collection of unpaid civil judgments to collect the unpaid fine or restitution. A levy of execution does not affect confinement ordered as a punitive sanction and does not discharge a juvenile confined as a remedial sanction until the full amount of the fine or restitution has been paid.

Public Law 2009, chapter 608 amends laws regarding dissemination of sexually explicit material and possession of sexually explicit material by clarifying that the age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination or possession of the sexually explicit visual image or material.

Public Law 2009, chapter 608 clarifies the law regarding the offense of aiding escape by striking the term "contraband" from the offense and replacing that term with the relevant portion of the current definition of "contraband." The bill deletes from the law regarding the offense of trafficking in prison contraband the current reference to the definition of "contraband" in Title 17-A, section 756 and defines "contraband" in Title 17-A, section 757, subsection 2 using the relevant portion that is repealed in Title 17-A, section 756, subsection 2.

Public Law 2009, chapter 608 enacts Title 17-A, section 1177 in chapter 48 of the Maine Criminal Code addressing victims' rights to provide notice to victims of the existence of Title 16, sections 53A, 53B and 53C, to clarify that certain communications by victims to sexual assault counselors, victim advocates, victim witness advocates or victim witness coordinators are privileged from disclosure.

Public Law 2009, chapter 608 specifies that, in the context of dissemination of sexually explicit material, and possession of sexually explicit material for purposes of determining a period of probation, it is not the age of the person depicted at the time of the alleged dissemination or possession of the sexually explicit visual image or material that the State must plead and prove, but rather the age of the victim at the time the sexually explicit conduct occurred.

Public Law 2009, chapter 608 clarifies that if a court orders as a condition of probation that the convicted person forfeit and pay a specific amount of restitution, that order, as a matter of law, also constitutes the imposition of restitution as a sentencing alternative and no additional stand-alone order in this regard is necessary.

Public Law 2009, chapter 608 gives the court where a warrant of arrest is executed the same authority to

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conduct the default hearing as the court located where the warrant is issued. The court where a warrant of arrest is executed may exercise its discretion as to whether to hold the hearing or instead return the offender to the issuing court for that purpose.

Public Law 2009, chapter 608 clarifies the statutes concerning default by adding a reference to Title 17-A, chapter 54-C following the reference to "community service work."

Public Law 2009, chapter 608 amends the provision regarding time and method of restitution to reflect the new Title 17-A, section 1326-F, which addresses restitution deducted from judgment in civil action, and Title 17-A, section 1329, which addresses what happens when a defendant defaults in payment of restitution. The changes comprehensively address any offender who has completed any term of commitment to the Department of Corrections or any period of probation and still has not paid the restitution ordered by the court in full.

Public Law 2009, chapter 608 amends the provision regarding income withholding orders to expressly allow probation officers to apply for income withholding orders when an offender owing restitution receives a sentence that includes a period of probation, making this provision consistent with the recent amendment to Title 17-A, section 1326-A, which leaves to the Department of Corrections the determination for probationers of the time and method of restitution payment.

Public Law 2009, chapter 608 enacts a new section that comprehensively addresses the situation in which an offender who has completed the term of commitment to the Department of Corrections or the period of probation still has not paid the restitution ordered by the court in full. It provides notice to former Department of Corrections' clients still owing restitution that the duty to pay remains; requires that monetary compensation continue to be paid to the Department of Corrections; and requires that, unless otherwise modified by the court, the time and method of payment determined by the Department of Corrections during the former term of commitment or period of probation continues to control.

Public Law 2009, chapter 608 amends the statutes concerning default to ensure that restitution payments are made to the same agency to which the restitution was required to be paid under Title 17-A, section 1326-A or 1326-F, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections, the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of court.

### **LD 1817    An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms**

**INDEF PP**

Sponsor(s)

Committee Report

Amendments Adopted

This bill implements the recommendations of the working group concerning domestic violence and firearms established under Resolve 2009, chapter 86.

Specifically, the bill authorizes a law enforcement officer to seize firearms from a person upon arrest for certain crimes of domestic violence, including: murder; assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members; domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct; violating a court-ordered consent agreement or protection from abuse order or aggravated assault on a family or

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household member. A person subject to firearm seizure pursuant to this authority is subject to a new bail condition established in the Maine Revised Statutes, Title 15, section 1023, subsection 4-A. The new provision requires, as a condition of bail, that all firearms in the possession of the person arrested be relinquished to a law enforcement officer and that the person refrain from possessing a firearm or other specified dangerous weapons until further order of a court. Upon request of the defendant, such a bail condition must be heard by the court as expeditiously as possible.

The bill also amends Title 25, section 2803-B to expand policies for domestic violence by specifying that all law enforcement agencies adopt a written policy for the seizure of firearms and safe storage of firearms seized by a law enforcement officer in a domestic violence arrest.

The bill was not referred to committee.

### **LD 1822 An Act To Further Amend the Sex Offender Registration and Notification Act of 1999**

**PUBLIC 570  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

On December 22, 2009, the Maine Law Court issued its decision in *State v. Letalien*, 2009 ME 130. The Law Court held that "the retroactive application of the lifetime registration requirement and quarterly in-person verification procedures of SORNA of 1999 to offenders originally sentenced subject to SORA of 1991 and SORNA of 1995, without, at a minimum, affording those offenders any opportunity to ever be relieved of the duty as was permitted under those laws, is ... an unconstitutional ex post facto law...." The Law Court stayed the mandate of the decision until March 31, 2010 in order to provide the Legislature the opportunity to deal with the issue. This bill of the Joint Standing Committee on Criminal Justice and Public Safety responds to the constitutional concern raised in *Letalien* in two ways.

First, it amends the in-person verification provisions to conform with those of Alaska that were found constitutional by the United States Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003). Maine's ex post facto clause is interpreted consistently with the United States Constitution, so this bill provides for verification for persons retroactively required to register as lifetime registrants that is consistent with the Alaska law found constitutional in *Smith v. Doe*. In particular, the bill amends the verification of registry information for persons sentenced on or after January 1, 1982 and prior to September 18, 1999. For 10-year registrants sentenced during that time period, the Department of Public Safety, State Bureau of Identification shall verify the registration information in writing as provided by the bureau on each anniversary of the registrant's initial registration date and once every five years in person. For lifetime registrants sentenced in that time period, the bureau shall verify the registration information in writing as provided by the bureau every 90 days after that lifetime registrant's initial registration date and once every five years in person. The bill also provides that if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency or the bureau may instruct the offender in writing to appear in person at the registration agency with a current photograph or to allow a photograph to be taken or, if authorized in writing by the law enforcement agency or the bureau, to submit a new photograph without appearing in person.

Second, the bill expands the provisions to allow certain registrants to be relieved of their duty to register on application and proof of legislatively established factors. An additional waiver scheme that authorized registrants to petition the court for relief from the duty to register was not included in the bill at this juncture due to a substantial fiscal note from the judicial branch, but may be considered again in the next legislative session.

Specifically, the bill expands the existing exception that was enacted pursuant to Public Law 2009, chapter 365 to

## *Joint Standing Committee on Criminal Justice and Public Safety*

allow the opportunity for additional registrants to provide documentation to the State Bureau of Identification to determine if they qualify for relief from the duty to register. First, it allows persons sentenced in Maine on or after June 30, 1992 and prior to September 18, 1999 who were finally discharged from the correctional system at least 10 years prior to applying for relief and who meet the other existing factors of the Maine Revised Statutes, Title 34-A, section 11202-A to apply. Second, it allows persons sentenced in Maine on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 who were finally discharged at least 10 years prior to applying for relief and who meet the other existing factors of Title 34-A, section 11202-A to apply. The former crime of rape was added to the list of registerable offenses pursuant to Public Law 2003, chapter 711, so people convicted of rape prior to that law, which became effective on July 30, 2004, were also retroactively made lifetime registrants. Finally, it allows persons sentenced in another jurisdiction who were finally discharged from the correctional system at least 10 years prior to applying for relief, who have been in full compliance with the registration duties as a resident required under Title 34-A, section 11202-A, subsection 2 since September 12, 2009 and who meet the other existing criteria of Title 34-A, section 11202-A to apply. The intent of the amendments to Title 34-A, section 11202-A is to make the relief process available to Maine residents with out-of-state convictions, but not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine. Accordingly, the legislation sets a date of September 12, 2009, the original effective date of this statutory exception, as the deadline by which persons with out-of-state convictions that require registration must be residents in compliance with Maine's Sex Offender Registration and Notification Act of 1999 in order to qualify. This reduces the likelihood that persons will move to Maine primarily to take advantage of the exception. It also reduces the likelihood of factual disputes over residency status, as the determination depends on registration and verification paperwork that the registrant must already have filed with the State Bureau of Identification as part of the registration and verification process, and in which the registrant would have identified his or her own status. It decreases the burden on both the State Bureau of Identification and the applicant regarding obtaining documentation to establish residency for the purposes of the exception. Finally, it significantly reduces the likelihood of applicants fabricating evidence of residency for the purposes of the exception.

The bill also changes the calculation of the 10-year registrant start times in Title 34-A, section 11225-A to make consistent the calculation of the 10-year registration period imposed retroactively for 10-year registrants sentenced January 1, 1982 to June 30, 1992 with that for 10-year registrants sentenced June 30, 1992 to September 17, 1999.

### **Enacted Law Summary**

On December 22, 2009, the Maine Law Court issued its decision in *State v. Letalien*, 2009 ME 130. The Law Court held that "the retroactive application of the lifetime registration requirement and quarterly in-person verification procedures of SORNA of 1999 to offenders originally sentenced subject to SORA of 1991 and SORNA of 1995, without, at a minimum, affording those offenders any opportunity to ever be relieved of the duty as was permitted under those laws, is ... an unconstitutional ex post facto law..." The Law Court stayed the mandate of the decision until March 31, 2010 in order to provide the Legislature the opportunity to deal with the issue. Public Law 2009, chapter 570 responds to the constitutional concern raised in *Letalien* in two ways.

First, it amends the in-person verification provisions to conform with those of Alaska that were found constitutional by the United States Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003). Maine's ex post facto clause is interpreted consistently with the United States Constitution, so this bill provides for verification for persons retroactively required to register as lifetime registrants that is consistent with the Alaska law found constitutional in *Smith v. Doe*. In particular, the bill amends the verification of registry information for persons sentenced on or after January 1, 1982 and prior to September 18, 1999. For 10-year registrants sentenced during that time period, the Department of Public Safety, State Bureau of Identification shall verify the registration information in writing as provided by the bureau on each anniversary of the registrant's initial registration date and once every five years in person. For lifetime registrants sentenced in that time period, the bureau shall verify the registration information in writing as provided by the bureau every 90 days after that lifetime registrant's initial registration date and once every five years in person. Public Law 2009, chapter 570 also provides that if there is a reason to believe the offender's appearance has changed significantly, the law enforcement agency or the bureau may instruct the offender in writing to appear in person at the registration agency with a current photograph or to allow a photograph to be taken or, if authorized



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in writing by the law enforcement agency or the bureau, to submit a new photograph without appearing in person.

Second, the Public Law 2009, chapter 570 expands the provisions to allow certain registrants to be relieved of their duty to register on application and proof of legislatively established factors. An additional waiver scheme that authorized registrants to petition the court for relief from the duty to register was not included in the bill at this juncture due to a substantial fiscal note from the judicial branch, but may be considered again in the next legislative session.

Specifically, Public Law 2009, chapter 570 expands the existing exception that was enacted pursuant to Public Law 2009, chapter 365 to allow the opportunity for additional registrants to provide documentation to the State Bureau of Identification to determine if they qualify for relief from the duty to register. First, it allows persons sentenced in Maine on or after June 30, 1992 and prior to September 18, 1999 who were finally discharged from the correctional system at least 10 years prior to applying for relief and who meet the other existing factors of the Maine Revised Statutes, Title 34-A, section 11202-A to apply. Second, it allows persons sentenced in Maine on or after September 18, 1999 and prior to July 30, 2004 for a violation of former Title 17-A, section 252 who were finally discharged at least 10 years prior to applying for relief and who meet the other existing factors of Title 34-A, section 11202-A to apply. The former crime of rape was added to the list of registerable offenses pursuant to Public Law 2003, chapter 711, so people convicted of rape prior to that law, which became effective on July 30, 2004, were also retroactively made lifetime registrants. Finally, it allows persons sentenced in another jurisdiction who were finally discharged from the correctional system at least 10 years prior to applying for relief, who have been in full compliance with the registration duties as a resident required under Title 34-A, section 11202-A, subsection 2 since September 12, 2009 and who meet the other existing criteria of Title 34-A, section 11202-A to apply. The intent of the amendments to Title 34-A, section 11202-A is to make the relief process available to Maine residents with out-of-state convictions, but not to encourage convicted offenders to move to Maine solely to evade registration requirements in their home states or in Maine. Accordingly, the legislation sets a date of September 12, 2009, the original effective date of this statutory exception, as the deadline by which persons with out-of-state convictions that require registration must be residents in compliance with Maine's Sex Offender Registration and Notification Act of 1999 in order to qualify. This reduces the likelihood that persons will move to Maine primarily to take advantage of the exception. It also reduces the likelihood of factual disputes over residency status, as the determination depends on registration and verification paperwork that the registrant must already have filed with the State Bureau of Identification as part of the registration and verification process, and in which the registrant would have identified his or her own status. It decreases the burden on both the State Bureau of Identification and the applicant regarding obtaining documentation to establish residency for the purposes of the exception. Finally, it significantly reduces the likelihood of applicants fabricating evidence of residency for the purposes of the exception.

Public Law 2009, chapter 570 also changes the calculation of the 10-year registrant start times in Title 34-A, section 11225-A to make consistent the calculation of the 10-year registration period imposed retroactively for 10-year registrants sentenced January 1, 1982 to June 30, 1992 with that for 10-year registrants sentenced June 30, 1992 to September 17, 1999.

Public Law 2009, chapter 570 was enacted as an emergency measure effective March 30, 2010.

*Joint Standing Committee on Criminal Justice and Public Safety*

SUBJECT INDEX

*Criminal Law*

Enacted

LD 1588      An Act To Change the Penalties for Writing Bad Checks      PUBLIC 495

Not Enacted

LD 791      An Act To Prohibit Furnishing a Place for Minors To Use Illegal Drugs      DIED ON  
ADJOURNMENT

*Criminal Procedure/Bail/Sentencing*

Enacted

LD 1789      An Act Containing the Recommendations of the Criminal Law Advisory Commission      PUBLIC 608

*Domestic Violence*

Not Enacted

LD 1817      An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence and Firearms      INDEF PP

*Juveniles*

Enacted

LD 1703      Resolve, To Implement the Recommendations of the Juvenile Justice Task Force      RESOLVE 204  
EMERGENCY

*Maine Emergency Management Agency*

Enacted

LD 1531      An Act To Update Laws Regulating the Maine Emergency Management Agency      PUBLIC 479

Not Enacted

LD 1777      An Act To Display the Homeland Security Advisory System at Public Transportation Facilities      ONTP

*OUI/OAS/Other MV Violations*

Enacted

LD 1609	An Act To Expand the Use of Ignition Interlock Devices	PUBLIC 482
LD 1612	An Act To Amend the Laws Regarding the Unlawful Use of License or Identification Card	PUBLIC 493

*Public Safety/Fire Safety/Emergency Communications*

Enacted

LD 1497	An Act To Amend the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors	PUBLIC 551 EMERGENCY
LD 1610	An Act To Establish the Silver Alert Program	PUBLIC 583

Not Enacted

LD 1139	An Act To Require Internet Service Providers To Retain Records	ONTP
LD 1590	An Act To Update and Clarify Polygraph Examiner and Private Investigator Licensing Laws Administered by the Department of Public Safety	ONTP
LD 1700	An Act Concerning Statewide Communications Interoperability	DIED BETWEEN HOUSES

*Sex Offender Registration and Notification*

Enacted

LD 1822	An Act To Further Amend the Sex Offender Registration and Notification Act of 1999	PUBLIC 570 EMERGENCY
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Not Enacted

LD 568	An Act To Amend the Sex Offender Registration Laws	ONTP
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*State and County Corrections & State Board of Corrections*

Enacted

LD 1576	An Act To Improve the Ability of the Commissioner of Corrections To Respond in Special Situations	PUBLIC 498
LD 1611	Resolve, Directing the Department of Corrections To Coordinate Review of Due Process Procedures and To Ensure Transparency in Policies Regarding the Placement of Special Management Prisoners	RESOLVE 213
LD 1740	Resolve, Regarding Legislative Review of Chapter 2: Change of Use, Downsizing, or Closure of Correctional Facilities, a Major Substantive Rule of the State Board of Corrections	RESOLVE 165 EMERGENCY

<b>LD 1766</b>	<b>Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections</b>	<b>RESOLVE 170 EMERGENCY</b>
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Not Enacted

<b>LD 1583</b>	<b>An Act To Improve the Delivery of Community Corrections Services</b>	<b>DIED ON ADJOURNMENT</b>
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<b>LD 1745</b>	<b>An Act To Amend the Laws Governing County Jail Budgeting for York County</b>	<b>DIED ON ADJOURNMENT</b>
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*Weapons/Firearms/Concealed Firearms Permits*

Enacted

<b>LD 1522</b>	<b>An Act To Streamline the Renewal Process for a Permit To Carry a Firearm</b>	<b>PUBLIC 503</b>
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<b>LD 1737</b>	<b>An Act To Clarify Safety Requirements in Acadia National Park</b>	<b>PUBLIC 607</b>
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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

JOINT STANDING COMMITTEE ON EDUCATION AND  
CULTURAL AFFAIRS

April 2010

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***Joint Standing Committee on Education and Cultural Affairs***

**LD 160      An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature. Current law requires the Commissioner of Education to notify school boards of the amount of school subsidy to be allocated to school administrative units. This bill requires the commissioner to also provide the governing bodies of regional school units and alternative organizational structures with the computation and the amount of the allocation of school subsidy that the commissioner has estimated for the regional school units and each member municipality in the regional school unit or for the alternative organizational structure and each member entity in the alternative organizational structure.

**LD 352      An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine**

**PUBLIC 488**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-368

This bill was carried over from the First Regular Session. It establishes the Maine School of Veterinary Medicine Loan Program, similar to the Maine Dental Education Loan Program. The program would create three slots per year for veterinary students or persons eligible for licensure as a veterinarian to apply for a loan repayment program through the Finance Authority of Maine. The program would promote veterinarian practice for large animals. The bill creates the Advisory Committee on Veterinary Medical Education to work with the Chief Executive Officer of the Finance Authority of Maine to evaluate and improve the program.

**Committee Amendment "B" (S-368)**

This amendment includes changes to the Health Professions Loan Program and the Access to Medical Education Program. It also revises the proposed veterinary medicine loan program proposed in the original bill. The changes to the Health Professions Loan Program convert it from a program that provided forgivable loans for medical, veterinary and dental education and loans for optometry education to a program that provides loans for medical, veterinary and dental education to be repaid at varying interest rates depending upon the nature and location of the practice. The amendment eliminates loans for optometry students. The amendment adds and revises certain effective dates to transition to the Doctors for Maine's Future Scholarship Program enacted in Public Law 2009, chapter 410. The amendment eliminates new access seats for veterinary education beginning in 2011 in anticipation of the creation of the Maine Veterinary Medicine Loan Program. The amendment makes changes to the Advisory Committee on Medical Education to reflect the changing nature of the programs.

**Enacted Law Summary**

Public Law 2009, chapter 488 converts the Health Professions Loan Program from a program that provided forgivable loans for medical, veterinary and dental education and loans for optometry education to a program that

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provides loans for medical, veterinary and dental education to be repaid at varying interest rates depending upon the nature and location of the practice. It establishes dates that conform to certain effective dates for the Doctors for Maine's Future Scholarship Program established in Public Law 2009, chapter 410. It eliminates new access seats for veterinary education beginning in 2011 in coincide with the phase-in of the Maine Veterinary Medicine Loan Program. Chapter 488 makes changes to the Advisory Committee on Medical Education to reflect the changing nature of the programs.

**LD 470      An Act To Sustain Nursing Education in Lincoln County      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature. It proposes ongoing General Fund appropriations of \$500,000 per year beginning in fiscal year 2009-10 for Central Maine Community College's Lincoln County nursing program in Damariscotta, Maine.

**LD 551      Resolve, To Direct the Commissioner of Education To Review the      RESOLVE 197**  
**Essential Programs and Services Funding Formula**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-793

This bill was carried over from the First Regular Session of the 124th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the essential programs and services funding formula.

**Committee Amendment "A" (H-793)**

This amendment strikes the concept draft and replaces it with a resolve that requires the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to review and report on the components and subsidy distribution mechanisms of the Essential Programs and Services Funding Act. The Commissioner of Education and the Maine Education Policy Research Institute are directed to submit their report by January 3, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

**Enacted Law Summary**

Resolve 2009, chapter 197 requires the Commissioner of Education, in conjunction with the Maine Education Policy Research Institute, to review and report on the components and subsidy distribution mechanisms of the Essential Programs and Services Funding Act. The Commissioner of Education and the Maine Education Policy Research Institute are directed to submit their report by January 3, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

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LD 570      **An Act To Improve the Laws Governing the Consolidation of School  
Administrative Units**

**PUBLIC 580  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FINCH	OTP-AM	H-768

This bill was carried over from the First Regular Session of the 124th Legislature. The bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the laws governing the consolidation of school administrative units.

**Committee Amendment "A" (H-768)**

This amendment strikes and replaces the concept draft and enacts measures designed to improve the laws governing the consolidation of school administrative units. The amendment accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.
2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.
3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:
  - A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;
  - B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;
  - C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and
  - D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.
4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts,



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except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.
6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.
7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

### **Enacted Law Summary**

Public Law 2009, chapter 580 enacts measures designed to improve the laws governing the consolidation of school administrative units. The law accomplishes the following.

1. It amends the school administrative unit reorganization laws to permit the Commissioner of Education to approve a reorganization plan for forming a regional school unit or an alternative organizational structure when the Commissioner of Education finds that the school administrative units have documented, in a notice of intent, that they have exhausted all efforts to meet the established requirements and face unique circumstances that warrant an exception to the minimum student enrollment requirements. It also establishes that the commissioner's decision on approval of a reorganization plan under this provision is final.
2. It provides that, beginning in fiscal year 2011-12, school administrative units that are member entities of an alternative organizational structure must be recognized by the Department of Education as discrete school administrative units for school subsidy purposes, unless the member entities of the alternative organizational structure include in their reorganization plan the decision to be recognized as a single school administrative unit for school subsidy purposes. It also provides that, for an alternative organizational structure that was established on or before June 30, 2010, the governing board of the alternative organizational structure may elect to have the member entities of the alternative organizational structure be recognized as discrete school administrative units for school subsidy purposes.
3. It establishes provisions to clarify the formation of an alternative organizational structure including the following:
  - A. It adds a requirement that a reorganization plan submitted by an alternative organizational structure must include a plan for adoption of consistent collective bargaining agreements in addition to school policies and school calendars;
  - B. It eliminates the budget validation referendum vote for the budget of an alternative organizational structure;
  - C. It retains the option of an alternative organizational structure being treated as a single school unit for the purposes of state subsidy; and

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D. It permits the Commissioner of Education to count students from the unorganized territory as "attending students" for the purpose of reviewing the minimum student enrollment criteria required for submitting a reorganization plan.

4. It establishes provisions for the withdrawal of a member municipality from a regional school unit and the transfer of a member municipality out of one regional school unit and into another. These provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 pertaining to school administrative districts, except that a member municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and voters in the member municipality must approve withdrawal by a two-thirds majority vote. It also provides that a member municipality that does not join a conforming school administrative unit within two years of withdrawal is subject to the penalties applicable to a nonconforming school administrative unit under Title 20-A, section 15696. It further adds a provision to clarify that the regional school unit from which the member municipality withdraws may not be penalized for two years after the withdrawal of the municipality. Finally, it includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

5. It adds provisions to permit a member entity to withdraw from an alternative organizational structure when the alternative organizational structure is approved after July 1, 2010 and it provides that alternative organizational structures that were approved by the Commissioner of Education prior to July 1, 2009 may continue to use the withdrawal provisions approved as part of their reorganization plans.

6. It provides regional school units with a local option for establishing a single, common date for starting the term of office for duly elected members of the regional school unit board when the elections for board members are held on different dates by the member municipalities that make up the regional school unit.

7. It amends collective bargaining provisions in Title 20-A, chapter 103-A to provide requirements for alternative organizational structures that align with the existing provisions for regional school units.

Public Law 2009, chapter 580 was enacted as an emergency measure effective April 1, 2010.

**LD 1296 An Act To Strengthen the Job Creation Through Educational Opportunity Program**

**PUBLIC 553**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RAYE	OTP-AM	H-703

This bill, which was carried over from the First Regular Session of the 124th Legislature, was rereferred from the Joint Standing Committee on Taxation. The bill amends provisions of the educational opportunity tax credit enacted in 2007 to improve administration of the program. Participating students would enter the program by registering electronically for the "job credit through educational opportunity program" rather than signing an "opportunity contract." The bill makes provisions for partial benefits for students transferring to an eligible Maine institution. The bill also clarifies or provides needed definitions, requires additional promotion of the program and requires institutions to report to the Department of Education in 2010 and 2011 on how the program is working.

**Committee Amendment "A" (H-703)**

This amendment strikes and replaces the bill in order to make a number of improvements to the Job Creation Through Educational Opportunity Program. Part A of the amendment accomplishes the following.

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1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.

Part B of the amendment amends the educational opportunity tax credit to reflect the changes that were made to the program in Part A and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.

### **Enacted Law Summary**

Public Law 2009, chapter 553 makes a number of improvements to the Job Creation Through Educational Opportunity Program. The law accomplishes the following.

## *Joint Standing Committee on Education and Cultural Affairs*

1. It amends the definition of "accredited Maine junior college, college or university" in the program to reflect the name change of junior college to community college and to include the requirement that the institution must have accreditation.
2. It amends the definition of "Maine resident" to clarify when an individual is considered a Maine resident for the purposes of this program.
3. It defines the terms "financial aid package" and "educational cost-of-living adjustment."
4. It changes the eligibility criteria for participation in the program.
5. It repeals the definition of "opportunity contract" and provisions pertaining to the use of the contract.
6. It requires the Maine Community College System and the University of Maine System to publish and disseminate to the Department of Education and all accredited Maine community colleges, colleges and universities the average in-state tuition and mandatory fees.
7. It requires the State Tax Assessor to annually determine the principal cap and benchmark loan payment amounts and to provide to an accredited Maine community college, college or university the information necessary to document a student's eligibility for the educational opportunity tax credit. The principal cap is based on in-state tuition and mandatory fees for either the Maine Community College System or the University of Maine System, depending on whether the enrollment is for pursuit of an associate degree or of a bachelor's degree.
8. It requires the Department of Education, in consultation with the State Tax Assessor, to make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office.
9. It provides that all accredited Maine community colleges, colleges and universities shall certify the total principal that an individual who has earned a degree at the institution has received as part of the individual's financial aid package.
10. It repeals the rule-making provision established in Maine Revised Statutes for the administration of the program.
11. It directs all accredited Maine community colleges, colleges and universities to file a report with the Department of Education by February 1, 2011 and February 1, 2012 on how the program is working and it directs the department to convey the information gathered to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
12. It also directs the State Tax Assessor to report on implementation of the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by March 1, 2011 and March 1, 2012.
13. It directs the State Board of Education to repeal the rules adopted for the administration of the program.
14. It amends the educational opportunity tax credit statutes to reflect the changes that were made to the program in the education statutes and enacts an income modification to Maine taxable income with respect to loan payment amounts paid by employers that are subject to federal income taxes.

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**LD 1506 An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts**

**P & S 27  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH RECTOR	OTP	

Private and Special Law 2009, chapter 9 granted approval of degree-granting authority until June 30, 2010 to Maine Media College. This bill authorizes Maine Media College to grant the degree of Master of Fine Arts beyond June 30, 2010.

**Enacted Law Summary**

Private and Special Law 2009, chapter 27 authorizes Maine Media College to grant the degree of Master of Fine Arts beyond June 30, 2010.

Private and Special Law 2009, chapter 27 was enacted as an emergency measure effective June 30, 2010.

**LD 1521 An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008**

**PUBLIC 463  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX	OTP-AM	H-586

This bill clarifies an ambiguity in the law that prevents Maine public colleges and universities from receiving less than the in-state tuition rate from veterans using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008. The bill provides that the amount of the tuition waiver received by an eligible veteran may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. The bill also provides that Maine public colleges and universities may apply other nonrepayable resources, including grants and scholarships for which the veteran may be eligible, toward the institution's tuition charges prior to waiving the tuition charges that remain.

**Committee Amendment "A" (H-586)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 463 clarifies an ambiguity in the law that prevents Maine public colleges and universities from receiving less than the in-state tuition rate from veterans using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008. The law provides that the amount of the tuition waiver received by an eligible veteran may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. The law also provides that Maine public colleges and universities may apply other nonrepayable resources, including grants and scholarships for which the veteran may be eligible, toward the institution's tuition charges prior to waiving the tuition charges that remain.

Public Law 2009, chapter 463 was enacted as an emergency measure effective February 8, 2010.

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LD 1532 An Act To Align Education Laws with Certain Federal Laws

PUBLIC 508

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-373

This bill provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services shall determine which of the two units is appropriate and notify the unit in writing of its determination.

The bill further provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.

The bill also changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

**Committee Amendment "A" (S-373)**

This amendment provides that the Department of Health and Human Services shall consult with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed with an adult that is not the child's parent or legal guardian when the department is determining the appropriate school administrative unit for providing public education for the student. The amendment also provides that, after this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

**Enacted Law Summary**

Public Law 2009, chapter 508 enacts measures to align certain state education laws with federal laws. The law accomplishes the following.

1. It provides that a student placed by the Department of Health and Human Services with an adult who is not the child's parent or legal guardian in accordance with the educational stability provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 is considered a resident of either the school administrative unit where the student resides during the placement or the school administrative unit where the student resided prior to the placement based on the best interest of the student. The Department of Health and Human Services, in consultation with the Department of Education, the school administrative unit where the student resides and the school administrative unit where the student is placed, shall determine which of the two school units is appropriate and notify the school unit in writing of its determination. After this determination is made, the school administrative unit that provides public education for a student shall count the student as part of its annual student count for subsidy purposes.

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2. It provides that all students with disabilities must have access to accessible instructional materials and may receive instruction in Braille. Accessible instructional materials and provisions for the accessibility of online learning programs for individuals with disabilities must be in alignment with the accessible instructional materials provisions of the federal Individuals with Disabilities Education Improvement Act of 2004 and in alignment with the universal design provisions of the 1998 amendments to the federal Higher Education Act of 1965 contained in the federal Higher Education Act Amendments of 1998.

3. It changes the requirement that all special education programs receive a visit from the Department of Education at least once every five years to as often as necessary to comply with federal requirements. It does not prohibit a request from a school administrative unit for the commissioner to review a special education program for the purpose of review and assistance whenever necessary.

**LD 1563      Resolve, To Develop Model Academic Year Calendars**

**RESOLVE 154**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND ALFOND	OTP-AM MAJ ONTP MIN	H-601 H-636 SUTHERLAND

This resolve directs the Commissioner of Education to establish a study group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare a draft model academic year calendar by December 1, 2010. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit legislation to implement the findings of the study group to the First Regular Session of the 125th Legislature.

**Committee Amendment "A" (H-601)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment changes the reporting date of the working group and requires that it develop draft model academic year calendars that account for regional differences within the State, rather than one statewide model, and authorizes the working group to seek input from other stakeholders as it determines appropriate. The amendment also clarifies that this is a working group, rather than a study group.

**House Amendment "A" (H-636)**

This amendment authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill, rather than legislation, to the First Regular Session of the 125th Legislature to implement the findings of the working group on model academic year calendars.

**Enacted Law Summary**

Resolve 2009, chapter 154 directs the Commissioner of Education to establish a working group consisting of kindergarten-to-grade 12 school officials, primarily superintendents and career and technical education directors, to prepare draft model academic year calendars that account for regional differences within the State by February 11, 2011. It provides that the working group may seek input from other stakeholders as it determines appropriate and that the working group shall present recommendations to the Commissioner of Education on how to present the model academic year calendars for statewide review. It also authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to implement the findings of the working group to the First Regular Session of the 125th Legislature.

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**LD 1564 An Act To Update the Laws Concerning the Maine School of Science and Mathematics**

**PUBLIC 486**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTHERLAND JACKSON	OTP-AM MAJ OTP MIN	H-605

This bill updates the laws concerning the Maine School of Science and Mathematics. It provides that students may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of their enrollment at the school. It allows postgraduate high school students to attend at full cost. It clarifies that private scholarship funds may not be used to offset state funds and creates a general purpose educational enhancement fund with the same provision. This bill makes necessary changes to reflect the newly created regional school unit. It provides that one of the three teacher members of the board of trustees is a full-time teacher and clarifies that both full-time and part-time faculty members may participate in the election of a faculty representative to the board of trustees. It also provides that the student member of the board of trustees is a nonvoting member. It strengthens the quorum requirement from members in attendance to one-third of all voting members. Finally, it removes references to high school sophomores, juniors and seniors in the laws governing admission to the school and provides that admittance of high school students must be based on criteria established by the board of trustees.

**Committee Amendment "A" (H-605)**

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes the proposal in the bill that designates the student member of the Board of Trustees of the Maine School of Science and Mathematics as a nonvoting member. The amendment clarifies that the student member is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter that was discussed or considered during an executive session. The amendment also amends the programs and operations provisions of the laws governing the Maine School of Science and Mathematics to include the admission of students pursuing a postgraduate high school year of education as part of the school admissions program.

**Enacted Law Summary**

Public Law 2009, chapter 486 updates the laws concerning the Maine School of Science and Mathematics. The law accomplishes the following.

1. It provides that students may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of their enrollment at the school. It clarifies that private scholarship funds may not be used to offset state funds and creates a general purpose educational enhancement fund with the same provision.
2. It allows postgraduate high school students to attend at full cost and amends the programs and operations provisions of the laws governing the Maine School of Science and Mathematics to include the admission of students pursuing a postgraduate high school year of education as part of the school admissions program.
3. It provides that one of the three teacher members of the board of trustees is a full-time teacher and clarifies that both full-time and part-time faculty members may participate in the election of a faculty representative to the board of trustees.
4. It clarifies that the student member of the board of trustees is a voting member, except that the student member may not participate as a board member in executive sessions and may not vote in a public proceeding on any matter



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that was discussed or considered during an executive session.

5. It strengthens the quorum requirement for the board of trustees from members in attendance to one-third of all voting members.
6. It removes references to high school sophomores, juniors and seniors in the laws governing admission to the school and provides that admittance of high school students must be based on criteria established by the board of trustees.
7. Finally, it makes necessary changes to reflect the newly created regional school unit.

**LD 1613     An Act To Modernize the Laws Governing the State's Cultural Agencies**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY SIMPSON	ONTP	

This bill provides for further implementation of recommendations contained in the State Controller's audit of the Maine State Library, the Maine Arts Commission, the Maine State Museum Commission and the Maine Historic Preservation Commission to provide greater accountability and transparency in the conduct of the work of those agencies. The bill directs the cultural agencies to recommend legislation to modernize the laws related to those agencies. The bill directs the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to work with the agencies, the Department of Education and the Department of Administrative and Financial Services to determine whether to establish a new position of deputy commissioner for cultural affairs within the Department of Education and place the cultural agencies under the jurisdiction of that department. The bill also makes changes to the appointment process for certain members overseeing the agencies, specifies the terms for members of and permissible reappointments for certain commissions and strengthens public access to records of the commissions.

**LD 1654     An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	LTW	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to restructure the services available to infants and young children with developmental disabilities, including autism, and developmental delays. The restructured services would include supports for the families of these infants and young children. The bill would aim to improve informed choices for families and improve the coordination of services among numerous community agencies and state departments. The bill would provide a new, streamlined structure to improve identification of need and ease of accessing services and improve outcomes for infants and young children and their families and efficiency in the use of state funds.

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LD 1658     **An Act To Increase Maine's High School Graduation Rates**

PUBLIC 626

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-429

This bill establishes the state goal of achieving an average statewide secondary school graduation rate of 90% by the end of the 2015-2016 school year. The State Board of Education is required to provisionally adopt major substantive rules specifying the methodology to be used to calculate secondary school graduation rates through 2016 and to submit those rules for legislative review by January 14, 2011. The bill also requires the Commissioner of Education and the State Board of Education to establish a stakeholder group to develop recommendations relating to increasing secondary school graduation rates in the State and to report its findings to the joint standing committee of the Legislature having jurisdiction over education matters by January 10, 2011.

### **Committee Amendment "A" (S-429)**

The amendment requires the Department of Education rather than the State Board of Education to develop the method used to calculate publicly supported secondary school graduation rates. It also requires the department to provide technical assistance to schools that have not attained an 80% graduation rate by the end of the 2012-2013 school year. It requires these schools to develop and submit to the department a corrective action plan. The amendment expands the membership of the stakeholder group to be established by the Commissioner of Education and explicitly directs the group to review plans developed by the commissioner's advisory committee on truancy, dropouts and alternative education and other groups.

The amendment changes the date for the working group to report its findings from January 10, 2011 to November 1, 2010 and provides that the Joint Standing Committee on Education and Cultural Affairs of the 124th Legislature may receive and discuss the report at an authorized interim meeting of the committee. The amendment allows the committee to make recommendations to the Commissioner of Education and to the joint standing committee of the 125th Legislature having jurisdiction over education matters.

### **Enacted Law Summary**

Public Law 2009, chapter 626 establishes the state goal of achieving an average statewide secondary school graduation rate of 90% by the end of the 2015-2016 school year. The law requires the Department of Education to provisionally adopt major substantive rules specifying the methodology to be used to calculate secondary school graduation rates through 2016 and to submit those rules for legislative review by January 14, 2011. The law also requires the department to provide technical assistance to schools that have not attained an 80% graduation rate by the end of the 2012-2013 school year and requires these schools to develop and submit to the department a corrective action plan.

The law requires the Commissioner of Education to establish a stakeholder group to develop recommendations relating to increasing secondary school graduation rates in the State and to report its findings to the Joint Standing Committee on Education and Cultural Affairs of the 124th Legislature by November 1, 2010. The law allows the committee to receive and discuss the report at an authorized interim meeting of the committee and also permits the committee to make recommendations to the Commissioner of Education and to the joint standing committee of the 125th Legislature having jurisdiction over education matters.

***Joint Standing Committee on Education and Cultural Affairs***

**LD 1686      Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services**

**RESOLVE 182  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO DAMON	OTP-AM	H-660 S-437 ALFOND

This bill allows the cost of minor capital school improvement projects, including, but not limited to, the replacement of windows, a boiler or a roof, to be permitted costs under the essential programs and services funding formula.

**Committee Amendment "A" (H-660)**

This amendment replaces the bill with a resolve that directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters. Following receipt of the report, the committee may submit a bill relating to the matters addressed in the report to the First Regular Session of the 125th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-437)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over education matters to submit a bill to the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 182 directs the Commissioner of Education to convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects. The Commissioner of Education shall present the findings and recommendations of the stakeholder group by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 182 was finally passed as an emergency measure effective March 30, 2010.

**LD 1704      An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs**

**PUBLIC 628**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ALFOND	OTP-AM	H-736 H-781 SUTHERLAND

This bill transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The bill transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from

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the Department of Education to the Department of Health and Human Services. The bill also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. Finally, the bill increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

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

This amendment decreases the fees for competency testing of nursing assistants from \$55 in the bill to \$45. The amendment also eliminates one Office Assistant II position from the Department of Education and transfers the position to the Department of Health and Human Services, Division of Licensing and Regulatory Services. It establishes one Social Services Program Specialist II position in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services to align the functions of the certified nursing assistant educational programs within one department.

### **House Amendment "A" To Committee Amendment "A" (H-781)**

This amendment clarifies that the position established in the Division of Licensing and Regulatory Services Special Revenue account in the Department of Health and Human Services is funded 75% with General Fund money and 25% with Other Special Revenue Funds from federal funding. It also strikes and replaces the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 628 transfers the responsibility for approving the curriculum for and certificates granted to activities coordinators in long-term care facilities from the Department of Education to the Department of Health and Human Services. The law transfers the responsibility and authority for the approval and monitoring of nursing assistant training curricula, faculty and certification programs and the Maine Registry of Certified Nursing Assistants from the Department of Education to the Department of Health and Human Services. The law also transfers the authority to assess fees for certification of nursing assistants, for the competency testing of nursing assistants and for validation of test results to determine eligibility for certification and charge fees for certificates issued and duplicated for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates from the Commissioner of Education to the Commissioner of Health and Human Services. The law also increases the fees charged for competency testing and the letter of verification of completion of a certified nursing assistant program.

**LD 1705    An Act To Align the Duties of School Boards Concerning Student Safety  
with the Requirements of the Federal Gun-Free Schools Act and To  
Prohibit the Discharge of Firearms within 500 Feet of Public and  
Private School Properties**

**PUBLIC 614**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM	H-769 H-805 SUTHERLAND

This bill requires school boards to adopt policies consistent with federal legislation on gun-free schools. This bill also clarifies that the prohibition of the discharge of firearms within 500 feet of school property applies to both public school property and private school property.

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

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This amendment clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.

The amendment makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.

1. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
2. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
3. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

### **House Amendment "B" To Committee Amendment "A" (H-805)**

This amendment incorporates the substance of House Amendment "A" to Committee Amendment "A" except that it clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

### **Enacted Law Summary**

Public Law 2009, chapter 614 aligns the duties of school boards concerning student safety with recent changes in the federal Gun-free School Zones Act of 1994. The law accomplishes the following.

1. It clarifies that the prohibitions in the federal Gun-free School Zones Act of 1994 pertain to possessing a firearm at school as well as bringing a firearm to school.
2. It clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.
3. It makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.
  - A. It clarifies that the prohibitions on the possession of a firearm and on the discharge of a firearm apply to both public school property and to the school property of approved private schools under the Maine Revised Statutes, Title 20-A, chapter 117.
  - B. It provides an exception to the prohibition on possessing firearms on school property for a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that is held during a legal open firearm season and when the event is held outside of regular school hours and is authorized by the school board.
  - C. It eliminates the inclusion of school property of a community college from the prohibitions because the provisions of Title 20-A, section 10009 provide the Maine Community College System with the power to regulate the possession of firearms on community college property.

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4. It clarifies that a school-operated gun range and a school-sanctioned program must be authorized by a written policy adopted by the school's governing body.

**LD 1729     An Act To Form a Western Maine Regional School Unit**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP	

This bill allows School Administrative District 58, Coplin Plantation, Highland Plantation and those unorganized territories with students who attend School Administrative District 58 to form a regional school unit. It authorizes the Commissioner of Education to approve the formation of such a regional school unit.

**LD 1732     An Act To Allow a Municipality To Withdraw from a Regional School Unit**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER ROSEN R	ONTP	

This bill enacts into law provisions regarding the reorganization of regional school units. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1405 and 1406 and allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another. A municipality that wishes to withdraw from a regional school unit must have been a member of that regional school unit for at least three years and must become a member of a regional school unit within two years of withdrawal or be subject to the penalties that apply to nonconforming school administrative units. The bill also includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education.

While this bill was not enacted, Public Law 2009, chapter 580 includes similar provisions that allow the withdrawal from a regional school unit of a municipality and the transfer of a municipality out of one regional school unit and into another.

**LD 1733     An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN RECTOR	ONTP	

This bill provides that penalties for a school administrative unit that does not conform to reorganization requirements do not apply if the school administrative unit would lose state subsidy as a result of its reorganization or if the reorganization failed because a participating school administrative unit would lose state subsidy.

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**LD 1734    An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN RECTOR	ONTP	

This bill requires the Department of Education to calculate the subsidy a school administrative unit would receive as part of a regional school unit or an alternative organizational structure and as if the school administrative unit had not reorganized pursuant to the Maine Revised Statutes, Title 20-A, chapter 103-A. The department shall pay the larger subsidy amount to the regional school unit or alternative organizational structure of which that school administrative unit is a member.

**LD 1735    An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CRAVEN	OTP-AM	H-691

This bill provides that if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy.

**Committee Amendment "A" (H-691)**

This amendment provides that, beginning in fiscal year 2011-12, if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, then local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy. The amendment adds that this provision is repealed on June 30, 2014.

The amendment also extends a waiver from the requirement that school administrative units must raise the additional mill rate expectation or face a reduction in the state contribution that was enacted in Public Law 2009, chapter 213, Part C, section 19 to include fiscal year 2010-11.

While the provisions of this amendment were not enacted, Part E, Sec. E-25 of Public Law 2009, chapter 571, the supplemental budget bill, includes similar provisions (see LD 1671).

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**LD 1739 An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCFADDEN SHERMAN	ONTP	

This bill removes the requirement that a referendum must be held in a regional school unit to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

**LD 1741 Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education**

**RESOLVE 200  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-795

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-795)**

Part A of this amendment provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The amendment provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

Part B of the amendment requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Part C of the amendment directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

**Enacted Law Summary**

Resolve 2009, chapter 200 provides that final adoption of portions of Chapter 101: Maine Unified Special Education Regulation, a provisionally adopted major substantive rule of the Department of Education, is authorized contingent upon the department's making specified changes to the proposed rules.

The resolve provides that three provisions of the rule must expire on June 30, 2011 and the portions of the rule that



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were in effect on June 15, 2009 that pertain to these provisions must be reinstated on July 1, 2011.

The resolve also requires the Commissioner of Education to convene a stakeholder group to examine the federal and state rules and laws that pertain to the portions of the rule that expire June 30, 2011. The stakeholder group shall develop findings and recommendations regarding any changes to the rule, and the Commissioner of Education is authorized to submit major substantive rules that pertain to these provisions for legislative review in the First Regular Session of the 125th Legislature.

Finally, the resolve directs the Department of Education to conduct a review of the Medicaid rate schedule for qualified licensed contractors and report findings and recommendations no later than January 14, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters.

Resolve 2009, chapter 200 was finally passed as an emergency measure effective April 2, 2010.

**LD 1747      An Act To Allow the Town of Wells and the Town of Ogunquit To      DIED BETWEEN  
Amend the Terms of Their Cost-sharing Agreement for Their      HOUSES  
Community School District and To Provide Each Town the Ability To  
Withdraw from the Wells-Ogunquit Community School District**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	ONTP MAJ OTP-AM MIN	

This bill amends the terms of the cost-sharing agreement for the Wells-Ogunquit Community School District and allows each town the right to withdraw from the community school district after 2014.

**Committee Amendment "A" (S-422)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill to allow either Wells or Ogunquit to withdraw from the Wells-Ogunquit Community School District using a process similar to the process established in statute for a municipality to withdraw from a regional school unit. The amendment also directs the Commissioner of Education to adapt that process to the unique circumstances of these two towns.

**House Amendment "A" To Committee Amendment "A" (H-815)**

This amendment provides that if one of the towns is willing to bear the costs, the Town of Wells and the Town of Ogunquit shall enter into mediation of any disputes related to the sharing of costs for the Wells-Ogunquit Community School District. If mediation is not successful after one year, the towns may jointly agree to an extension or, if one of the towns is willing to bear the costs, the towns shall enter binding arbitration under the Maine Uniform Arbitration Act.

**LD 1750      An Act To Require the State To Pay the Costs of School Administration      ACCEPTED ONTP  
Consolidation      REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR HOBBINS	ONTP MAJ OTP-AM MIN	

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This bill requires the State to pay the costs of consolidation by July 1, 2012 for any town or community that has complied with the laws governing the reorganization of school administrative units by June 2, 2009.

**LD 1751    Resolve, Regarding Legislative Review of the Repeal of Chapter 182:  
Formula for Distribution of Funds to Child Development Services  
Regional Sites, a Major Substantive Rule That Has Been Provisionally  
Repealed by the Department of Education**

**RESOLVE 157  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of the final repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education that has been provisionally repealed.

**Enacted Law Summary**

Resolve 2009, chapter 157 provides that the repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education, is authorized.

Resolve 2009, chapter 157 was finally passed as an emergency measure effective March 8, 2010.

**LD 1752    Resolve, Regarding Legislative Review of the Repeal of Chapter 181:  
Child Development Services System: Regional Provider Advisory  
Boards, a Major Substantive Rule That Has Been Provisionally  
Repealed by the Department of Education**

**RESOLVE 158  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of the final repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education that has been provisionally repealed.

**Enacted Law Summary**

Resolve 2009, chapter 158 provides that the repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a major substantive rule of the Department of Education, is authorized.

Resolve 2009, chapter 158 was finally passed as an emergency measure effective March 8, 2010.

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LD 1757 An Act To Create Fair Education Funding for Regional School Units

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER HOBBINS	ONTP	

This bill requires that the State calculate, based on the original date that school units were required to comply with the school consolidation laws, the reduction in state funding that would have applied to nonconforming school units if penalties had been assessed and requires the State to distribute that amount of funds to those regional school units that successfully completed the process of reorganization in order to comply with the school consolidation laws.

LD 1764 **Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education**

**RESOLVE 151  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-359 ALFOND

This legislation is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to the authority granted under Resolve 2009, Chapter 98, "Resolve, To Understand and Assist Efforts to Promote Science, Technology, Engineering and Math Education."

The resolve directs the Department of Education, in consultation with the University of Maine System and the Maine Community College System, to conduct a study and develop a strategic plan for science, technology, engineering and mathematics learning in preparation for the State application for federal funding under the Race to the Top competitive grant established under the federal American Recovery and Reinvestment Act of 2009.

The resolve also directs the Department of Education to review existing State learning standards for kindergarten to grade 12 public education to determine if students have the opportunity to develop the skills and gain the knowledge that will be incorporated as part of a national assessment of technological literacy beginning in 2012. The Department of Education shall submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the State plan for science, technology, engineering and mathematics learning and on the review of State learning standards and opportunities for learning related to technological literacy. The joint standing committee of the Legislature having jurisdiction over education matters may submit legislation based on the findings and recommendations of the report submitted by the Department of Education to the First Regular Session of the 125th Legislature.

**Senate Amendment "A" (S-359)**

The bill authorizes the joint standing committee of the Legislature having jurisdiction over education matters to submit legislation to the Legislature. This amendment instead specifies that the committee may submit a bill to the Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 151 directs the Department of Education, in consultation with the University of Maine System and the Maine Community College System, to conduct a study and develop a strategic plan for science, technology, engineering and mathematics learning in preparation for the State application for federal funding under the Race to

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the Top competitive grant established under the federal American Recovery and Reinvestment Act of 2009.

The resolve also directs the Department of Education to review existing State learning standards for kindergarten to grade 12 public education to determine if students have the opportunity to develop the skills and gain the knowledge that will be incorporated as part of a national assessment of technological literacy beginning in 2012. The Department of Education shall submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the State plan for science, technology, engineering and mathematics learning and on the review of State learning standards and opportunities for learning related to technological literacy. The joint standing committee of the Legislature having jurisdiction over education matters may submit a bill based on the findings and recommendations of the report submitted by the Department of Education to the First Regular Session of the 125th Legislature.

Resolve 2009, chapter 151 was finally passed as an emergency measure effective February 23, 2010.

**LD 1771     An Act To Include All Children in the Conditions of Education Report**

**PUBLIC 540**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES MITCHELL E	OTP MAJ ONTP MIN	

This bill requires the Education Research Institute to include in the information that it collects and analyzes information on early care and public preschool programs. The bill also adds as a member of the steering committee a person from the Maine Children's Growth Council.

**Enacted Law Summary**

Public Law 2009, chapter 540 requires the Education Research Institute to include in the information that it collects and analyzes information on early care and public preschool programs. The law also adds as a member of the steering committee a person from the Maine Children's Growth Council.

**LD 1782     An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	ONTP MAJ OTP-AM MIN	

This bill exempts the Town of Hermon from minimum student enrollments established in statute for regional school units. The Commissioner of Education is required to treat the town in a manner similar to the treatment of coastal islands.

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LD 1784 **Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act**

RESOLVE 207

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR ALFOND	ONTP MAJ OTP-AM MIN	S-522 BARTLETT

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to examine the rule-making authority of the Commissioner of Education as it relates to rules that have been submitted to the Legislature by the commissioner, considered by the Legislature and rejected by the Legislature.

**Committee Amendment "A" (H-777)**

This amendment, which is the minority report of the committee, replaces the bill with a resolve. It establishes the Commission To Study the Rule-making Process under the Maine Administrative Procedure Act to examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The amendment authorizes the commission to make findings and recommendations and to submit suggested legislation. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit a bill to the First Regular Session of the 125th Legislature.

**House Amendment "A" To Committee Amendment "A" (H-808)**

This amendment removes language specifying the joint standing committees from which members of the Commission to Study the Rule-making Process under the Maine Administrative Procedure Act must be appointed and removes authority of the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit a bill to the 125th Legislature.

**House Amendment "B" To Committee Amendment "A" (H-818)**

This amendment removes the emergency preamble and the emergency clause.

**Senate Amendment "A" (S-522)**

This amendment changes the concept draft to a resolve. This amendment authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 207 authorizes the Joint Standing Committee on State and Local Government to meet up to three times during the 2010 interim for the purpose of studying the rule-making process under the Maine Administrative Procedure Act. In conducting the study, the committee shall examine issues relating to emergency rules and major substantive rules, including the adequacy of information, legislative oversight and notice, the implications for state agencies of the statutory deadline for submitting major substantive rules to the Legislature and the relationship between legislative intention and the rule as drafted by a department. The committee is required to submit a report and recommended legislation by November 3, 2010 to the First Regular Session of the 125th Legislature.

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LD 1799     **An Act To Encourage the Use of Models in the Collection and Use of  
Student Achievement Data**

PUBLIC 646

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	H-813 SUTHERLAND S-483 S-515 ALFOND

This bill eliminates the prohibition on the use of student assessment data in the establishment of models for evaluation of the professional performance of teachers. It also extends the models for evaluation developed by the Department of Education to principals and requires that the models include multiple measures.

### **Committee Amendment "A" (S-483)**

This amendment, which is the majority report of the committee, adds a provision to require the Commissioner of Education to convene a stakeholder group to review the models developed pursuant to the Maine Revised Statutes, Title 20-A, section 13802 for the evaluation of the professional performance of teachers and principals who are employed by a school administrative unit within the State. The stakeholder group shall review the models prior to the final adoption of the models.

### **House Amendment "A" (H-813)**

This amendment removes the emergency preamble and emergency clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-515)**

This amendment provides that each school administrative unit in the State may select and incorporate one or more of the models developed by the Department of Education for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. It also provides that if a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed by the Department of Education. It requires the stakeholder group convened by the Commissioner of Education to review the models to approve models no later than July 1, 2011. It provides that the Department of Education may not finally adopt a model that is not approved by the stakeholder group.

### **Enacted Law Summary**

Public Law 2009, chapter 646 eliminates the prohibition on the use of student assessment data in the establishment of models for evaluation of the professional performance of teachers. It also extends the models for evaluation developed by the Department of Education to principals and requires that the models include multiple measures.

The law requires the Commissioner of Education to convene a stakeholder group to review and approve the models developed for the evaluation of the professional performance of teachers and principals no later than July 1, 2011. The law provides that the Department of Education may not finally adopt a model that is not approved by the stakeholder group.

The law also provides that each school administrative unit in the State may select and incorporate one or more of the models developed by the Department of Education for the evaluation of the professional performance of a teacher or principal employed by that school administrative unit. It also provides that if a school administrative unit wants to include student assessments as part of teacher evaluations, that school administrative unit must use one of the models developed by the Department of Education.

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**LD 1800 An Act To Adopt the Common Core State Standards Initiative**

**PUBLIC 647  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ ONTP MIN	S-423

This bill allows the Department of Education to include the so-called "Common Core State Standards Initiative" standards for kindergarten to grade 12 in the State's system of learning results and assessment and grants the Commissioner of Education the authority to adopt emergency rules in order to implement the standards.

**Committee Amendment "A" (S-423)**

This amendment is the majority report of the committee. This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2009, chapter 647 allows the Department of Education to include the so-called "Common Core State Standards Initiative" standards for kindergarten to grade 12 in the State's system of learning results and assessment and grants the Commissioner of Education the authority to adopt emergency rules in order to implement the standards.

Public Law 2009, chapter 647 was enacted as an emergency measure effective April 12, 2010.

**LD 1801 An Act To Promote the Establishment of Innovative Schools**

**PUBLIC 616  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM MAJ OTP-AM MIN	H-800 SCHATZ S-455

This bill allows a school administrative unit to establish innovative schools with flexibility in instruction design, staff selection, the school calendar, methods for assessing professional development and a system for assessing student achievement. The bill requires that all applicable state statutory and regulatory requirements be met by school administrative units that establish innovative schools. This bill is one of three bills introduced to address eligibility criteria for federal funding under the Race to the Top Assessment program.

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

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It revises the language in the bill to clarify the oversight role of local school boards for innovative, autonomous public schools.

**Committee Amendment "B" (S-456)**

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. It establishes a process to authorize the establishment of charter schools in the State. It includes clarifying language identical to that of the majority report.

## *Joint Standing Committee on Education and Cultural Affairs*

### **House Amendment "A" To Committee Amendment "A" (H-800)**

This amendment authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

### **Enacted Law Summary**

Public Law 2009, chapter 616 allows a school administrative unit to establish innovative schools with flexibility in instruction design, staff selection, the school calendar, methods for assessing professional development and a system for assessing student achievement. The law requires that all applicable state statutory and regulatory requirements be met by school administrative units that establish innovative schools. Chapter 616 also authorizes the dissolution of the Otis-Mariaville Union School in accordance with the terms of the Otis-Mariaville Union School Agreement, rather than the subsequently enacted provisions of the Maine Revised Statutes, Title 20-A, chapter 109.

Public Law 2009, chapter 616 was enacted as an emergency measure effective April 7, 2010.

**LD 1804     An Act Concerning Certain MaineCare Rules Regarding Services  
Provided through the Child Development Services System and School  
Administrative Units**

**PUBLIC 643  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-497 S-543 DIAMOND

This bill is an emergency bill providing that MaineCare rules adopted by the Department of Health and Human Services pertaining to the Child Development Services System are major substantive rules.

### **Committee Amendment "A" (S-497)**

This amendment replaces the bill to establish parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. The amendment provides that:

1. The Department of Health and Human Services, Office of MaineCare Services shall consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act;
2. The Department of Health and Human Services, Office of MaineCare Services shall prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act;
3. The Department of Health and Human Services is required to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee;
4. The Department of Health and Human Services and the Department of Education are required to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits



## *Joint Standing Committee on Education and Cultural Affairs*

Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement; and

5. The Commissioner of Education and the Commissioner of Health and Human Services are required to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

This amendment also adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-543)**

This amendment removes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 643 establishes parameters for the adoption or amendment of MaineCare program rules regarding reimbursement payments for eligible services provided through the auspices of the Child Development Services System and school administrative units. This law accomplishes the following:

1. It requires the Department of Health and Human Services, Office of MaineCare Services to consult with the Department of Education and other interested parties prior to the adoption or amendment of any Medicaid rule that pertains to special education and related services that are provided in accordance with the federal Individuals with Disabilities Education Act.
2. It requires the Department of Health and Human Services, Office of MaineCare Services to prepare a monthly report to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of any proposed adoption or amendment of Medicaid program rules that pertain to special education and related services that are provided in accordance with the federal Individuals With Disabilities Education Act.
3. It requires the Department of Health and Human Services to amend or adopt Medicaid program rules to provide for the inclusion of a group of interested parties in the MaineCare Advisory Committee.
4. It requires the Department of Health and Human Services and the Department of Education to review the Department of Health and Human Services Chapter 101 rules, including, but not limited to, the MaineCare Benefits Manual, Chapters II and III, Sections 28, 41, 65, 68, 85, 96 and 109, in order to ensure that the rules satisfy certain federal Medicaid requirements and to ensure continued access by Child Development Services System regional sites and schools to Medicaid payment for services that qualify for reimbursement.
5. It requires the Commissioner of Education and the Commissioner of Health and Human Services to submit interim reports and a final report on the status of the rules review to the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Public Law 2009, chapter 643 was enacted as an emergency measure effective April 12, 2010.

*Joint Standing Committee on Education and Cultural Affairs*

LD 1820    **An Act To Exempt Certain Necessary School Auxiliary Buildings for  
New Heating Systems from Referendum Requirements**

**ACCEPTED ONTP  
REPORT**

Sponsor(s)

TARDY

Committee Report

ONTP MAJ  
OTP MIN

Amendments Adopted

This bill exempts the construction of a school's auxiliary building for the housing of a heating system from the public referendum requirement.

*Joint Standing Committee on Education and Cultural Affairs*

SUBJECT INDEX

*Administration, Department of Education, State Board, and School Governance*

Enacted

LD 1563	Resolve, To Develop Model Academic Year Calendars	RESOLVE 154
LD 1704	An Act To Amend the Laws Regarding Authority over and Oversight of Certified Nursing Assistant Educational Programs	PUBLIC 628

*Alternative Education, Charter Schools and School Choice*

Enacted

LD 1564	An Act To Update the Laws Concerning the Maine School of Science and Mathematics	PUBLIC 486
LD 1801	An Act To Promote the Establishment of Innovative Schools	PUBLIC 616 EMERGENCY

*Cultural Affairs*

Not Enacted

LD 1613	An Act To Modernize the Laws Governing the State's Cultural Agencies	ONTP
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*Curriculum, Instruction, Textbooks and Testing*

Enacted

LD 1658	An Act To Increase Maine's High School Graduation Rates	PUBLIC 626
LD 1764	Resolve, To Support the Development of Maine's Economic Future by Promoting Science, Technology, Engineering and Math Education	RESOLVE 151 EMERGENCY
LD 1800	An Act To Adopt the Common Core State Standards Initiative	PUBLIC 647 EMERGENCY

*Education - Other*

Enacted

LD 1771	An Act To Include All Children in the Conditions of Education Report	PUBLIC 540
LD 1784	Resolve, Directing the Joint Standing Committee on State and Local Government To Study the Rule-making Process under the Maine Administrative Procedure Act	RESOLVE 207

Not Enacted

LD 1747	An Act To Allow the Town of Wells and the Town of Ogunquit To Amend the Terms of Their Cost-sharing Agreement for Their Community School District and To Provide Each Town the Ability To Withdraw from the Wells-Ogunquit Community School District	DIED BETWEEN HOUSES
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*Postsecondary Education Finance and Student Aid*

Enacted

LD 352	An Act To Encourage Veterinary Practice in Maine and Make Revisions to Related Medical Education Programs Administered by the Finance Authority of Maine	PUBLIC 488
LD 1296	An Act To Strengthen the Job Creation Through Educational Opportunity Program	PUBLIC 553
LD 1521	An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008	PUBLIC 463 EMERGENCY

Not Enacted

LD 470	An Act To Sustain Nursing Education in Lincoln County	ONTP
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*Postsecondary Education Governance and Coordination*

Enacted

LD 1506	An Act To Authorize Maine Media College To Confer the Degree of Master of Fine Arts	P & S 27 EMERGENCY
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*Safe Schools and Student Conduct*

Enacted

LD 1705	An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties	PUBLIC 614
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*School Budgets*

Not Enacted

LD 1739	An Act To Remove the Requirement That the Annual Budget of a Regional School Unit Must Be Approved at a Budget Validation Referendum	ONTP
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*School Construction, Facilities and Buses*

Not Enacted

LD 1820 An Act To Exempt Certain Necessary School Auxiliary Buildings for New Heating Systems from Referendum Requirements ACCEPTED ONTP REPORT

*School District Reorganization*

Enacted

LD 570 An Act To Improve the Laws Governing the Consolidation of School Administrative Units PUBLIC 580 EMERGENCY

Not Enacted

LD 160 An Act To Require the Department of Education To Provide an Accounting of School Subsidy Based on Individual Members in a Regional School Unit or Alternative Organizational Structure ONTP

LD 1729 An Act To Form a Western Maine Regional School Unit ONTP

LD 1732 An Act To Allow a Municipality To Withdraw from a Regional School Unit ONTP

LD 1733 An Act To Exempt from Penalties School Administrative Units That Would Lose Subsidy as a Result of Reorganization ONTP

LD 1734 An Act To Require the Department of Education To Calculate Subsidy on the Basis of Membership in a Regional School Unit or an Alternative Organizational Structure and as if the School Administrative Unit Had Not Reorganized as of 2009 ONTP

LD 1750 An Act To Require the State To Pay the Costs of School Administration Consolidation ACCEPTED ONTP REPORT

LD 1757 An Act To Create Fair Education Funding for Regional School Units ONTP

LD 1782 An Act To Exempt the Town of Hermon from the School Administrative Unit Consolidation Law ACCEPTED ONTP REPORT

*School Finance*

Enacted

LD 551 Resolve, To Direct the Commissioner of Education To Review the Essential Programs and Services Funding Formula RESOLVE 197

LD 1686 Resolve, To Clarify the Reporting of Debt Service Costs and the Allowance of Minor Capital School Improvement Projects Costs under Essential Programs and Services RESOLVE 182 EMERGENCY

Not Enacted

LD 1735 An Act To Waive Certain Penalties Imposed against School Administrative Units if the State Has Not Fulfilled Its Goal of Paying 55% of Costs DIED ON ADJOURNMENT

## *Special Education Programs and Finance*

### Enacted

LD 1532	An Act To Align Education Laws with Certain Federal Laws	PUBLIC 508
LD 1741	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation, a Major Substantive Rule of the Department of Education	RESOLVE 200 EMERGENCY
LD 1751	Resolve, Regarding Legislative Review of the Repeal of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education	RESOLVE 157 EMERGENCY
LD 1752	Resolve, Regarding Legislative Review of the Repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education	RESOLVE 158 EMERGENCY
LD 1804	An Act Concerning Certain MaineCare Rules Regarding Services Provided through the Child Development Services System and School Administrative Units	PUBLIC 643 EMERGENCY

### Not Enacted

LD 1654	An Act To Improve the Availability, Efficiency and Cost of Services for Infants, Young Children and Their Families	LEAVE TO WITHDRAW
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## *Teachers and Administrators*

### Enacted

LD 1799	An Act To Encourage the Use of Models in the Collection and Use of Student Achievement Data	PUBLIC 646
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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 2010

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SEN. LISA T. MARRACHÉ  
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*Joint Standing Committee on Health and Human Services*

LD 233     **An Act To Include Independent Practice Dental Hygienists in  
MaineCare**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SULLIVAN	OTP-AM	H-647

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill provides for reimbursement under the MaineCare program to directly reimburse dental hygienists practicing independently as authorized under the Maine Revised Statutes, Title 32, section 1094-I for all procedures performed under Title 32, section 1094-Q, subsection 1. The bill directs the Department of Health and Human Services to adopt rules to implement this provision, and designates the rules as routine technical rules.

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

This amendment allows federally qualified health centers to employ independent practice dental hygienists as core providers under MaineCare rules and provides for the reimbursement of federally qualified health centers for these services. The amendment also adds an appropriations and allocations section.

LD 624     **Resolve, To Study Expenditures for Oral Health Care in the MaineCare  
Program**

**RESOLVE 146**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS BRANNIGAN	OTP-AM	H-590

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This resolve would increase MaineCare dental reimbursement rates in accordance with recommendation #1 of the 2008 Governor's Task Force on Expanding Access to Oral Health Care for Maine People.

**Committee Amendment "B" (H-590)**

This amendment replaces the resolve. It directs the Department of Health and Human Services to convene a working group to perform a study of oral health care in the MaineCare program. The study is directed to review MaineCare dental coverage, reimbursement and utilization and must identify ways to reduce or redirect expenditures with the goal of providing more cost-effective, high-quality care for MaineCare members. The working group is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters during the First Regular Session of the 125th Legislature. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out a bill related to the subject of the report to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 146 directs the Department of Health and Human Services to convene a working group to perform a study of oral health care in the MaineCare program. The working group is directed to review



***Joint Standing Committee on Health and Human Services***

MaineCare dental coverage, reimbursement and utilization and must identify ways to reduce or redirect expenditures with the goal of providing more cost-effective, high-quality care for MaineCare members. The working group is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters during the First Regular Session of the 125th Legislature. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out a bill related to the subject of the report to the First Regular Session of the 125th Legislature.

**LD 637      An Act To Ensure Services for Adults with Developmental Disabilities      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill requires the Department of Health and Human Services to provide health coverage under the MaineCare program for an adult with mental retardation or autism who is incapacitated and financially eligible for MaineCare.

**LD 701      An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MARRACHE	OTP-AM MAJ ONTP MIN	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill provides funding for a portion of the comprehensive cancer screening, detection and prevention program by providing an ongoing appropriation from the Fund for a Healthy Maine.

**LD 757      An Act To Improve the Transparency of Certain Hospitals      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE PERRY J	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill makes medical organizations that receive over \$250,000 annually in public funds for medical services subject to the freedom of access laws.

*Joint Standing Committee on Health and Human Services*

**LD 821 An Act To Support Collection and Proper Disposal of Unwanted Drugs**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM MAJ ONTP MIN	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill establishes a system to collect and safely dispose of unwanted drugs from households and other residential sources.

**LD 1262 An Act To Restrict Gifts to Health Care Practitioners from  
Pharmaceutical and Medical Device Manufacturers**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	LTW	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053. This bill:

1. Prohibits most gifts and payments to health care practitioners from pharmaceutical and medical device manufacturers;
2. Includes medical devices in the definition of "prescription drug" for the purposes of requirements involving a pharmaceutical manufacturer's giving of gifts to health care practitioners and reporting marketing expenses;
3. Establishes requirements for pharmaceutical manufacturers' giving sample products to health care practitioners;
4. Requires the Department of Health and Human Services to report a pharmaceutical manufacturer's gifts and payments per health care practitioner instead of in the aggregate;
5. Limits the confidentiality of pharmaceutical manufacturers' reporting information to trade information protected by state and federal law;
6. Requires the Department of Health and Human Services to post the department's annual report regarding a pharmaceutical manufacturer's marketing expenses on a publicly accessible portion of the department's website; and
7. Allows the Department of Health and Human Services to raise the fees of pharmaceutical manufacturers to cover reasonable costs of the department.

**Joint Standing Committee on Health and Human Services**

**LD 1281 An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

The purpose of this bill is to increase the efficiency and effectiveness of licensing behavioral health providers by requiring the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities that receive and maintain accreditation by nationally recognized accrediting bodies. The department shall include such an agency, program or facility on any list of approved and licensed agencies, programs and facilities maintained by the department. Notwithstanding an agency's, program's or facility's maintenance of accreditation, the department may revoke the certificate of approval and remove a treatment program or facility from the department's list of approved programs and facilities for failure to provide data, statistics, schedules and other information reasonably required by the department pursuant to the Maine Revised Statutes, Title 5, section 20024. All agencies, programs and facilities may have approval and licensing revoked or modified by the department for findings resulting from the investigation of a critical incident.

**LD 1339 An Act To Improve Oversight of Pharmaceutical Purchasing**

**PUBLIC 581**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ALFOND	OTP-AM MAJ ONTP MIN	H-693

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill requires pharmacy benefits managers to register with the Department of Professional and Financial Regulation, Bureau of Insurance before entering into any contracts for pharmacy benefits management in the State. The bill also sets forth standards for audits conducted by pharmacy benefits managers. The bill requires the State Auditor to develop audit procedures to ensure state agencies that have pharmacy benefits management contracts are compliant with state law relating to pharmacy benefits management and prescription drug rebates. The bill also expands the privacy provisions applicable to pharmacy benefits managers to ensure that patient prescription information, even deidentified information, is not used directly by the pharmacy benefits manager or sold by or transferred to others for use in pharmaceutical marketing or by insurance companies in making benefits decisions.

**Committee Amendment "A" (H-693)**

This amendment is the majority report of the committee. The amendment replaces the bill. It requires pharmacy benefits managers to register with the Superintendent of Insurance beginning April 1, 2011, sets the registration fee at \$100 and the annual renewal fee at \$100 and gives to the superintendent rule-making authority and enforcement powers. It provides in the prescription drug practices law that the enforcement powers granted to the Attorney General do not limit the authority of the Superintendent of Insurance under the Maine Revised Statutes, Title 24-A. It directs the State Auditor to work with state agencies so that the agencies may ensure that the pharmacy benefits

## Joint Standing Committee on Health and Human Services

managers with which they do business comply with the requirements of existing state law.

### Enacted Law Summary

Public Law 2009, chapter 581 requires pharmacy benefits managers to register with the Superintendent of Insurance beginning April 1, 2011, sets the registration fee at \$100 and the annual renewal fee at \$100 and gives to the superintendent rule-making authority and enforcement powers. It provides in the prescription drug practices law that the enforcement powers granted to the Attorney General do not limit the authority of the Superintendent of Insurance under the Maine Revised Statutes, Title 24-A. It directs the State Auditor to work with state agencies so that the agencies may ensure that the pharmacy benefits managers with which they do business comply with the requirements of existing state law.

### LD 1360 An Act Regarding Mental Health Treatment

**PUBLIC 651  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	S-512 S-517 MILLS P S-520 NUTTING J S-534 DIAMOND

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill enables law enforcement or a family member of a person with a severe and persistent mental illness who is in need of assisted outpatient treatment to petition the District Court for an order that the person must participate in assisted outpatient treatment. The assisted outpatient treatment order lasts for 6 months and is renewable for an additional 12 months. The application, hearing, review and appeal process includes notice, a mental health examination, court-appointed or retained counsel, the right to present evidence and cross-examine witnesses and a record of the proceedings. The order to participate in assisted outpatient treatment includes within it an individualized treatment plan.

The bill requires the Department of Health and Human Services to provide community mental health services, including assignment of an assertive community treatment team, for a person who is ordered to participate in assisted outpatient treatment.

The bill requires providers of mental health services who apply for grants and contracts with the Department of Health and Human Services to provide community mental health treatment to persons ordered by a court to participate in assisted outpatient treatment.

The bill includes as a duty of the Department of Health and Human Services, under the category of safety net services, providing services for persons ordered to participate in assisted outpatient treatment.

### Committee Amendment "A" (S-512)

This amendment is the majority report of the committee. The amendment replaces the bill. It provides a definition for "medical practitioner" in the laws on commitment for mental illness. It redefines "likelihood of serious harm," "mentally ill person" and "patient." It decreases the number of examiners for the purposes of mental health commitment from 4 to 3 and preserves the right of the patient to choose the examiner. It increases the time period, with an extension, for a hearing on court commitment from 24 days total to 35 days total. It establishes a new option

## *Joint Standing Committee on Health and Human Services*

for the court in a civil commitment hearing, the option of ordering the person to participate in a program of outpatient treatment, and provides for compliance and consequences for noncompliance with the treatment program. It allows an alternative community treatment team or the Commissioner of Health and Human Services or the chief administrative officer of a psychiatric hospital to petition the court for an order that an alternative community treatment team participant be ordered to participate in outpatient treatment. It extends the time period in which the District Court must hold a hearing under the progressive treatment program from 14 to 21 days. It extends the time period for the progressive treatment program from 6 months to 12 months. It requires a comprehensive report from the Department of Health and Human Services by January 1, 2012. It delays implementation of the provisions that authorize an ACT team director or chief administrative officer of a nonstate psychiatric hospital to apply for a court order to admit a patient to a progressive treatment program until rulemaking has been completed and the new MaineCare claims management process is functioning. The amendment authorizes emergency rulemaking to adopt rules regarding nationally recognized essential standards and basic principles for ACT teams.

### **Senate Amendment "A" To Committee Amendment "A" (S-517)**

This amendment clarifies the intent of Committee Amendment "A" regarding the limitation on the expansion of the number or sizes of ACT teams. It prohibits referrals until after ACT Team fidelity standards and rules have been adopted and the new MaineCare claims system have begun operation.

### **Senate Amendment "B" To Committee Amendment "A" (S-520)**

This amendment restores the requirement in the mental health protective custody laws under the Maine Revised Statutes, Title 34-B, section 3862 that a law enforcement officer confirm that an informant has reason to believe, based upon the informant's recent personal observations of or conversations with a person, that a person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons.

### **Senate Amendment "C" To Committee Amendment "A" (S-534)**

This amendment removes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 651 provides a definition for "medical practitioner" in the laws on commitment for mental illness. It redefines "likelihood of serious harm," "mentally ill person" and "patient." It decreases the number of examiners for the purposes of mental health commitment from 4 to 3 and preserves the right of the patient to choose the examiner. It increases the time period, with an extension, for a hearing on court commitment from 24 days total to 35 days total. It establishes a new option for the court in a civil commitment hearing, the option of ordering the person to participate in a program of outpatient treatment, and provides for compliance and consequences for noncompliance with the treatment program. It allows an alternative community treatment team or the Commissioner of Health and Human Services or the chief administrative officer of a psychiatric hospital to petition the court for an order that an alternative community treatment team participant be ordered to participate in outpatient treatment. It extends the time period in which the District Court must hold a hearing under the progressive treatment program from 14 to 21 days. It extends the time period for the progressive treatment program from 6 months to 12 months. It requires a comprehensive report from the Department of Health and Human Services by January 1, 2012. It delays implementation of the provisions that authorize an ACT team director or the chief administrative officer of a nonstate psychiatric hospital to apply for a court order to admit a patient to a progressive treatment program until rulemaking has been completed, fidelity standards have been adopted and the new MaineCare claims management process is functioning. The law authorizes emergency rulemaking to adopt rules regarding nationally recognized essential standards and basic principles for ACT teams.

Public Law 2009, chapter 651 was enacted as an emergency measure effective April 14, 2010.

*Joint Standing Committee on Health and Human Services*

**LD 1364 An Act To Stimulate the Economy by Expanding Opportunities for Direct Support Aides**

**PUBLIC 546**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON ALFOND	OTP-AM	H-674

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill establishes the reimbursement by the Department of Health and Human Services for personal assistance services through standardized rates, beginning October 1, 2009, that apply to all providers and workers in programs, institutional settings, in-home services and community support services.

**Committee Amendment "A" (H-674)**

This amendment replaces the bill. It provides a definition for "direct support aide" in the laws governing home-based and community-based services and directs the Commissioner of Health and Human Services to convene a work group to evaluate progress toward meeting goals relating to direct support aide employment policies, training programs and compensation rates.

**Enacted Law Summary**

This law provides a definition for "direct support aide" in the laws governing home-based and community-based services. It directs the Commissioner of Health and Human Services to convene a work group to evaluate progress toward meeting goals relating to direct support aide employment policies, training programs and compensation rates.

**LD 1408 An Act To Establish the Universal Childhood Immunization Program**

**PUBLIC 595**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR MARRACHE	OTP-AM MAJ ONTP MIN	H-792

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill creates the Universal Childhood Immunization Program to provide immunizations and cover the costs of recommended vaccines for children in the State not covered by the federal Vaccines for Children Program. The bill creates the Maine Vaccine Board to determine the costs of purchasing and administering the vaccines and directs the board to assess these costs to appropriate health insurers in the State based on each insurer's share of nonelderly insureds in the State.

**Committee Amendment "A" (H-792)**

This amendment is the majority report of the committee. The amendment replaces the bill. It establishes the Universal Childhood Immunization Program to provide all children 18 years of age or younger in the State with access to a uniform set of vaccines. The program is administered by the Department of Health and Human Services for the purposes of optimizing public and private resources and lowering the cost of providing immunizations to children by leveraging contract prices for vaccines established through the United States Department of Health and Human Services, Centers for Disease Control and Prevention. The program and the Childhood Immunization Fund

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are overseen by the Maine Vaccine Board. The program costs associated with vaccines for children covered by health insurance carriers and 3rd-party administrators are funded by assessments on those entities. Any costs associated with vaccines for children covered by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program are the responsibility of the State. Assessments are deposited into the fund, which does not lapse, to be used only for the purposes of the Universal Childhood Immunization Program. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

### **Enacted Law Summary**

This law establishes the Universal Childhood Immunization Program to provide all children 18 years of age or younger in the State with access to a uniform set of vaccines. The program is administered by the Department of Health and Human Services for the purposes of optimizing public and private resources and lowering the cost of providing immunizations to children by leveraging contract prices for vaccines established through the United States Department of Health and Human Services, Centers for Disease Control and Prevention. The program and the Childhood Immunization Fund are overseen by the Maine Vaccine Board. The program costs associated with vaccines for children covered by health insurance carriers and 3rd-party administrators are funded by assessments on those entities. Any costs associated with vaccines for children covered by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, Vaccines for Children Program are the responsibility of the State. Assessments are deposited into the fund, which does not lapse, to be used only for the purposes of the Universal Childhood Immunization Program. The board is required to report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

**LD 1464    An Act To Amend Licensing, Certification and Registration  
Requirements for Health Care Providers and Other Facilities**

**PUBLIC 621**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP-AM	H-593

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. This bill authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This bill requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

### **Committee Amendment "B" (H-593)**

This amendment changes from October 1, 2009 to October 1, 2010 the date on which the new requirement of performing criminal background checks on new employees will take effect.

### **Enacted Law Summary**

Public Law 2009, chapter 621 requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a consumer beginning October 1, 2010. Providers will pay for the criminal background checks. Some providers are currently required by statute to obtain

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criminal background checks, and this bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools. This law authorizes the Department of Health and Human Services to investigate complaints against temporary nurse agencies and provides enforcement mechanisms for violations. This law requires the department to use income from penalties to improve the quality of care for residents of long-term care facilities.

**LD 1507    An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM	H-782

This bill amends the laws governing the rules of the Department of Health and Human Services for medical eligibility for coverage in nursing facilities and for private, nonmedical and board and care institutions, which provide, among other services, residential care services for the aged and disabled. It requires that for both types of facilities, to the extent the department establishes penalties or denies reimbursement when a facility is late or misses a deadline for obtaining an assessment of a resident's need for services, the department may not deny reimbursement and may not impose a penalty greater than 20 percent of total reimbursement unless it is proven that the resident, if timely assessed, would not have been eligible for continuing services.

**Committee Amendment "A" (H-782)**

This amendment removes from the bill provisions applicable to private, nonmedical and board and care institutions. The amendment requires the department's MaineCare reimbursement rules applicable to nursing facilities to allow 2 late assessment referrals without denial of reimbursement. This amendment also adds an appropriations and allocations section.

**LD 1542    An Act To Make Maine's Laws Consistent with the Federal Family Smoking Prevention and Tobacco Control Act**

**PUBLIC 606**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BRANNIGAN	OTP-AM MAJ ONTP MIN	H-776

This bill revises existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act, which bans the sale of flavored cigarettes. This bill also simplifies enforcement of the ban on flavored tobacco products.

**Committee Amendment "A" (H-776)**

This amendment is the majority report of the committee. This amendment revises the bill, which amends existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act. The amendment retains the prohibition on selling flavored nonpremium cigars, while exempting cigars previously exempted by the Attorney General. The amendment deletes the bill's repeal of portions of the current law regarding an Attorney General website and transfer of funds to restore lost revenues to the General Fund.



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## Enacted Law Summary

Public Law 2009, chapter 606 amends existing prohibitions on the sale of flavored tobacco products to make Maine law consistent with the new federal Family Smoking Prevention and Tobacco Control Act. The law prohibits selling flavored nonpremium cigars, while exempting cigars previously exempted by the Attorney General.

### LD 1544 An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization

PUBLIC 613

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-787

This bill amends the laws governing the Maine Health Data Processing Center to remove the phrase "Maine Health Information Center" and replace it with "Onpoint Health Data," the new name of the organization. It modifies the composition of the Board of Directors of the Maine Health Data Processing Center.

It restructures the laws governing reports produced by the Maine Health Data Organization and removes the requirement that the organization publish a notice of the availability of these reports at least once per year in the 3 daily newspapers of the greatest general circulation published in the State.

It also clarifies what constitutes an undisputed health care claim submitted by a health care provider or health care facility to a carrier and specifies fields in the claim that must be filled. The language also stipulates that if the claim does not conform to the requirements and does not contain any one of the required fields, the provider or facility may not request payment directly from the insured and must resubmit the claim to the carrier.

#### Committee Amendment "A" (H-787)

This amendment prohibits the Board of Directors of the Maine Health Data Organization and the Attorney General from assessing fines, initiating enforcement actions or seeking injunctive relief against a payor that has submitted claims data for any billing provider data element contained in the claim furnished by the provider or any service provider data element when associated with the billing provider elements, or that has failed to meet the thresholds for these data elements. This provision is repealed July 1, 2011. The amendment establishes a working group to work on issues regarding submission of data to the Maine Health Data Organization. By November 15, 2010, the working group must report to the Joint Standing Committee on Health and Human Services with a plan to resolve the service and provider issues and with an implementation schedule. This amendment deletes language in the bill that relates to requirements for an undisputed claim.

## Enacted Law Summary

Public Law 2009 chapter 613 amends the laws governing the Maine Health Data Processing Center to remove the phrase "Maine Health Information Center" and replace it with "Onpoint Health Data," the new name of the organization. It modifies the composition of the Board of Directors of the Maine Health Data Processing Center. It restructures the laws governing reports produced by the Maine Health Data Organization and removes the requirement that the organization publish a notice of the availability of these reports at least once per year in the three daily newspapers of the greatest general circulation published in the State. This law prohibits the Board of Directors of the Maine Health Data Organization and the Attorney General from assessing fines, initiating enforcement actions or seeking injunctive relief against a payor that has submitted claims data for any billing provider data element contained in the claim furnished by the provider or any service provider data element when associated with the billing provider elements, or that has failed to meet the thresholds for these data elements. This

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provision is repealed July 1, 2011. The law establishes a working group to work on issues regarding submission of data to the Maine Health Data Organization. By November 15, 2010, the working group must report to the Joint Standing Committee on Health and Human Services with a plan to resolve the service and provider issues and with an implementation schedule.

**LD 1591     An Act To Amend the Maine Certificate of Need Act of 2002  
Concerning Right of Entry and Investigation**

**PUBLIC 556  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-720

This bill authorizes the Department of Health and Human Services to enter and inspect a health care facility or other entity subject to the Maine Certificate of Need Act of 2002 when the department has a reasonable basis to suspect that a violation has occurred.

**Committee Amendment "A" (H-720)**

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

**Enacted Law Summary**

Public Law 2009, chapter 556 authorizes the Department of Health and Human Services to enter and inspect a health care facility or other entity subject to the Maine Certificate of Need Act of 2002 when the department has a reasonable basis to suspect that a violation has occurred.

Public Law 2009, chapter 556 was enacted as an emergency measure effective March 26, 2010.

**LD 1592     An Act To Update the Laws Affecting the Maine Center for Disease  
Control and Prevention**

**PUBLIC 589**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP-AM MAJ ONTP MIN	H-721

This bill implements the recommendations of an interagency work group on the control of rabies and allocates the responsibilities in various situations for taking possession, quarantine, confinement, testing and euthanasia of certain animals. This bill increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage and death and requires that a portion of these fees be remitted to the Department of Health and Human Services, Maine Center for Disease Control and Prevention. It increases the maximum fee that may be charged for certain plumbing permits. It increases the license fee for certain eating establishments, eating and lodging places, lodging places, recreational camps, youth camps and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections.

**Committee Amendment "A" (H-721)**

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This amendment is the majority report of the committee. The amendment adds a mandate preamble. It removes the provisions of the bill related to rabies control and provisions of the bill that would require municipalities to remit to the Department of Health and Human Services a portion of the increased fees that towns would charge for vital records. It reduces the increased fee for burial permits from \$40 to \$20, changes the term "burial" to "disposition of human remains" and exempts dispositions of human remains paid for by municipal General Assistance from the fee. The amendment authorizes the Department of Health and Human Services to charge municipalities fees for services and paper related to vital records, the fees to be established through major substantive rulemaking and to be reviewed every three years. It requires the department to review every three years the fees charged by municipalities for vital records. It also adds an appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 589 increases the maximum fees that may be charged with respect to certain documents regarding birth, marriage and death and the maximum fees that may be charged for permits for the disposition of human remains and for certain plumbing permits. It exempts burials paid for by General Assistance from the required fees. It increases the license fee for certain eating establishments, eating and lodging places, lodging places, recreational camps, youth camps and camping areas and allows the department to collect a transaction fee from a licensee who renews a license electronically. It increases the fee for a voluntary inspection by the department of an electrologist's training, place of practice and equipment. It increases the license fee for micropigmentation practitioners and tattoo and body piercing artists. It provides that fees collected by the department for an inspection of an electrologist's training, place of practice and equipment and license fees for micropigmentation practitioners and tattoo and body piercing artists must be deposited into a special revenue account for health inspections. The law allows the Department of Health and Human Services to charge municipalities fees for services and paper related to vital records, the fees to be established through major substantive rulemaking and to be reviewed every three years. It requires the department to review every three years the fees charged by municipalities for vital records.

### LD 1599 An Act Regarding the Maternal and Infant Death Review Panel

**PUBLIC 531  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-383

This bill requires health care providers to report to the maternal and infant death review panel all deaths of infants under one year of age and women during pregnancy and within 42 days of giving birth and to provide notice of the report, at the time of death or at the time of making the report, to the parent or parents or authorized representative of the deceased person. The bill repeals the ending date of January 1, 2011 of the maternal and infant death review panel.

### Committee Amendment "A" (S-383)

This amendment authorizes the maternal and infant death panel coordinator to have access to fetal death certificates. The amendment requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation. The amendment prohibits the panel coordinator from reviewing cases of abortion.

### Enacted Law Summary

Public Law 2009, chapter 531 requires health care providers to report to the maternal and infant death review panel all deaths of infants under one year of age and women during pregnancy and within 42 days of giving birth and to provide notice of the report, at the time of death or at the time of making the report, to the parent or parents or authorized representative of the deceased person. The law repeals the ending date of January 1, 2011 of the maternal and infant death review panel. The law authorizes the maternal and infant death panel coordinator to have

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access to fetal death certificates. It requires the panel coordinator to review the majority of fetal deaths occurring after 28 weeks' gestation and prohibits the panel coordinator from reviewing cases of abortion.

Public Law 2009, chapter 531 was enacted as an emergency measure effective March 22, 2010.

**LD 1600      Resolve, To Allow for the Proper Disposal of Medical Supplies      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

This resolve directs the Department of Health and Human Services to establish by rule a program to allow consumers to safely dispose of medical supplies, including, but not limited to, syringes and diabetic test supplies.

**LD 1602      An Act To Clarify the Child Abuse or Neglect Substantiation Process      PUBLIC 558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP	

This bill makes it explicit that the Department of Health and Human Services has authority to make findings as a result of allegations against the parents or caregivers regarding whether or not a child has been abused or neglected.

### **Enacted Law Summary**

Public Law 2009, chapter 558 specifies that the Department of Health and Human Services has authority to make findings as a result of allegations against the parents or caregivers regarding whether or not a child has been abused or neglected.

**LD 1615      An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEWIN RAYE	ONTP	

This bill requires the Department of Health and Human Services to reimburse pharmacies for dispensing covered brand name and generic drugs under the MaineCare program based on a formula that includes calculated wholesale acquisition cost plus 6.7% and a dispensing fee of \$3.35 per prescription and allows the department to adopt routine technical rules. The formula applies to drugs dispensed under the MaineCare program on or after September 26, 2009.

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**LD 1616 An Act To Enhance Newborn Blood Spot Screening To Conform to Federal Newborn Screening Standards**

**PUBLIC 514**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES	OTP	

This bill amends the newborn screening program law to describe conditions for which screening is available and reliable and for which treatment improves outcomes. The bill also allows the program to align with national and regional efforts in screening, treatment and evaluation consistent with the federal Newborn Screening Saves Lives Act of 2007. The collection and sharing of data with other states involved in the same newborn blood spot screening programs will allow the department to assess the comprehensive newborn screening system's strengths and weaknesses and will promote quality assurance, quality improvement and ongoing evaluation of the effectiveness of the newborn blood spot screening program as established by rule of the Department of Health and Human Services.

**Enacted Law Summary**

Public Law 2009, chapter 514 amends the newborn screening program law to describe conditions for which screening is available and reliable and for which treatment improves outcomes. The law allows the program to align with national and regional efforts in screening, treatment and evaluation consistent with the federal Newborn Screening Saves Lives Act of 2007. The law requires the Department of Health and Human Services' genetics program to coordinate matters pertaining to detection, prevention and treatment of genetic conditions and metabolic disorders.

**LD 1617 An Act Enabling Expedited Partner Therapy**

**PUBLIC 533**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-653

This bill allows a health care professional who diagnoses a patient with a sexually transmitted disease to provide prescription antibiotic drugs to that patient's sexual partner for the treatment of the sexually transmitted disease without a physical examination if in the judgment of the health care professional the partner is unlikely or unable to be seen for comprehensive health care.

**Committee Amendment "A" (H-653)**

This amendment adds to the counseling requirements for expedited partner therapy advice regarding seeking medical attention.

**Enacted Law Summary**

Public Law 2009, chapter 533 allows a health care professional who diagnoses a patient with a sexually transmitted disease to provide prescription antibiotic drugs to that patient's sexual partner for the treatment of the sexually transmitted disease without a physical examination if in the judgment of the health care professional the partner is unlikely or unable to be seen for comprehensive health care. The law requires counseling advice regarding seeking medical attention.

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**LD 1648      Resolve, To Repeal the Fee Increase for Copies of Vital Records**

**INDEF PP**

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

This resolve directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Health Data and Program Management by March 1, 2010 to adopt emergency routine technical rules and then nonemergency routine technical rules to set the fees for obtaining copies of vital records from the office at the same levels as were in effect in September 2009. This resolve did not pass. But see also PL 2009, chapter 571, Part EEE, which rolls back certain vital records fees to their levels as of September 2009 and provides one time funding to the Office of Health Data and Program Management to offset the loss of fees in State FY11.

**LD 1672      Resolve, Regarding the Dispensing of Antiepileptic Drugs**

**RESOLVE 188**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	ONTP MAJ OTP-AM MIN	S-390 S-434 MARRACHE

This bill requires a pharmacist to notify and get consent from the prescriber of an antiepileptic drug for a patient with epilepsy if the drug is switched from one formulation or manufacturer to another.

**Committee Amendment "A" (S-390)**

This amendment is the minority report of the committee. This amendment provides a new title and replaces the bill. Beginning August 1, 2010 it requires pharmacists to obtain the consent of the practitioner prescribing a prescription drug before substituting a therapeutically equivalent drug when the practitioner has handwritten on the prescription form the words "epilepsy or seizure risk." This amendment provides a repeal date of August 1, 2012.

**Senate Amendment "A" To Committee Amendment "A" (S-434)**

This amendment replaces Committee Amendment "A" with a resolve that directs a study group to examine substitution within the antiepileptic class of medications, current state laws governing substitutions generally, the powers available to prescribers under current substitution laws and whether there is a need to grant any additional powers to prescribers in this State for any one class of drugs. The study group shall submit its findings in a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 15, 2011.

**Enacted Law Summary**

Resolve 2009, chapter 188 directs a study group to examine substitution within the antiepileptic class of medications, current state laws governing substitutions generally, the powers available to prescribers under current substitution laws and whether there is a need to grant any additional powers to prescribers in this State for any one class of drugs. The study group shall submit its findings in a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 15, 2011.

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**LD 1687      Resolve, To Define High-risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and To Implement Public Law 2009, chapter 346**

**DIED BETWEEN  
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE	ONTP MAJ OTP-AM MIN	

This resolve defines high-risk populations for Maine hospitals to screen for methicillin-resistant Staphylococcus aureus, known as MRSA, to facilitate implementation of Public Law 2009, chapter 346. In addition, this resolve requires that hospitals report positive test results to the Maine Health Data Organization and the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

**LD 1688      An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services**

**PUBLIC 590**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	OTP-AM	H-744

This bill authorizes the Department of Health and Human Services to charge a processing fee when a licensed, certified or registered facility, health care provider or program must have a license, certificate or registration reissued by the department because the licensee, certificate holder or registration holder made changes that require the reissuance of the license, certificate or registration. The bill authorizes the department to establish an annual registration fee for temporary nurse agencies and to increase the initial and renewal licensing fees for nursery schools, not to exceed \$40. The bill also authorizes the department to charge certain providers a transaction fee to renew licenses electronically. It authorizes the department to charge a verification fee to providers to check a certified nursing assistant's credentials and training history.

**Committee Amendment "A" (H-744)**

This amendment clarifies that the provider verification fee is an annual fee.

**Enacted Law Summary**

Public Law 2009, chapter 590 authorizes the Department of Health and Human Services to charge a processing fee when a licensed, certified or registered facility, health care provider or program must have a license, certificate or registration reissued by the department because the licensee, certificate holder or registration holder made changes that require the reissuance of the license, certificate or registration. The law authorizes the department to establish an annual registration fee for temporary nurse agencies and to increase the initial and renewal licensing fees for nursery schools, not to exceed \$40. The law authorizes the department to charge certain providers a transaction fee to renew licenses electronically. It authorizes the department to charge an annual verification fee to providers to check a certified nursing assistant's credentials and training history.

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LD 1706    **An Act To Create the Children's Wireless Protection Act**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND BLISS	ONTP MAJ OTP-AM MIN	

This bill provides that a manufacturer may not sell at retail in this State, or to a retailer in this State or for use in this State a cellular telephone unless, at no cost to the Maine retailer or Maine distributor, the cellular telephone and its packaging bear a warning label relating to the potential for brain cancer associated with electromagnetic radiation of the form emitted from cellular telephones, with the recommendation that users, especially children and pregnant women, keep the device away from the head and body. A violation of this provision is a violation of the Maine Unfair Trade Practices Act.

LD 1727    **Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse**

**RESOLVE 175  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-696

This resolve provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services, Office of Substance Abuse.

**Committee Amendment "A" (H-696)**

This amendment requires that the rules under review be amended to include an intervention approach to be undertaken with certain MaineCare members, not to include terminating the member from MaineCare services.

**Enacted Law Summary**

Resolve 2009, chapter 175 provides for legislative review of portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a major substantive rule of the Department of Health and Human Services, Office of Substance Abuse. The resolve requires that the rules under review be amended to include an intervention approach to be undertaken with certain MaineCare members, not to include terminating the member from MaineCare services.

Resolve 2009, chapter 175 was finally passed as an emergency measure effective March 26, 2010.



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**LD 1749**     **Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 166  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ ONTP MIN	

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2009, chapter 166 provides legislative approval of portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services.

Resolve 2009, chapter 166 was finally passed as an emergency measure effective March 22, 2010.

**LD 1767**     **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 176  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2009, chapter 176 approves portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2009, chapter 176 was passed as an emergency measure effective March 26, 2010.

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**LD 1780      Resolve, Regarding Legislative Review of Portions of Chapter 270:  
Uniform Reporting System for Quality Data Sets, a Major Substantive  
Rule of the Maine Health Data Organization**

**RESOLVE 193  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-770

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

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

This amendment states that the Legislature approves the major substantive rule on health care-associated infection quality data set filing if the rule is amended to require reporting of the results of a hospital's active surveillance culturing of high-risk patients for methicillin-resistant *Staphylococcus aureus* and to clarify that the Maine Quality Forum must within 90 days of adoption of the rule establish a schedule for periodic prevalence studies.

**Enacted Law Summary**

Resolve 2009, chapter 193 approves portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization. The resolve requires that the rule be amended to require reporting of the results of a hospital's active surveillance culturing of high-risk patients for methicillin-resistant *Staphylococcus aureus* and to clarify that the Maine Quality Forum must within 90 days of adoption of the rule establish a schedule for periodic prevalence studies.

Resolve 2009, chapter 193 was finally passed as an emergency measure effective April 1, 2010.

**LD 1781      An Act To Allow Electronic Filing of Vital Records and Closing of  
Records To Guard against Fraud and Make Other Changes to the Vital  
Records Laws**

**PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-783

This bill changes the name of the Department of Health and Human Services, Office of Health Data and Program Management to the Office of Data, Research and Vital Statistics. This bill enables the Office of Data, Research and Vital Statistics to establish a system for the electronic filing of death certificates. This bill acknowledges the change in name of the Veterans Administration Center at Togus to the United States Department of Veterans Affairs at Togus. This bill shortens the time period in which a vital record may be corrected or completed from one year to 90 days. This bill closes vital records from public procurement to guard against fraud. This bill enables the State Registrar of Vital Statistics to appoint subregistrars. This bill allows a disposition of human remains permit to be issued for a fetus regardless of gestational age. This bill enables the State Registrar of Vital Statistics to change the design of forms for adult adoptee access to records without using the rule-making process. This bill authorizes the Chief Medical Examiner within the Department of the Attorney General to designate individuals to execute supplemental certificates of death as regards time, date, place and circumstances of death, while reserving to the medical examiner responsibility for determining the cause and manner of death in medical examiner cases. This bill

## *Joint Standing Committee on Health and Human Services*

updates the penalty section in the laws governing vital statistics to be compliant with current statutes.

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

This amendment adds a provision to the bill to allow inspection of vital records by and issuance of noncertified copies of vital records to persons doing genealogical research who hold researcher identification cards. It directs the Department of Health and Human Services to adopt routine technical rules to implement the provision. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 601 changes the name of the Department of Health and Human Services, Office of Health Data and Program Management to the Office of Data, Research and Vital Statistics. The law enables the Office of Data, Research and Vital Statistics to establish a system for the electronic filing of death certificates. The law acknowledges the change in name of the Veterans Administration Center at Togus to the United States Department of Veterans Affairs at Togus. The law shortens the time period in which a vital record may be corrected or completed from one year to 90 days. The law enables the State Registrar of Vital Statistics to appoint subregistrars. The law allows a disposition of human remains permit to be issued for a fetus regardless of gestational age. The law enables the State Registrar of Vital Statistics to change the design of forms for adult adoptee access to records without using the rule-making process. The law authorizes the Chief Medical Examiner within the Department of the Attorney General to designate individuals to execute supplemental certificates of death as regards time, date, place and circumstances of death, while reserving to the medical examiner responsibility for determining the cause and manner of death in medical examiner cases. The law updates the penalty section in the laws governing vital statistics to be compliant with current statutes. The law allows inspection of vital records by and issuance of noncertified copies of vital records to persons doing genealogical research who hold researcher identification cards. The law directs the Department of Health and Human Services to adopt routine technical rules to implement the law.

**LD 1798    An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR COURTNEY	OTP-AM MAJ ONTP MIN	

This resolve proposes bonding for dental and oral health purposes. The funds provided by the bond issue in Part A, in the amount of \$7,000,000, will be awarded on a competitive basis, \$5,000,000 to be used for a community-based teaching clinic affiliated with or operated by a college of dental medicine and \$2,000,000 to be used to upgrade community-based health care clinics across the State to increase their capacity. Part B establishes a regular monitoring requirement regarding grant recipients. Part C establishes a committee to award the funds. Part D makes Part B and Part C contingent on passage of the General Fund bond issue. This resolve did not pass. But see LD 1826 Parts D, E, F and G on bond issues to go to statewide vote in 2010.

**LD 1811    An Act To Amend the Maine Medical Marijuana Act**

**PUBLIC 631  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-508 S-519 DIAMOND

## *Joint Standing Committee on Health and Human Services*

This bill amends the statutes enacted by Initiated Bill 2009, chapter 1, which allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. It reflects the recommendations of the Committee on the Implementation of the Maine Medical Marijuana Act and the Criminal Law Advisory Commission. It also clarifies many of the provisions of the statutes, clarifies the process to add new debilitating conditions and conforms the language of the statutes to other Maine laws. It also applies retroactively to December 23, 2009, the effective date of the initiated bill.

### **Committee Amendment "A" (S-508)**

This amendment replaces the bill. It adds emergency language to the bill. It clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana," changes implementation dates to July 1, 2010 and delays repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. It adds three health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. The amendment resolves a conflict in the bill regarding the rights of visiting registered patients, allowing possession of marijuana for medical use for 30 days based on the other jurisdiction's registry card while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. The amendment prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. The amendment sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. The amendment limits the number of dispensaries to one per department public health district for the first year, with review by the department after one year. This amendment provides startup funding through a General Fund working capital advance of \$200,000, with a two-year repayment schedule.

### **Senate Amendment "A" To Committee Amendment "A" (S-519)**

This amendment increases the General Fund working capital advance from \$200,000 to \$250,000 and changes the payback schedule to require all advanced funds to be repaid by June 30, 2011.

### **Enacted Law Summary**

Public Law 2009, chapter 631 amends the statutes enacted by Initiated Bill 2009, chapter 1, which allows a person who has been diagnosed by a physician as suffering from certain medical conditions to possess marijuana for medical use. It reflects the recommendations of the Committee on the Implementation of the Maine Medical Marijuana Act and the Criminal Law Advisory Commission. It also clarifies many of the provisions of the statutes, clarifies the process to add new debilitating conditions and conforms the language of the statutes to other Maine laws.

It clarifies definitions and certain terms, including changing the term for marijuana that is used for medical purposes from "usable marijuana" to "prepared marijuana," changes implementation dates to July 1, 2010 and delays until January 1, 2011 repeal of the provisions on affirmative defense that apply to qualifying patients and caregivers who do not hold registration cards. It adds three health care practitioners to the advisory board that will consider adding medical conditions, diseases and treatments to the list of qualifying debilitating conditions and provides additional confidentiality protections. It provides a physician review process for qualifying patients who are minors and allows for the administration of marijuana to registered patients in food and in other preparations. The law allows possession of marijuana for medical use for 30 days based on the registry card of another jurisdiction while not allowing the visiting qualifying patient to obtain marijuana based on that registry card. The law prohibits the employment of minors in marijuana dispensaries and requires an annual report from the Department of Health and Human Services by April 1st each year. The law sets the fee for dispensaries, as determined by rule adopted by the department, at no less than \$5,000 and no greater than \$15,000 per year. The law limits the number of dispensaries to one per department public health district for the

## *Joint Standing Committee on Health and Human Services*

first year, with review by the department after one year.

The law provides for a General Fund working capital advance of \$250,000, with a payback schedule that requires all advanced funds to be repaid by June 30, 2011. The law applies retroactively to December 23, 2009, the effective date of the initiated bill.

Public Law 2009, chapter 631 was enacted as an emergency measure effective June 9, 2010.

*Joint Standing Committee on Health and Human Services*

SUBJECT INDEX

*Aging and Long-term Care*

Not Enacted

LD 1507	An Act To Ensure Fairness in Penalties for Administrative Errors in the Long-term Care Assessment Process	DIED ON ADJOURNMENT
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*Certificate of Need/Capital Investment Fund*

Enacted

LD 1591	An Act To Amend the Maine Certificate of Need Act of 2002 Concerning Right of Entry and Investigation	PUBLIC 556 EMERGENCY
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*Children's Services*

Enacted

LD 1602	An Act To Clarify the Child Abuse or Neglect Substantiation Process	PUBLIC 558
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*Departmental Organization and Administration*

Enacted

LD 1592	An Act To Update the Laws Affecting the Maine Center for Disease Control and Prevention	PUBLIC 589
LD 1781	An Act To Allow Electronic Filing of Vital Records and Closing of Records To Guard against Fraud and Make Other Changes to the Vital Records Laws	PUBLIC 601

Not Enacted

LD 1648	Resolve, To Repeal the Fee Increase for Copies of Vital Records	INDEF PP
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*Developmental Disabilities*

Not Enacted

LD 637	An Act To Ensure Services for Adults with Developmental Disabilities	ONTP
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*Health Care*

Enacted

LD 1408	An Act To Establish the Universal Childhood Immunization Program	PUBLIC 595
LD 1616	An Act To Enhance Newborn Blood Spot Screening To Conform to Federal Newborn Screening Standards	PUBLIC 514
LD 1617	An Act Enabling Expedited Partner Therapy	PUBLIC 533
LD 1811	An Act To Amend the Maine Medical Marijuana Act	PUBLIC 631 EMERGENCY

Not Enacted

LD 701	An Act To Fund the Screening and Early Detection Elements of the Statewide Cancer Plan	DIED BETWEEN HOUSES
LD 1262	An Act To Restrict Gifts to Health Care Practitioners from Pharmaceutical and Medical Device Manufacturers	LEAVE TO WITHDRAW
LD 1600	Resolve, To Allow for the Proper Disposal of Medical Supplies	ONTP
LD 1706	An Act To Create the Children's Wireless Protection Act	ACCEPTED ONTP REPORT
LD 1798	An Act To Authorize a General Fund Bond Issue To Create Access to Dental Care throughout the State	INDEF PP

*Health Care Workforce*

Enacted

LD 1364	An Act To Stimulate the Economy by Expanding Opportunities for Direct Support Aides	PUBLIC 546
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*Health Information and Data*

Enacted

LD 1544	An Act To Amend the Laws Governing the Maine Health Data Processing Center and the Maine Health Data Organization	PUBLIC 613
LD 1780	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 193 EMERGENCY

*Hospitals*

Not Enacted

LD 757	An Act To Improve the Transparency of Certain Hospitals	ONTP
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LD 1687      **Resolve, To Define High-risk Populations for the Purposes of Hospital Surveillance for Methicillin-resistant Staphylococcus Aureus and To Implement Public Law 2009, chapter 346**      **DIED BETWEEN HOUSES**

*Licensing*

Enacted

LD 1464      **An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities**      **PUBLIC 621**

LD 1688      **An Act To Update the Laws Affecting the Department of Health and Human Services, Division of Licensing and Regulatory Services**      **PUBLIC 590**

Not Enacted

LD 1281      **An Act To Increase the Efficiency and Effectiveness of Licensing Behavioral Health Care Providers**      **ONTP**

*Maternal/Infant*

Enacted

LD 1599      **An Act Regarding the Maternal and Infant Death Review Panel**      **PUBLIC 531 EMERGENCY**

*Medicaid/MaineCare*

Enacted

LD 624      **Resolve, To Study Expenditures for Oral Health Care in the MaineCare Program**      **RESOLVE 146**

LD 1749      **Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services**      **RESOLVE 166 EMERGENCY**

LD 1767      **Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**      **RESOLVE 176 EMERGENCY**

Not Enacted

LD 233      **An Act To Include Independent Practice Dental Hygienists in MaineCare**      **DIED ON ADJOURNMENT**

LD 1615      **An Act To Reimburse Pharmacies under the MaineCare Program Based on Wholesale Acquisition Costs**      **ONTP**

*Mental Health*

Enacted



LD 1360      **An Act Regarding Mental Health Treatment**      **PUBLIC 651  
EMERGENCY**

*Prescription Drugs*

Enacted

LD 1339      **An Act To Improve Oversight of Pharmaceutical Purchasing**      **PUBLIC 581**

LD 1672      **Resolve, Regarding the Dispensing of Antiepileptic Drugs**      **RESOLVE 188**

Not Enacted

LD 821      **An Act To Support Collection and Proper Disposal of Unwanted  
Drugs**      **DIED BETWEEN  
HOUSES**

*Substance Abuse*

Enacted

LD 1727      **Resolve, Regarding Legislative Review of Portions of Chapter 11:  
Rules Governing the Controlled Substances Prescription  
Monitoring Program, a Major Substantive Rule of the  
Department of Health and Human Services, Office of Substance  
Abuse**      **RESOLVE 175  
EMERGENCY**

*Tobacco Sale and Use*

Enacted

LD 1542      **An Act To Make Maine's Laws Consistent with the Federal  
Family Smoking Prevention and Tobacco Control Act**      **PUBLIC 606**

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON INSURANCE AND  
FINANCIAL SERVICES**

April 2010

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***Joint Standing Committee on Insurance and Financial Services***

**LD 20      An Act To Require Insurance Companies To Cover the Cost of  
Prosthetics Containing Microprocessors**

**PUBLIC 603**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM MAJ ONTP MIN	H-748

LD 20 was carried over from the First Regular session of the 124th Legislature pursuant to joint order, H.P. 1053. The bill requires health insurance policies, contracts and certificates to provide coverage for prosthetics. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2010.

**Committee Amendment "A" (H-748)**

This amendment is the majority report of the committee and replaces the bill. Under current law, health insurance carriers are required to provide coverage for prosthetic devices, but coverage is not required for those devices containing a microprocessor. The amendment removes the exclusion for prosthetic devices that include a microprocessor. The amendment applies to insurance policies, contracts and certificates issued or renewed on or after January 1, 2011.

**Enacted Law Summary**

Under current law, health insurance carriers are required to provide coverage for prosthetic devices, but coverage is not required for those devices containing a microprocessor. Public Law 2009, chapter 603 removes the exclusion for prosthetic devices that include a microprocessor. The law applies to insurance policies, contracts and certificates issued or renewed on or after January 1, 2011.

**LD 257      An Act To Establish the Health Technology Clinical Committee**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BOWMAN	ONTP	

LD 257 was carried over from the First Regular Session of the 124th Legislature pursuant to joint order, H.P. 1053. The bill requires the Maine Quality Forum to establish a health technology assessment program to make determinations as to which health technologies and health care services will be included as covered benefits in publicly funded health care plans. The bill establishes the Health Technology Clinical Committee, a five-member committee of health care providers, to conduct the assessments and make the coverage determinations based on reviews of scientific evidence.

**LD 425      An Act To Require Private Insurance Coverage for Certain Services for  
Children with Disabilities**

**PUBLIC 634**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CONNOR BRANNIGAN	OTP-AM MAJ ONTP MIN	H-663

***Joint Standing Committee on Insurance and Financial Services***

LD 425 was carried over from the First Regular Session of the 124th Legislature pursuant to joint order, H.P. 1053. The bill requires individual and group health insurance policies and health maintenance organization contracts to provide coverage for children's early intervention services after a referral from a primary care provider for children from birth to three years of age if the child has an identified developmental disability or delay as described in the federal Individuals with Disabilities Education Act, Part C. The bill limits coverage to \$3,200 per year per child up to a maximum of \$9,600 by the child's third birthday. The bill applies to all policies, contracts and certificates issued or renewed on or after January 1, 2010.

**Committee Amendment "A" (H-663)**

This amendment changes the application clause of the bill so it will apply to all individual and group health insurance policies, contracts and certificates issued or renewed on or after January 1, 2011. This amendment also reallocates the statutory provisions contained in the bill.

**Enacted Law Summary**

Public Law 2009, chapter 634 requires individual and group health insurance policies and health maintenance organization contracts to provide coverage for children's early intervention services after a referral from a primary care provider for children from birth to three years of age if the child has an identified developmental disability or delay as described in the federal Individuals with Disabilities Education Act, Part C. The law limits coverage to \$3,200 per year per child up to a maximum of \$9,600 by the child's third birthday. The law applies to all policies, contracts and certificates issued or renewed on or after January 1, 2011.

**LD 1059      Resolve, To Enhance Health Care for Direct Care Workers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	ONTP	

LD 1059 was carried over from the First Regular Session of the 124th Legislature pursuant to joint order, H.P. 1053. The resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a demonstration project named the Direct Care Workforce Health Coverage Working Group to help long-term care service providers unable to afford high-quality health insurance for their direct care workers to receive higher levels of reimbursement for MaineCare services they provide.

**LD 1198      An Act To Reform Insurance Coverage To Include Diagnosis and Treatment for Autism Spectrum Disorders**

**PUBLIC 635**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	OTP-AM	S-430

LD 1198 was carried over from the First Regular Session of the 124th Legislature pursuant to joint order, H.P. 1053. The bill requires group health insurance policies, contracts and certificates covering fewer than 50 members to provide coverage for the diagnosis and treatment of autism spectrum disorders for persons 21 years of age and under. Initially, coverage is subject to a maximum annual benefit of \$36,000 per year; beginning January 1, 2011, the maximum benefit must be adjusted annually for inflation using the medical care component of the United States Department of Labor Consumer Price Index. The provisions of this bill apply to group policies, contracts and

## Joint Standing Committee on Insurance and Financial Services

certificates issued or renewed on or after January 1, 2010.

### Committee Amendment "A" (S-430)

This amendment changes the title of the bill and requires individual health insurance policies and contracts as well as group policies, contracts and certificates for health insurance to provide coverage for the diagnosis and treatment of autism spectrum disorders; however, the amendment provides coverage for persons five years of age and under rather than 21 years of age and under. To be eligible for coverage for the treatment of autism spectrum disorders, applied behavior analysis services must be provided by a person professionally certified as a behavior analyst or under the supervision of a professionally certified behavior analyst. Coverage for applied behavior therapy is subject to a maximum annual benefit of \$36,000 per year. The amendment clarifies that the annual cap on benefits applies to the extent allowed under federal law for group health plans. The amendment also clarifies that coverage for prescription drugs for the treatment of autism spectrum disorders must be determined in the same manner as coverage for prescription drugs for the treatment of other illnesses. The provisions of this amendment apply to individual and group policies, contracts and certificates issued or renewed on or after January 1, 2011.

The amendment also requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report related to the experience of carriers with the mandate requiring coverage for diagnosis and treatment of autism spectrum disorders, particularly applied behavior analysis services. The report must be submitted by February 1, 2015. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is authorized to report out a bill to the First Regular Session of the 127th Legislature.

### Enacted Law Summary

Public Law 2009, chapter 635 requires individual and group health insurance policies and contracts to provide coverage for the diagnosis and treatment of autism spectrum disorders for persons five years of age and under. To be eligible for coverage for the treatment of autism spectrum disorders, applied behavior analysis services must be provided by a person professionally certified as a behavior analyst or under the supervision of a professionally certified behavior analyst. Coverage for applied behavior therapy is subject to a maximum annual benefit of \$36,000 per year. The law clarifies that the annual cap on benefits for applied behavior therapy applies to the extent allowed under federal law for group health plans. The law provides that coverage for prescription drugs for the treatment of autism spectrum disorders must be determined in the same manner as coverage for prescription drugs for the treatment of other illnesses. The provisions apply to individual and group policies, contracts and certificates issued or renewed on or after January 1, 2011.

Public Law 2009, chapter 635 also requires the Department of Professional and Financial Regulation, Bureau of Insurance to submit a report to the Legislature by February 1, 2015 related to the experience of health insurance carriers with the mandate requiring coverage for diagnosis and treatment of autism spectrum disorders, particularly applied behavior analysis services.

### LD 1365 An Act To Establish a Single-payer Health Care System

ONTP

Sponsor(s)

PRIEST  
BOWMAN

Committee Report

ONTP

Amendments Adopted

LD 1365 was carried over from the First Regular Session of the 124th Legislature pursuant to joint order, H.P. 1053. The bill 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.

## *Joint Standing Committee on Insurance and Financial Services*

### 1. Part A of the bill does the following.

It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people of the State. The plan becomes effective when two other New England states enact substantially similar legislation. 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 payroll taxes and payments from the General Fund or any other sources. The Maine Health Care Plan provides a range of benefits, including hospital services, health care services from participating providers, laboratory 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 MaineCare, Medicare, the Dirigo Health Program, the federal Civilian Health and Medical Program of the Uniformed Services, the federal Indian Health Care Improvement Act and workers' compensation. It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of three full-time appointees.

Part A 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. The agency is also required to contract with a 3rd-party administrator for claims processing and data collection services.

Part A also requires the State Controller to advance \$400,000 to the Maine Health Care Trust Fund on the effective date of the Part, July 1, 2010. This amount must be repaid by the Maine Health Care Agency by June 30, 2012.

2. 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 Council 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 every six months beginning July 1, 2010. The committee completes its work when the Maine Health Care Plan becomes effective.

3. 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.

4. 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 insurance policies and contracts that do not duplicate and are supplemental to the coverage of the Maine Health Care Plan.

5. Part E 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 Legislature is due January 1, 2012.

## *Joint Standing Committee on Insurance and Financial Services*

The Maine Health Care Agency is directed to study the provision of health care services under the MaineCare 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 MaineCare and Medicare programs. A report by the agency is due to the Legislature by March 1, 2011.

6. Part F of the bill clarifies that, throughout the Maine Revised Statutes, the words "payer" and "payor" may be used interchangeably and have the same meaning.

7. Part G of the bill establishes a 7.5% payroll tax on wages and earnings, including self-employed earnings, and dedicates that tax revenue to the Maine Health Care Trust Fund.

### **LD 1498 An Act To Adopt a Drug Benefit Equity Law**

**PUBLIC 519**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-374

The purpose of this bill is to bar health insurance carriers from favoring certain types of pharmacies, such as mail order pharmacies, over other types of pharmacies, such as independent retail pharmacies. The bill prohibits a carrier from refusing to contract with a pharmacy provider that meets the terms and conditions established by the health plan. The bill requires that coinsurance, copayment and deductible factors be applied uniformly regardless of the type of pharmacy the health plan enrollee chooses. The bill also prohibits a carrier from limiting the quantity of drugs that an enrollee may obtain at one time unless the limit is applied uniformly to all pharmacy providers within the health plan's network.

#### **Committee Amendment "A" (S-374)**

This amendment replaces the bill. The amendment prohibits a carrier from refusing to contract with a pharmacy provider that meets the terms and conditions established by the carrier. The amendment clarifies that a carrier may offer enrollees incentives to encourage the use of certain preferred pharmacy providers as long as the carrier makes the same terms applicable to preferred pharmacy providers available to all pharmacy providers. The amendment also requires a carrier to pay all clean electronic claims within 21 days after the claim is received by the carrier.

#### **Enacted Law Summary**

Public Law 2009, chapter 519 prohibits a carrier from refusing to contract with a pharmacy provider that meets the terms and conditions established by the carrier. The law clarifies that a carrier may offer enrollees incentives to encourage the use of certain preferred pharmacy providers as long as the carrier makes the same terms applicable to preferred pharmacy providers available to all pharmacy providers. The law also requires a carrier to pay all clean electronic claims within 21 days after the claim is received by the carrier.

*Joint Standing Committee on Insurance and Financial Services*

LD 1510 An Act To Maintain Compliance of Maine's Insurance Laws with National Standards

PUBLIC 511

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-628 S-382 BOWMAN

LD 1510 makes changes to conform Maine's insurance laws to new national standards adopted by the National Association of Insurance Commissioners.

Part A of the bill increases the time period from two to five years for the disqualification of the lead partner conducting an outside audit of an insurance company and authorizes the Superintendent of Insurance to waive the standard for unusual circumstances. Part A also clarifies the superintendent's authority related to the declaration and distribution of dividends, including extraordinary dividends, by insurance company holding systems.

Part B of the bill requires all health insurers to submit a qualified actuarial opinion as part of their annual statement to the Department of Professional and Financial Regulation, Bureau of Insurance.

Part C of the bill establishes a separate licensing category for multiple peril crop insurance adjusters.

**Committee Amendment "A" (H-628)**

This amendment makes the following changes to the bill.

1. It amends the bill in Part A to correct the mathematical formula for the extraordinary dividend threshold and to clarify the applicable time period.
2. It amends the bill in Part B to clarify the extent to which the life insurance actuarial opinion requirements are extended to health insurers.
3. It adds Part D to the bill to correct a cross-reference in the rulemaking provision of the continuity of coverage law.
4. It adds Part E to the bill to establish a risk-based capital trend test to enhance the solvency regulation of health organizations. It also clarifies the application of certain provisions to health organizations.

**Senate Amendment "A" To Committee Amendment "A" (S-382)**

This amendment makes clarifying changes to Committee Amendment "A."

**Enacted Law Summary**

Public Law 2009, chapter 511 makes changes to conform Maine's insurance laws to new national standards adopted by the National Association of Insurance Commissioners.

Part A of the law increases the time period from two to five years for the disqualification of the lead partner conducting an outside audit of an insurance company and authorizes the Superintendent of Insurance to waive the standard for unusual circumstances. Part A also clarifies the superintendent's authority related to the declaration and distribution of dividends, including extraordinary dividends, by insurance company holding systems.



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Part B requires all health insurers to submit a qualified actuarial opinion as part of their annual statement to the Department of Professional and Financial Regulation, Bureau of Insurance.

Part C establishes a separate licensing category for multiple peril crop insurance adjusters.

Part D corrects a cross-reference in the rulemaking provision of the continuity of coverage law.

Part E establishes a risk-based capital trend test to enhance the solvency regulation of health organizations and clarifies the application of certain provisions to health organizations.

### **LD 1523     An Act To Make Corrections to the Life Settlement Laws**

**PUBLIC 597**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST	OTP MAJ ONTP MIN	S-462 CRAVEN

LD 1523 clarifies the definition of "stranger-originated life insurance" in the laws governing life settlements by removing an extraneous reference to settlement transactions and adds standards clarifying which types of life insurance coverage are subject to the consumer notification requirement.

#### **Senate Amendment "A" (S-462)**

This amendment removes the provisions regarding which types of life insurance coverage are subject to the consumer notification requirement.

#### **Enacted Law Summary**

Public Law 2009, chapter 597 clarifies the definition of "stranger-originated life insurance" in the laws governing life settlements by removing an extraneous reference to settlement transactions.

### **LD 1618     An Act To Amend the Loan Originator Registration Laws**

**PUBLIC 497**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG BOWMAN	OTP	

LD 1611 delays for five months the date of the transition for mortgage companies from the existing state registration system to a new national system to avoid overlapping and duplicative requirements.

#### **Enacted Law Summary**

Public Law 2009, chapter 497 delays the effective date for compliance with a new national system for registration of mortgage loan originators from July 31, 2010 to January 1, 2011. Under current State law, mortgage loan originators are required to register with the Bureau of Consumer Credit Protection. As of January 1, 2011, mortgage loan originators will be required to register under the national system.

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**LD 1619    An Act To Facilitate Uniformity Regarding Exemption from  
Registration of Certain Securities Offerings**

**PUBLIC 500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BOWMAN	OTP	

The Maine Uniform Securities Act provides exemptions from registration for certain securities offerings, provided notice is filed with Maine's Department of Professional and Financial Regulation, Office of Securities on Form D as promulgated by the federal Securities and Exchange Commission. Effective March 2009, the Securities and Exchange Commission required that Form D be filed with the Securities and Exchange Commission electronically. The State of Maine is not yet able to receive Form D filings electronically, and issuers are interested in filing hard copies of what is filed electronically with the Securities and Exchange Commission. LD 1619 amends the Maine Uniform Securities Act by removing the requirement that the Appendix to Form D be prepared and filed with the office and by providing that execution of the consent to service of process in a form acceptable to the Securities and Exchange Commission is deemed to be in compliance with the requirements of Maine law, thereby providing an opportunity for issuers to file hard copies of what is filed with the Securities and Exchange Commission.

**Enacted Law Summary**

The Maine Uniform Securities Act provides exemptions from registration for certain securities offerings, provided notice is filed with Maine's Department of Professional and Financial Regulation, Office of Securities on Form D as promulgated by the federal Securities and Exchange Commission. Effective March 2009, the Securities and Exchange Commission required that Form D be filed with the Securities and Exchange Commission electronically. The State of Maine is not yet able to receive Form D filings electronically, and issuers are interested in filing hard copies of what is filed electronically with the Securities and Exchange Commission. Public Law 2009, chapter 500 amends the Maine Uniform Securities Act by removing the requirement that the Appendix to Form D be prepared and filed with the office and by providing that execution of the consent to service of process in a form acceptable to the Securities and Exchange Commission is deemed to be in compliance with the requirements of Maine law, thereby providing an opportunity for issuers to file hard copies of what is electronically filed with the Securities and Exchange Commission.

**LD 1620    An Act To Protect Health Care Consumers from Catastrophic Debt**

**PUBLIC 588**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM MAJ ONTP MIN	H-664

This bill prohibits health plans covering Maine residents from including provisions that terminate payment of further claims after a defined maximum specified aggregate amount of health care claims has been paid on an annual, lifetime or other basis on behalf of an individual, family or group.

**Committee Amendment "A" (H-664)**

This amendment replaces the bill. The amendment prohibits individual or group health plans covering Maine residents from including provisions that terminate payment of further claims after a defined maximum specified aggregate dollar amount of health care claims has been paid on an annual, lifetime or other basis on behalf of an individual, family or group. The amendment adds exceptions to the prohibition on limits for several specific types of

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health plans and requires a health plan issued after the effective date of the provision to include a disclosure of a permitted limit. The amendment applies the provisions to health plans issued or renewed on or after January 1, 2011.

### Enacted Law Summary

Public Law 2009, chapter 588 prohibits individual or group health plans covering Maine residents from including provisions that terminate payment of further claims after a defined maximum specified aggregate dollar amount of health care claims has been paid on an annual, lifetime or other basis on behalf of an individual, family or group. The law provides exceptions to the prohibition on limits for several specific types of health plans and requires a health plan issued after the effective date of the law that contains a permissible limit on aggregate benefits to specifically disclose that limit to policyholders. The law applies to health plans issued or renewed on or after January 1, 2011.

**LD 1621     An Act To Increase Consumer Choice Regarding Service Contracts**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU SHERMAN	LTW	

This bill regulates the sale of service contracts to consumers and establishes standards for service contract providers. The bill exempts service contracts regulated under the bill from all other provisions of the Maine Insurance Code. The bill also exempts warranties, maintenance agreements, service contracts sold to persons other than consumers and warranties, maintenance agreements and service contracts offered by public utilities from all provisions of the Maine Insurance Code, including those proposed in the bill.

**LD 1649     Resolve, To Increase the Financial Stability of Low-income Families in  
Maine**

**RESOLVE 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-365

This resolve directs the Commissioner of Professional and Financial Regulation to establish, within existing budgeted resources, the Bank on ME working group, composed of municipal officials and representatives of state and federal financial institutions, community organizations and state agencies to develop and implement collaborative voluntary initiatives that increase the financial stability of low-income families in the State by increasing awareness of and access to basic financial services. The commissioner is required to submit a report to the joint standing committee of the Legislature having jurisdiction over banking and financial matters by November 3, 2010 on the progress of the Bank on ME working group and on any changes to existing law that are necessary to implement the initiatives supported by the working group.

**Committee Amendment "A" (S-365)**

This amendment directs the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation rather than the Commissioner of Professional and Financial Regulation to establish the Bank of ME working group. The amendment also makes other clarifying changes to the resolve.

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### Enacted Law Summary

Resolve 2009, chapter 156 directs the Superintendent of Financial Institutions to establish, within existing budgeted resources, the Bank on ME working group, composed of municipal officials and representatives of state and federal financial institutions, community organizations and state agencies to develop and implement collaborative voluntary initiatives that increase the financial stability of low-income families in the State by increasing awareness of and access to basic financial services. The superintendent is required to submit a report to the joint standing committee of the Legislature having jurisdiction over banking and financial matters by November 3, 2010 on the progress of the Bank on ME working group and on any changes to existing law that are necessary to implement the initiatives supported by the working group.

### LD 1653     **An Act To Improve Health Insurance Security**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	LTW	

LD 1653 allows a person who worked for the State for five years or more as of January 1, 2011 and who terminates state employment on or after that date to continue coverage under the group health plan for state employees. The bill requires the person to enroll in continued coverage under the group health plan within 30 days of the date the person leaves state employment and to pay the full premium cost for coverage.

### LD 1673     **An Act To Allow a Maine-chartered Financial Institution To Conduct a Savings Promotion Raffle**

**PUBLIC 599**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM A ONTP B OTP-AM C	S-418

This bill amends the laws governing raffles to allow any Maine-chartered financial institution, a bank or credit union, to conduct a savings promotion raffle. The sole consideration required for a chance of winning the designated prizes in the raffle is the deposit of at least a specified amount of money into a savings account or other savings program offered by the Maine-chartered financial institution.

#### **Committee Amendment "A" (S-417)**

This amendment is the majority report of the committee and replaces the bill. The amendment amends the definition of "game of chance" and "raffle" to exclude a savings promotion raffle conducted by a state-chartered financial institution or credit union. The amendment defines "savings promotion raffle" as a promotion in which the sole consideration for winning is the deposit of a certain amount of money in a savings account or other savings program. The amendment requires that the savings account or other savings program provide interest at comparable rates to the account holder and allow an account holder access to the savings. The amendment limits a financial institution or credit union to two savings promotion raffles per year and caps the total amount of designated prizes per promotion at \$1,000.

The amendment also requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions to adopt rules to further define "savings promotion raffle" no later than February 1, 2011 and makes

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those rules subject to legislative review before final adoption. In addition, the Superintendent of Financial Institutions shall include information on the activities of financial institutions and credit unions related to savings promotion raffles and recommend whether federally chartered financial institutions and credit unions should be authorized to conduct a savings promotion raffle in the annual report to the Legislature submitted on or before January 15, 2012.

Committee Amendment "A" was not adopted.

### **Committee Amendment "B" (S-418)**

This amendment is the minority report of the committee and replaces the bill. The amendment authorizes both state-chartered and federally chartered financial institutions and credit unions to conduct savings promotion raffles. The amendment amends the definition of "game of chance" and "raffle" to exclude a savings promotion raffle conducted by a state-chartered or federally chartered financial institution or credit union. The amendment defines "savings promotion raffle" as a promotion in which the sole consideration for winning is the deposit of a certain amount of money in a savings account or other savings program. The amendment requires that the savings account or other savings program provide interest at comparable rates to the account holder and allow an account holder access to the savings. The amendment limits a financial institution or credit union to two savings promotion raffles per year and caps the total amount of designated prizes per promotion at \$1,000.

### **Enacted Law Summary**

Public Law 2009, chapter 599 authorizes state-chartered and federally chartered financial institutions and credit unions to conduct savings promotion raffles by amending the definitions of "game of chance" and "raffle" to exclude a savings promotion raffle. The law defines "savings promotion raffle" as a promotion in which the sole consideration for winning is the deposit of a certain amount of money in a savings account or other savings program. The law requires that the savings account or other savings program provide interest at comparable rates to the account holder and allow an account holder access to the savings. The law also limits a financial institution or credit union to two savings promotion raffles per year and caps the total amount of designated prizes per promotion at \$1,000.

**LD 1676    An Act To Protect Maine Citizens' Credit**

**PUBLIC 526**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-392

LD 1676 amends the Fair Credit Reporting Act to provide that, as long as minimum payments are made to the provider of necessary medical treatment, information regarding a debt owed for necessary medical treatment provided to a consumer whose income is under 400% of the federal poverty level, or to a person to whom that consumer has a legal obligation to provide support, may not be furnished to a credit reporting agency by a debt collector or by the medical entity that provided the necessary medical treatment.

### **Committee Amendment "A" (S-392)**

This amendment replaces the bill. It exempts from the definition of "consumer credit transaction" under the Maine Consumer Credit Code, an agreement to accept payments on debts for health care services without interest over time and requires that a health care provider disclose to a consumer any available payment arrangements, which, if offered, must enable the consumer to rehabilitate defaulted loans by meeting certain payment requirements.

### **Enacted Law Summary**

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Public Law 2009, chapter 526 exempts an agreement to accept payments on debts for health care services without interest over time from the definition of "consumer credit transaction" under the Maine Consumer Credit Code. The law also requires that a health care provider disclose to a consumer any available payment arrangements, which, if offered, must enable the consumer to rehabilitate defaulted loans by meeting certain payment requirements.

**LD 1707 An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures**

**PUBLIC 476  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-604

This bill clarifies that the changes in the notice period for cure of defaults of mortgages made in Public Law 2009, chapter 402 apply to all residential mortgages. The bill applies the clarification retroactively to the date Public Law 2009, chapter 402 took effect.

### **Committee Amendment "A" (H-604)**

This amendment replaces the bill. Part A of the amendment repeals the law allowing certain mortgages an exemption from the requirements for a notice to cure default of a mortgage. Part A clarifies that this change applies to any mortgage for which a notice to cure default has not been issued before the effective date of the bill.

Part B of the amendment makes several changes to clarify Public Law 2009, chapter 402. It recognizes that a mortgage need not be recorded to be foreclosed in conformance with Maine case law. It clarifies that the notice to cure default must include an itemization of the charges necessary to cure the default. It clarifies that the requirements for notice of foreclosure to tenants apply only to residential tenants, not commercial tenants. It clarifies that a residential tenant may not be evicted upon foreclosure except through the forcible entry and detainer process. It clarifies that the failure to provide a notice to residential tenants does not become a title defect. It extends the time for the copy of the foreclosure complaint or clerk's certificate to be filed with the registry of deeds in which the mortgage is recorded from 10 days to 60 days and the copy to be submitted to the municipal tax assessor from three days to 10 days after filing in the registry of deeds. The changes in Part B are retroactive to June 15, 2009.

### **Enacted Law Summary**

Public Law 2009, chapter 476, Part A repeals the statutory provision allowing certain mortgages an exemption from the requirements for a notice to cure default of a mortgage. The law clarifies that this change applies to any mortgage for which a notice to cure default has not been issued before the effective date of the law.

Part B of Public Law 2009, chapter 476 makes several changes to clarify Public Law 2009, chapter 402. It recognizes that a mortgage need not be recorded to be foreclosed in conformance with Maine case law. It clarifies that the notice to cure default must include an itemization of the charges necessary to cure the default. It clarifies that the requirements for notice of foreclosure to tenants apply only to residential tenants, not commercial tenants. It clarifies that a residential tenant may not be evicted upon foreclosure except through the forcible entry and detainer process. It clarifies that the failure to provide a notice to residential tenants does not become a title defect. It extends the time for the copy of the foreclosure complaint or clerk's certificate to be filed with the registry of deeds in which the mortgage is recorded from 10 days to 60 days and the copy to be submitted to the municipal tax assessor from three days to 10 days after filing in the registry of deeds. The changes in Part B are retroactive to June 15, 2009.

Public Law 2009, chapter 476 was enacted as an emergency measure effective March 8, 2010.

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**LD 1708 An Act To Expand the Opportunity for Persons To Acquire Health Care Coverage under the State's "Mini-COBRA" Program**

**PUBLIC 574**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DAMON	OTP-AM	H-747

This bill modifies Maine's so-called mini-COBRA law to make persons permanently laid off from their employment eligible to maintain, at their expense, coverage under their former employer's group health plan. Currently, the law limits eligibility to persons who are temporarily laid off or who have a condition that makes them eligible for workers' compensation.

**Committee Amendment "A" (H-747)**

Current law limits eligibility for Maine's so-called mini-COBRA law to persons who are temporarily laid off or who have a condition that makes them eligible for workers' compensation. The bill modifies Maine's so-called mini-COBRA law to make persons permanently laid off from their employment eligible to maintain, at their expense, coverage under their former employer's group health plan. The amendment conditions the eligibility for those permanently laid off on the availability of a subsidy pursuant to federal law.

**Enacted Law Summary**

Current law limits eligibility for Maine's so-called mini-COBRA law to persons who are temporarily laid off or who have a condition that makes them eligible for workers' compensation. Public Law 2009, chapter 574 modifies Maine's so-called mini-COBRA law to make persons permanently laid off from their employment eligible to maintain, at their expense, coverage under their former employer's group health plan as long as a subsidy is made available pursuant to federal law for those permanently laid off employees.

**LD 1709 An Act To Enhance Public Awareness of Lyme Disease**

**PUBLIC 494  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG BOWMAN	OTP-AM	H-632

Part A of LD 1709 requires health insurance companies to provide coverage for long-term antibiotic therapy for patients with Lyme disease in all individual and group health insurance policies. The health insurance provisions apply to all policies issued or renewed on or after January 1, 2011.

Part B of LD 1709 provides protection from a licensing disciplinary action for physicians that prescribe, administer or dispense long-term antibiotic therapy to patients with Lyme disease.

**Committee Amendment "A" (H-632)**

This amendment replaces the bill. The amendment does the following.

1. It establishes the month of May as Lyme Disease Awareness Month. It also directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to make appropriate information available to the public to improve education and awareness about the prevention, diagnosis and treatment of Lyme disease.

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2. It clarifies the annual reporting requirements on Lyme disease and other tick-borne illnesses to include information on diagnosis as well as treatment. It also requires the Maine Center for Disease Control and Prevention to maintain a publicly accessible website to provide public awareness and education on Lyme disease and other tick-borne illnesses, including links to resources made available and recommended by the United States Department of Health and Human Services.
3. It requires health insurers to report claims data related to Lyme disease diagnosis as well as treatment.
4. It adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2009, chapter 494 establishes the month of May as Lyme Disease Awareness Month and directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to make appropriate information available to the public to improve education and awareness about the prevention, diagnosis and treatment of Lyme disease.

The law clarifies the annual reporting requirements on Lyme disease and other tick-borne illnesses to include information on diagnosis as well as treatment. The law requires the Maine Center for Disease Control and Prevention to maintain a publicly accessible website to provide public awareness and education on Lyme disease and other tick-borne illnesses, including links to resources made available and recommended by the United States Department of Health and Human Services.

The law also requires health insurers to report claims data related to Lyme disease diagnosis. Under current law, health insurers are required to report claims data related to treatment for Lyme disease.

Public Law 2009, chapter 494 was enacted as an emergency measure effective February 24, 2010.

**LD 1768      Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation**

**RESOLVE 177  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-710

LD 1768 provides for legislative review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a major substantive rule of the Department of Professional and Financial Regulation.

### **Committee Amendment "A" (H-710)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Resolve 2009, chapter 177 authorizes final adoption of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a major substantive rule of the Department of Professional and Financial Regulation.



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Resolve 2009, chapter 177 was finally passed as an emergency measure effective March 26, 2010.

### LD 1769 An Act To Extend Access to Federal Health Insurance Premium Assistance

P & S 39  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BOWMAN	OTP-AM	H-722

The American Recovery and Reinvestment Act of 2009 provided help to people who lost their jobs from September 1, 2008 to December 31, 2009 by paying 65% of their so-called COBRA health insurance coverage for a period of nine months from the time they were terminated. Public Law 2009, chapter 244, Part J provided a second election period for certain workers who had declined coverage referred to as Mini-COBRA coverage before the federal subsidies were available. The United States Congress recently passed an extension of the COBRA coverage provisions, extending the job termination date for eligibility for the subsidies from December 31, 2009 to February 28, 2010 and the COBRA 65% assistance from nine months to 15 months. This bill extends the coverage period consistent with federal law for those workers who enrolled in Mini-COBRA during the second election period.

#### Committee Amendment "A" (H-722)

This amendment clarifies the applicability of the notice requirement and recognizes the recent extension of the program enacted by Congress until March 31, 2010.

#### Enacted Law Summary

Private and Special Law 2009, chapter 39 recognizes the extensions enacted by Congress for those unemployed workers eligible for a federal subsidy for their Mini-COBRA health insurance coverage. The federal law extended the job termination eligibility date from December 31, 2009 to March 31, 2010 and the coverage period for the federal subsidy from nine months to 15 months. Private and Special Law 2009, chapter 39 requires health insurers to provide notice of the extensions enacted by Congress to certain workers whose employment terminated between September 1, 2008 and March 31, 2010 and who elected to continue Mini-COBRA coverage and to any employees whose employment terminates after March 31, 2010 who are eligible for premium assistance.

Private and Special Law 2009, chapter 39 was enacted as an emergency measure effective March 26, 2010.

### LD 1773 An Act To Improve Dental Insurance Coverage for Maine Children

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-431

LD 1773 requires health insurance policies, contracts and certificates that provide dental plans to provide coverage of dependent children from birth if the policyholder elects to participate in the dependent coverage plan. The provisions of this bill apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

#### Committee Amendment "A" (S-431)

This amendment replaces the bill. The amendment requires dental insurance policies, contracts and certificates that

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provide coverage of dependent children to allow the opportunity to enroll a dependent child in dental insurance coverage during the first 30 days of the child's life and during any open or annual enrollment period. The provisions of this amendment apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

### **Enacted Law Summary**

Public Law 2009, chapter 578 requires dental insurance policies, contracts and certificates that provide coverage of dependent children to allow the opportunity to enroll a dependent child in dental insurance coverage during the first 30 days of the child's life and during any open or annual enrollment period. The provisions of the law apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2011.

### **LD 1779 An Act To Prohibit Surcharges on the Use of Debit Cards**

**PUBLIC 618**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP MAJ ONTP MIN	

Maine law currently prohibits sellers from imposing a surcharge on the use of credit cards. LD 1779 extends this prohibition to the use of debit cards.

### **Senate Amendment "A" (S-448)**

This amendment repeals the prohibition on surcharges on the use of debit cards on February 15, 2011. It requires the Superintendent of Financial Institutions and the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation to examine the federal and state laws, regulations and rules governing fees and charges relating to debit and credit cards and submit a report containing their findings, including any recommendations regarding courses of action to achieve optimum transparency and consumer protection, to the joint standing committee of the Legislature having jurisdiction over financial services matters no later than February 15, 2011. The joint standing committee of the Legislature having jurisdiction over financial services matters is authorized to report out a bill on the subject matter of this report to the First Regular Session of the 125th Legislature. Senate Amendment "A" was not adopted.

### **Enacted Law Summary**

Maine law currently prohibits sellers from imposing a surcharge on the use of credit cards. Public Law 2009, chapter 618 extends this prohibition to the use of debit cards.

### **LD 1819 An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform**

**PUBLIC 609**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-485

LD 1819 is submitted by the Joint Standing Committee on Insurance and Financial Services and implements the recommendations made by the Advisory Council on Health Systems Development related to payment reform. The bill requires the Advisory Council on Health Systems Development to review and evaluate payment reform models

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and requires the council to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters no later than January 15, 2011. The bill also clarifies the intent of the Hospital and Health Care Provider Cooperation Act to apply to mergers of covered entities, which are defined as hospitals or health care providers.

### **Committee Amendment "A" (S-485)**

This amendment is the majority report of the committee. The amendment removes from the bill language limiting the scope of the Advisory Council on Health Systems Development's consultation with the Attorney General and the Department of Professional and Financial Regulation, Bureau of Insurance for technical expertise. The amendment removes from the bill language authorizing a legislative committee to introduce a bill to the 125th Legislature. The amendment requires the Advisory Council on Health Systems Development to submit a preliminary report outlining suggested legislation no later than December 1, 2010. The amendment also removes from the bill the provisions that make changes to the Hospital and Health Care Provider Cooperation Act.

### **Committee Amendment "B" (S-486)**

This amendment is the minority report of the committee. The amendment adds two provisions to the bill to amend the process under the Hospital and Health Care Provider Cooperation Act. The amendment extends the time period for the Department of Health and Human Services to make a final decision on an application for a certificate of public advantage from 90 days to 120 days and adds a requirement that the department must hold a hearing on an application at the request of the Attorney General.

The amendment removes from the bill language limiting the scope of the Advisory Council on Health Systems Development's consultation with the Attorney General and the Department of Professional and Financial Regulation, Bureau of Insurance for technical expertise. The amendment removes from the bill language authorizing a legislative committee to introduce a bill to the 125th Legislature. The amendment requires the Advisory Council on Health Systems Development to submit a preliminary report outlining suggested legislation no later than December 1, 2010.

Committee Amendment "B" was not adopted.

### **Enacted Law Summary**

Public Law 2009, chapter 609 requires the Advisory Council on Health Systems Development to review and evaluate payment reform models and requires the council to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters no later than January 15, 2011. The law requires the Advisory Council on Health Systems Development to submit a preliminary report outlining suggested legislation no later than December 1, 2010.

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LD 1819      **An Act To Implement the Recommendations of the Advisory Council on Health Systems Development Relating to Payment Reform**      **PUBLIC 609**

Not Enacted

LD 257      **An Act To Establish the Health Technology Clinical Committee**      **ONTP**

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LD 1653      **An Act To Improve Health Insurance Security**      **LEAVE TO WITHDRAW**

*Insurance, Regulation and Practices*

Enacted

LD 1510      **An Act To Maintain Compliance of Maine's Insurance Laws with National Standards**      **PUBLIC 511**

LD 1523      **An Act To Make Corrections to the Life Settlement Laws**      **PUBLIC 597**

Not Enacted

LD 1621      **An Act To Increase Consumer Choice Regarding Service Contracts**      **LEAVE TO WITHDRAW**

*Mortgage Lending*

Enacted

LD 1618      **An Act To Amend the Loan Originator Registration Laws**      **PUBLIC 497**

LD 1707      **An Act To Clarify the Application of Certain Statutory Requirements to Foreclosures**      **PUBLIC 476 EMERGENCY**

LD 1768      **Resolve, Regarding Legislative Review of Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation**      **RESOLVE 177 EMERGENCY**

*Securities*

Enacted

LD 1619      **An Act To Facilitate Uniformity Regarding Exemption from Registration of Certain Securities Offerings**      **PUBLIC 500**

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON INLAND FISHERIES  
AND WILDLIFE**

April 2010

**MEMBERS:**

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## *Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1548      Resolve, To Prevent the Spread of Invasive Plants and Protect Maine's  
Lakes**

**RESOLVE 203  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE JACKSON	OTP-AM	H-724 H-757 EBERLE

LD 1548 prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit to a bass club to conduct a bass tournament on a water body that has a confirmed infestation of an invasive aquatic plant. The bill also prohibits the use of a tank truck to withdraw or transport water from a water body that has a confirmed infestation of an invasive aquatic plant if the water is to be used in a pool or pond or for irrigation.

**Committee Amendment "A" (H-724)**

This amendment replaces the bill with a resolve that does the following.

1. It directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to review all lakes in the State with known infestations of aquatic invasive plant species to determine the type, extent and location of each infestation and its proximity to boat access points and to gather other data about general use of those access points and the extent of local involvement. It also requires the departments to collaborate with lake associations and user groups to identify private boat ramps on lakes infested with aquatic invasive plant species.
2. It directs the Department of Environmental Protection to collect information on the types and extent of surface water extraction and review surface water extraction activities to determine in each case if an informational letter to the extractor regarding the spread of aquatic invasive plant species is necessary to prevent the introduction or spread of an aquatic invasive plant species through the surface water extraction process.
3. It provides that the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife must work cooperatively to increase the effectiveness of educational and outreach efforts.
4. It directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species by January 2, 2011 on matters contained in this resolve and to report on any new aquatic invasive plant species infestations identified.
5. It directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to facilitate the continued work of an aquatic invasive plant species working group. The working group must continue its work exploring initiatives related to aquatic invasive plant species and collaborate with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species.
6. It gives the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters authority to each submit a bill to the First Regular Session of the 125th Legislature pertaining to matters contained in the report.
7. It provides that the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife must meet the requirements in the resolve within existing resources but authorizes those departments to accept outside funding for purposes of the resolve.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

### House Amendment "A" To Committee Amendment "A" (H-757)

This amendment removes the authority of the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit bills to the First Regular Session of the 125th Legislature pertaining to matters contained in the report.

#### Enacted Law Summary

Resolve 2009, chapter 203 does the following:

1. Directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to review all lakes in the State with known infestations of aquatic invasive plant species to determine the type, extent and location of each infestation and its proximity to boat access points and to gather other data about general use of those access points and the extent of local involvement. It also directs the departments to collaborate with lake associations and user groups to identify private boat ramps on lakes infested with aquatic invasive plant species;
2. Directs the Department of Environmental Protection to collect information on the types and extent of surface water extraction and review surface water extraction activities to determine in each case if an informational letter to the extractor regarding the spread of aquatic invasive plant species is necessary to prevent the introduction or spread of an aquatic invasive plant species through the surface water extraction process;
3. Directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to work cooperatively to increase the effectiveness of educational and outreach efforts;
4. Directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species by January 2, 2011 on matters contained in this resolve and to report on any new aquatic invasive plant species infestations identified;
5. Directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to facilitate the continued work of an aquatic invasive plant species working group. The working group shall continue its work exploring initiatives related to aquatic invasive plant species and collaborate with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species; and
6. Provides that the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife must meet the requirements in the resolve within existing resources but authorizes those departments to accept outside funding for purposes of the resolve.

Resolve 2009, chapter 203 was finally passed as an emergency measure effective April 6, 2010.

**LD 1549    An Act To Allow Deer Hunting in Owls Head during Firearms Season  
with Shotguns Only**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	ONTP MAJ OTP MIN	



***Joint Standing Committee on Inland Fisheries and Wildlife***

LD 1549 restricted deer hunting to shotguns only during the firearms season on deer in the mainland portion of the Town of Owls Head and on Sheep Island.

**LD 1614 An Act To Prohibit the Use of Personal Watercraft on Wilson Pond**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	ONTP MAJ OTP MIN	

This bill adds Lower Wilson Pond and Upper Wilson Pond in Piscataquis County to the list of bodies of water on which a person is prohibited from operating personal watercraft.

**LD 1650 An Act To Amend Provisions of Certain Laws Relating to Fish and Wildlife**

**PUBLIC 550  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	H-774 CLARK H S-388 S-452 BRYANT B

LD 1650 authorizes hunters to use dogs to hunt wild turkey during the fall season. It also corrects references from assistant game wardens to deputy game wardens.

**Committee Amendment "A" (S-388)**

This amendment changes the current night hunting season on coyotes, which runs from December 16th to June 1st, to December 16th to August 31st. It also make permanent a temporary provision of law that allows a person to train up to 6 dogs at a time on bear, expands the time such trainings can occur by one month and requires a person training dogs on wildlife to have a valid hunting license. The amendment prohibits fishing from the fishways at the Chain of Ponds Dam in Chain of Ponds Township in Franklin County and Long Pond Dam in Seven Ponds Township in Franklin County.

**Senate Amendment "B" (S-452)**

This amendment increases from four to six the number of dogs a person may use at any one time to hunt bear.

**House Amendment "A" (H-774)**

This amendment amends the law prohibiting the corruption of drinking water by clarifying that a hunter may place a carcass on the ice for purposes of coyote hunting. It also exempts coyotes from the waste of game prohibition. The amendment specifies that, except as otherwise provided in a rule adopted by the Department of Inland Fisheries and Wildlife that is specific to a particular body of water in the State, the open water fishing season for 2010 begins on the effective date of the bill. The amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

**Public Law 2009, chapter 550 does the following:**

## *Joint Standing Committee on Inland Fisheries and Wildlife*

1. It authorizes hunters to use dogs to hunt wild turkey during the fall turkey season and corrects references from assistant game wardens to deputy game wardens;
2. It changes the current night hunting season on coyotes, which runs from December 16th to June 1st, to December 16th to August 31st;
3. It makes permanent a temporary provision of law that allows a person to train up to 6 dogs at a time on bear, expands the time such trainings can occur by one month and requires a person training dogs on wildlife to have a valid hunting license;
4. It prohibits fishing from the fishways at the Chain of Ponds Dam in Chain of Ponds Township in Franklin County and Long Pond Dam in Seven Ponds Township in Franklin County;
5. It increases from 4 to 6 the number of dogs a person may use at any one time to hunt bear;
6. It amends the law prohibiting the corruption of drinking water by clarifying that a hunter may place a carcass on the ice for purposes of coyote hunting;
7. It exempts coyotes from the waste of game prohibition;
8. It specifies that, except as otherwise provided in a rule adopted by the Department of Inland Fisheries and Wildlife that is specific to a particular body of water in the State, the open water fishing season for 2010 begins on March 25, 2010.

Public law 2009, chapter 550 was enacted as an emergency measure effective on March 25, 2010.

**LD 1651     An Act To Clarify and Amend Laws Pertaining to Licenses Issued by  
the Department of Inland Fisheries and Wildlife**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM   MAJ OTP-AM   MIN	

LD 1651 corrects an inconsistency in the fishing license laws resulting from recent fee increases. It clarifies the reporting requirements for agents in order to avoid delinquencies with seasonal agents, and it improves the privacy of Department of Inland Fisheries and Wildlife customers. This bill also allows a person who is eligible for a senior lifetime hunting and fishing license to obtain it at any time in the calendar year that person turns 70 years of age and makes it clear that it includes all stamps, permits and other related permissions.

**Committee Amendment "A" (S-407)**

This amendment designates e-mail addresses received by the Department of Inland Fisheries and Wildlife through its online licensing and registration service as confidential and make those e-mails confidential retroactive to January 1, 2009. The amendment also provides that a person who obtained e-mail addresses from the department's online licensing and registration service through a request under the freedom of access laws between January 1, 2009 and August 1, 2010 may not distribute or use those e-mail addresses for solicitation, communication or notification purposes. It provides that violations of that provision are civil violations for which a fine of not less than \$500 or more than \$1,000 may be adjudged. This amendment also removes the phrase "is entitled to" as proposed in the bill, retaining the phrase "may obtain" from current law regarding senior lifetime licenses to clarify that licenses and permits issued by the department are a privilege and not a right.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

### Senate Amendment "B" To Committee Amendment "A" (S-473)

This amendment provides that e-mail addresses provided to the Department of Inland Fisheries and Wildlife by its customers through its online licensing and registration system are public records unless a customer indicates at the time of the online transaction that the customer's e-mail address is confidential. It also provides that an e-mail address provided to the department by a customer through its online licensing and registration system before April 2, 2010 that was obtained by a person through a request for information may not be used for solicitation, communication or notification purposes and that a violation of this provision is a civil violation for which a fine of not less than \$500 or more than \$1,000 may be adjudged.

**LD 1689     An Act To Increase Payments to Agents Who Provide Tags for Wild Game**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ	ONTP	

LD 1689 increases the fee that an agent collects from a person registering a bear, deer, moose or wild turkey from \$5 to \$7, and allows the agent to retain the additional \$2.

**LD 1723     An Act To Allow the Electronic Registration of Big Game Animals**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	ONTP MAJ OTP-AM MIN	

LD 1723 authorizes the electronic registration of big game animals and requires the Commissioner of Inland Fisheries and Wildlife to adopt rules to establish and maintain an online system to allow a person to register a moose, deer, bear or wild turkey electronically.

*Joint Standing Committee on Inland Fisheries and Wildlife*

SUBJECT INDEX

*Agents*

Not Enacted

LD 1689      An Act To Increase Payments to Agents Who Provide Tags for Wild Game      ONTP

*All-terrain Vehicles*

Not Enacted

LD 1536      An Act To Amend the Standards by Which Game Wardens May Stop All-terrain Vehicles when Operating on Private Property      DIED BETWEEN HOUSES

*Dogs and Dog Training*

Enacted

LD 1519      An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge      PUBLIC 543

*Fish and Fishing*

Not Enacted

LD 807      An Act To Improve and Promote Maine's Landlocked Salmon Resources      ONTP

LD 1508      Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt Rules Clarifying Fish Stocking Decisions      ACCEPTED ONTP REPORT

*Hunting*

Not Enacted

LD 1549      An Act To Allow Deer Hunting in Owls Head during Firearms Season with Shotguns Only      ACCEPTED ONTP REPORT

*Invasive Aquatic Plants*

Enacted

LD 1548      Resolve, To Prevent the Spread of Invasive Plants and Protect Maine's Lakes      RESOLVE 203 EMERGENCY

*Licenses and Permits*

Not Enacted

LD 1509      **An Act To Amend the Current Moose Permit System and Preference Point System in Maine**      **ONTP**

*Omnibus*

Enacted

LD 1650      **An Act To Amend Provisions of Certain Laws Relating to Fish and Wildlife**      **PUBLIC 550  
EMERGENCY**

Not Enacted

LD 1651      **An Act To Clarify and Amend Laws Pertaining to Licenses Issued by the Department of Inland Fisheries and Wildlife**      **INDEF PP**

*Registration*

Not Enacted

LD 1723      **An Act To Allow the Electronic Registration of Big Game Animals**      **DIED BETWEEN  
HOUSES**

*Watercraft*

Not Enacted

LD 1614      **An Act To Prohibit the Use of Personal Watercraft on Wilson Pond**      **ACCEPTED ONTP  
REPORT**

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON JUDICIARY**

April 2010

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SEN. BARRY J. HOBBS  
SEN. DAVID R. HASTINGS III

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## *Joint Standing Committee on Judiciary*

LD 445      **An Act To Improve Tribal-State Relations**

**PUBLIC 636**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP-AM	H-714

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill expressly provides that the law authorizing public agencies to enter interlocal agreements includes the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs or any of their political subdivisions.

### **Committee Amendment "A" (H-516)**

This amendment replaces the bill. It provides for a seat for a representative of the Houlton Band of Maliseet Indians in the House of Representatives. It also establishes compensation at the same level as being proposed for the Passamaquoddy Representative and the Penobscot Representative in LD 1428 (State and Local Government Committee). The changes take effect in time for the convening of the 125th Legislature in December 2010. The amendment also adds an appropriations and allocations section.

LD 445 was recommitted to the Judiciary Committee and carried over pursuant to Joint Order, H.P. 1053. This Committee Amendment was initially adopted during the First Regular Session, but was replaced by Committee Amendment "B" in the Second Regular Session.

### **Committee Amendment "B" (H-714)**

This amendment replaces the bill.

Part A of this amendment makes statutory changes necessary to include a representative of the Houlton Band of Maliseet Indians in the Maine House of Representatives beginning with the Second Regular Session of the 125th Legislature in January 2012.

Part B of this amendment adds a 714-acre parcel of land located in a portion of the unorganized territory known as Argyle East Parcel in Penobscot County to the Penobscot Indian Reservation.

Part C of this amendment addresses the process of developing the budget for the Maine Indian Tribal-State Commission.

Part D of this amendment clarifies that the laws specifically addressing interlocal cooperation agreements expressly include the federally recognized Indian tribes of the Passamaquoddy Tribe and the Penobscot Nation.

### **Enacted Law Summary**

Public Law 2009, chapter 636 is divided into four parts.

Part A makes statutory changes necessary to include a representative of the Houlton Band of Maliseet Indians in the Maine House of Representatives beginning with the Second Regular Session of the 125th Legislature in January 2012. It adds the Representative of the Houlton Band of Maliseet Indians to the compensation language for members of the House of Representatives.

## *Joint Standing Committee on Judiciary*

Part B adds a 714-acre parcel of land located in a portion of the unorganized territory known as Argyle East Parcel in Penobscot County to the Penobscot Indian Reservation. This provision takes effect only if approved by the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part C addresses the process of developing the budget for the Maine Indian Tribal-State Commission. These changes to the Maine Implementing Act take effect only if approved by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part D clarifies that the laws specifically addressing interlocal cooperation agreements expressly include the federally recognized Indian tribes of the Passamaquoddy Tribe and the Penobscot Nation. The Passamaquoddy Tribe and the Penobscot Nation and their political subdivisions may participate in the activities authorized under those laws as parties to such agreements. Part D also clarifies that those laws do not apply to and do not affect any agreement to which a federally recognized Indian tribe is a party if the agreement has not been entered into under the authority of those laws.

**LD 529      An Act To Create a Traffic Court**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON DAMON	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

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

This bill proposes to move the Violations Bureau from the District Court of the Judicial Branch to the office of the Secretary of State.

**LD 1256      An Act To Provide Protections for Consumers Subject to Mandatory Arbitration Clauses**

**PUBLIC 572**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BLISS	OTP-AM	H-715

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053

This bill prohibits predispute mandatory binding arbitration clauses in consumer contracts.

**Committee Amendment "A" (H-715)**

This amendment replaces the bill. It amends the current law concerning consumer arbitration agreements by repealing the existing requirement that arbitration providers that provide arbitration services related to credit or loans for personal, family or household purposes report to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation. Instead, providers of arbitration services are required to make available information about consumer arbitrations occurring in this State.



*Joint Standing Committee on Judiciary*

**Enacted Law Summary**

Public Law 2009, chapter 572 amends the laws concerning consumer arbitrations. It provides that a consumer arbitration agreement not allowed under federal law is void and unenforceable. The narrow reporting requirement for certain areas of consumer arbitrations is repealed, and chapter 572 requires all providers of arbitration services in Maine to make available detailed information about consumer arbitrations and their outcomes. The information must be posted on publicly accessible websites, and the Office of the Attorney General notified about the websites.

**LD 1289 An Act To Enact the Uniform Debt Management Services Act**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE ALFOND	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill repeals the existing law governing debt management services and enacts in its stead the Uniform Debt Management Services Act.

**LD 1378 An Act To Adopt Portions of the Uniform Mediation Act**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER R BLISS	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

The purpose of this bill is to encourage parties involved in mediation to communicate openly, and to protect the confidentiality of participants in the mediation process. This bill adopts those portions of the Uniform Mediation Act, as adopted by the National Conference of Commissioners on Uniform State Laws, that:

1. Establish privileges for mediation communication regarding disclosure, admissibility and discovery;
2. Authorize exceptions and waivers to the established privileges;
3. Specifically prohibit and permit various communications by a mediator; and
4. Establish the confidentiality of mediation communications.

See Maine Rules of Evidence, Rule 408 and Rule 514.

**Joint Standing Committee on Judiciary**

**LD 1511    An Act To Remove the Age Limit Governing When a Court Must Consider the Wishes of a Child in a Proceeding for the Termination of Parental Rights**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER BOWMAN	ONTP	

This bill removes the age limit governing when a court must consider the wishes of a child in a proceeding for the termination of parental rights. Current law requires a court to consider the wishes of a child 12 years of age or older in such a proceeding.

See LD 1623.

**LD 1537    Resolve, Directing the Maine Human Rights Commission To Report on Improvements**

**RESOLVE 178**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT BLISS	OTP-AM	H-662 S-457 BLISS

This bill shortens from two years to one year the period within which the Maine Human Rights Commission must conclude an investigation of a complaint.

**Committee Amendment "A" (H-662)**

This amendment replaces the bill with a resolve directing the Maine Human Rights Commission to report on case processing revisions, both planned and implemented, as well as recommendations for legislative action to reduce the time to complete investigations. The estimated costs must be included in the report. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill to the First Regular Session of the 125th Legislature concerning the recommendations contained in the report.

**Senate Amendment "A" To Committee Amendment "A" (S-457)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over judiciary matters to submit legislation to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 178 directs the Maine Human Rights Commission to report on case processing revisions, both planned and implemented, as well as recommendations for legislative action to reduce the time to complete investigations. The estimated costs must be included in the report.

*Joint Standing Committee on Judiciary*

LD 1550 **An Act To Promote Opportunity for Workers in the Maine Woods**

**PUBLIC 532**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L BLISS	OTP	

This bill allows in civil court procedure an exemption from attachment and execution for professional logging implements, similar to the exemption already allowed for farm implements and fishing boats for persons employed in commercial farming and fishing.

**Enacted Law Summary**

Public Law 2009, chapter 532 allows in civil court procedure an exemption from attachment and execution for professional logging implements, similar to the exemption already allowed for farm implements and fishing boats for persons employed in commercial farming and fishing.

LD 1551 **Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Communications of Members of Public Bodies**

**RESOLVE 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOSTIE NUTTING J	OTP-AM	H-704

This bill amends the law governing access to public records and proceedings. This bill:

1. Provides definitions of "electronic mail," "group electronic mail" and "substantive matter";
2. Prohibits a member of a public body from knowingly sending a group electronic mail to a quorum of the members of that body regarding a substantive matter that is before the body;
3. Prohibits a member of a public body from directly or through an intermediary communicating that a majority of that body is in agreement regarding a substantive matter that is before the body to interested persons who are not members of the body;
4. Specifies that "public records" includes electronic mail that is sent by a member of a public body to a quorum of members of that same body regarding a substantive matter that is before the body; and
5. Requires that if a member of a public body sends electronic mail to a quorum of members of that same body regarding a substantive matter that is before the body, the electronic mail must be printed and made available to the public at the next public meeting before the body takes a vote on that matter.

**Committee Amendment "A" (H-704)**

This amendment replaces the bill and changes it to a resolve.

This amendment directs the Right To Know Advisory Committee to examine and make recommendations on the issues concerning the use of communication technologies, penalties for violations of the freedom of access laws and access to partisan caucuses. The Right To Know Advisory Committee shall include its recommendations in its

## Joint Standing Committee on Judiciary

annual report due January 15, 2011.

### Enacted Law Summary

Resolve 2009, chapter 171 directs the Right To Know Advisory Committee to examine and make recommendations on the following issues:

1. How the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public;
2. If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and
3. If partisan party caucuses should be specifically excluded from the definition of "public proceedings."

The Right To Know Advisory Committee shall include its recommendations in its annual report due January 15, 2011.

### LD 1574 An Act To Amend the Rights and Liabilities of the Supervising Physician of a Physician Assistant

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY SULLIVAN	OTP-AM MAJ ONTP MIN	H-732 H-755 PRIEST

This bill amends the rights and liabilities of military force members to extend civil and criminal immunity to the supervisory physician of a physician assistant regardless of the duty status of the supervisory physician.

#### Committee Amendment "A" (H-732)

This amendment is the majority report of the committee.

This amendment replaces the bill, but retains the intent to immunize and provide for the defense of the physician who supervises a physician assistant who is on active state service in the performance of the physician assistant's duties. Current law applies to the supervising physician only if the supervising physician is on active state service. This amendment provides the same protection when the supervising physician is not on active state service, but the physician assistant is on active state service in the performance of the physician assistant's duty. This amendment applies to osteopathic and allopathic physicians who are the supervising physicians of physician assistants.

#### House Amendment "A" To Committee Amendment "A" (H-755)

Committee Amendment "A" provides protection from liability to the supervising physician of a physician assistant when the physician assistant is on active state service in the performance of the physician assistant's duty even when the supervising physician is not on active state service. This amendment limits this protection from liability provided a supervising physician in Committee Amendment "A" to acts of the physician assistant when the physician assistant is providing services to individuals not on active state service.

### Enacted Law Summary

Public Law 2009, chapter 587 provides protection from liability to the supervising physician of a physician assistant

## *Joint Standing Committee on Judiciary*

when the physician assistant is on active state service in the performance of the physician assistant's duty even when the supervising physician is not on active state service. The supervising physician is protected from liability based on acts of the physician assistant when the physician assistant is providing service to individuals not on active state service.

**LD 1580     An Act To Replace the Maine Limited Liability Company Act**

**PUBLIC 629**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST HOBBINS	OTP-AM	H-819

This bill directs the Secretary of State to prepare draft legislation revising the laws governing limited liability companies. The draft must be submitted by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which may report out legislation based on the draft.

**Committee Amendment "A" (H-819)**

This amendment replaces the bill. It repeals the existing Maine Limited Liability Company Act, currently the Maine Revised Statutes, Title 31, chapter 13, and replaces it with a new Maine Limited Liability Company Act. The Committee Amendment Summary contains a detailed explanation of the new limited liability company act and how it differs from the provisions of the predecessor Act. Information contained in the summary is consistent with information that would be provided in comments that are part of a uniform act.

Part B of this amendment corrects cross-references.

This Act takes effect July 1, 2011.

**Enacted Law Summary**

Public Law 2009, chapter 629 repeals the existing Maine Limited Liability Company Act, currently the Maine Revised Statutes, Title 31, chapter 13, and replaces it with a new Maine Limited Liability Company Act. The Committee Amendment Summary contains a detailed explanation of the new limited liability company act and how it differs from the provisions of the predecessor Act. Information contained in the summary is consistent with information that would be provided in comments that are part of a uniform act.

Public Law 2009, chapter 629 takes effect July 1, 2011.

**LD 1622     An Act To Make Technical Changes to the Laws Governing the Practice of Law**

**PUBLIC 480**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP	

The statute prohibiting the practice of law by persons not licensed in this State is currently in conflict with Rule 5.5 of the Maine Rules of Professional Conduct adopted by the Supreme Judicial Court in August 2009. This bill eliminates that conflict by providing that practice by an attorney licensed by another jurisdiction in the United States does not violate the unlicensed practice statute as long as that practice conforms to the requirements of Rule 5.5.

## Joint Standing Committee on Judiciary

### Enacted Law Summary

Public Law 2009, chapter 480 updates the statute governing the practice of law by persons not licensed in this State to be consistent with Rule 5.5 of the Maine Rules of Professional Conduct adopted by the Supreme Judicial Court in August 2009.

**LD 1623 An Act To Expand Options in Child Protection Proceedings for  
Children in Foster Care**

**PUBLIC 557**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M	OTP-AM MAJ ONTP MIN	H-706

This bill adopts federal law requirements to clarify that all in-state and out-of-state placements must be considered to provide a child with all possible permanency options and that the rights of the child must be respected through providing accommodations that will allow the child to state the child's wishes directly to the court.

#### **Committee Amendment "A" (H-706)**

This amendment is the majority report of the committee. This amendment changes and clarifies the title of the bill and strikes the bill language and amends the Maine Revised Statutes, Title 22, section 4005, subsection 3; section 4038-B, subsection 5; and section 4055, subsection 3 to ensure that the wishes of the child are considered by the court in a manner appropriate to the age of the child in child protection matters.

The bill is amended to comply with the federal Adoption and Safe Families Act of 1997, 42 United States Code, Section 675(5)(C); 45 Code of Federal Regulations, Section 1355.20; and the United States Social Security Act, Title IV-E to clarify that all in-state and out-of-state placements must be considered to provide children who are placed in foster care with all possible permanency options.

In addition, the law referring to the licensing of foster homes, Title 22, section 8101, subsection 1, is amended to clarify language defining the type of home that can be licensed as a foster home so that relatives are included among those families that may hold a license and receive the full benefits of licensure.

### Enacted Law Summary

Public Law 2009, chapter 557 amends the child protection laws to comply with the federal laws and regulations to clarify that all in-state and out-of-state placements must be considered to provide children who are placed in foster care with all possible permanency options. Chapter 557 ensures that the wishes of the child are considered by the court in a manner appropriate to the age of the child in child protection matters. In addition, the law referring to the licensing of foster homes is amended to clarify language defining the type of home that can be licensed as a foster home so that relatives are included among those families that may hold a license and receive the full benefits of licensure.

***Joint Standing Committee on Judiciary***

**LD 1624    An Act To Ensure Rights to Children for Caretaker Relatives**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	ONTP	

Current law authorizes grandparents to petition for visitation rights to their grandchildren under certain specified conditions. This bill extends the laws governing grandparent visitation to apply to aunts, uncles, spouses of aunts and uncles, siblings and spouses of grandparents. This bill also establishes a presumption that a sufficient existing relationship exists between a child and a relative if the child has been left in the care and custody of the relative for 18 months or more.

**LD 1625    An Act To Establish a Policy of Communication and Consultation on Issues Affecting Tribal Communities of the Passamaquoddy Tribe**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	ONTP	

This bill requires every state agency to adopt a policy of communication and consultation with the Passamaquoddy Tribe to provide for meaningful and timely input by the Passamaquoddy tribal government into the development of legislation, rules and policies on matters that significantly or uniquely affect the Passamaquoddy tribal community before the agency may propose, adopt or implement legislation, rules or policies that may materially affect the Passamaquoddy tribal community.

See Executive Order 06 FY 10/11, An Order to Promote Effective Communication Between the State of Maine and the Native American Tribes Located Within the State of Maine.

**LD 1710    An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws**

**PUBLIC 536**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST	OTP-AM	H-682

This bill allows the Department of Conservation, Bureau of Forestry to recover court costs when an action or proceeding brought by the Attorney General on the bureau's behalf prevails, with the costs to be deposited in the General Fund.

**Committee Amendment "A" (H-682)**

This amendment replaces the bill, but retains the bill's original intent to allow the Attorney General or the agency it represents to collect reasonable attorney's fees and other costs of litigation for enforcement actions under laws regulating forest practices. This amendment provides that the court has discretion to award costs to the State if the State prevails and the defendant's defense is not substantially justified.

## *Joint Standing Committee on Judiciary*

### Enacted Law Summary

Public Law 2009, chapter 536 gives the court discretion to award reasonable attorney's fees and other costs to the Attorney General or the agency it represents for enforcement actions under laws regulating forest practices when the State prevails and the defendant's defense is not substantially justified.

**LD 1714    An Act To Protect Information Maintained by Registers of Deeds**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT GOODALL	ONTP	

This bill provides that records maintained by registers of deeds are not considered public records for the purposes of the freedom of access laws in order to clarify that public access to those records is governed by the laws relating to those registers.

See LD 1554, reported out by the Joint Standing Committee on State and Local Government.

**LD 1722    An Act To Strengthen Protection from Abuse and Protection from Harassment Laws**

**PUBLIC 555**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SIMPSON	OTP-AM	H-705

This bill allows printed copies of electronically transmitted protection from harassment and protection from abuse orders to be served on individuals and allows a formal report of the service of such an order to be transmitted electronically.

### **Committee Amendment "A" (H-705)**

This amendment replaces the bill but carries out the original intent to facilitate the proper and timely service of protection from harassment and protection from abuse orders.

### Enacted Law Summary

Public Law 2009, chapter 555 allows the service of temporary orders and final protection orders when the original court orders have been electronically transmitted directly from the court issuing the order to the authorized law enforcement agency or correctional facility making the service.

Chapter 555 ensures that a person served with an electronically transmitted order has an opportunity in a prosecution for violating the order to exercise the right to confrontation with regard to the law enforcement officer who served the order or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility that served the order.



**Joint Standing Committee on Judiciary**

**LD 1738 An Act To Establish a Duty To Report Serious Injuries**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEOD RAYE	ONTP MAJ OTP-AM MIN	

This bill requires a person who observes that another person has received a serious injury to immediately report that injury to and request first aid by the quickest means of communication available from a police department, emergency dispatch center, licensed medical facility or licensed medical provider.

**Committee Amendment "A" (H-733)**

This amendment is the minority report of the committee and replaces the bill. It creates a new civil violation focused on the knowing or intentional failure to report and request first aid for another person who has suffered serious bodily injury. The duty applies regardless of whether the injury was self-inflicted or caused intentionally, recklessly, negligently or accidentally. It does not impose a duty to provide first aid or other medical treatment. The duty is satisfied if another person has already made or agreed to make the report and request for first aid. The duty applies unless making the report and the request for first aid would create danger or peril to the person making the report or others. The creation of the duty does not create a civil cause of action for failing to comply with the duty.

This amendment was not adopted.

**LD 1791 Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings**

**RESOLVE 186**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-734 S-476 BLISS

This bill is a recommendation of a majority of the Right To Know Advisory Committee as described in its Fourth Annual Report. This bill requires that a record of all public proceedings for which notice is required under the Maine Revised Statutes, Title 1, section 406 must be made within a reasonable period of time after the proceeding. The record is a public record and must be open to public inspection. At a minimum, the record must include: the date, time and place of the public proceeding; the members of the body recorded as either present or absent; the general substance of all matters proposed, discussed or decided; and all motions and votes taken, by individual member if there is a roll call. An audio, video or other electronic recording of a public proceeding is sufficient.

**Committee Amendment "A" (H-734)**

This amendment replaces the bill with a resolve directing the Right To Know Advisory Committee to further examine issues related to requiring public bodies to keep records of public proceedings. The Advisory Committee must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011, and the joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill to the First Regular Session of the 125th Legislature based on the report.

## Joint Standing Committee on Judiciary

### Senate Amendment "A" To Committee Amendment "A" (S-476)

This amendment removes the authorization of the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out a bill.

#### Enacted Law Summary

Resolve 2009, chapter 186 directs the Right To Know Advisory Committee to further examine issues related to requiring public bodies to keep records of public proceedings. The advisory committee must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011.

### LD 1792 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

PUBLIC 567

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-750

This bill contains the recommendations concerning public records exceptions of the Right To Know Advisory Committee as described in its Fourth Annual Report. This bill includes the recommended amendments to existing public records exceptions to provide as much consistency as possible across the statutes.

### Committee Amendment "A" (H-750)

This amendment deletes the changes to public records exceptions concerning the Finance Authority of Maine.

#### Enacted Law Summary

Public Law 2009, chapter 567 enacts the recommendations concerning public records exceptions of the Right To Know Advisory Committee as described in its Fourth Annual Report. Chapter 567 includes the recommended amendments to existing public records exceptions to provide as much consistency as possible across the statutes. Chapter 567 enacts provisions providing confidentiality concerning complaints made to the State Auditor's hotline or referral service as enacted by Public Law 2005, chapter 682, and repealed by its own terms on July 1, 2009. Chapter 567 amends the laws concerning the Maine International Trade Center to treat all proceedings and records as open to the public, with exceptions for proprietary information. Chapter 567 amends the laws governing mineral exploration claims on state lands to make the language consistent with other confidentiality language. Chapter 567 amends the laws governing well drilling information to provide that the information required to be reported to the Department of Conservation, Bureau of Geology and Natural Areas, Maine Geological Survey is public unless the well drilling company reporting the information requests that the information be designated confidential and the bureau determines that it is proprietary information. Chapter 567 amends the laws governing the Lobster Promotion Council to establish that information provided to or developed by the council and included in a promotional plan or market study is public unless the council determines that it contains proprietary information. Chapter 567 amends the laws governing confidentiality of information related to experimental forestry practice areas to provide that the information is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the Department of Conservation, Bureau of Forestry determines that it is proprietary information. Chapter 567 amends the laws governing the confidentiality of information about the Commissioner of Education's disciplinary actions with regard to educational personnel. It makes public certain information concerning final written decisions relating to disciplinary action taken by the commissioner against persons holding certifications. Chapter 567 directs the Right To Know Advisory Committee to review and make recommendations concerning issues involved with requests for public records in bulk. The recommendations must be included in the advisory committee's annual report to be submitted by January 15, 2011.

## *Joint Standing Committee on Judiciary*

**LD 1795      Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 180  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

**Enacted Law Summary**

Resolve 2009, chapter 180 provides for the authorization of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2009, chapter 180 was finally passed as an emergency measure effective March 29, 2010.

**LD 1802      Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Private Information Contained in the Communications of Public Officials**

**RESOLVE 184**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL HOBBINS	OTP-AM	H-735  H-788 HILL

This bill exempts from public records that are subject to the laws governing freedom of access any communication from a constituent to an elected official that the constituent expects to be confidential or that contains certain personal information and any communication from an elected official in response to such a communication.

**Committee Amendment "A" (H-735)**

This amendment replaces the bill with a resolve directing the Right To Know Advisory Committee to examine the issues relating to the protection of private information in electronic and other communications sent and received by public officials, particularly communications between elected officials and their constituents. A report is due by February 15, 2011, and the joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill based on the report in 2011.

**House Amendment "A" To Committee Amendment "A" (H-788)**

This amendment changes the reporting date of the Right To Know Advisory Committee from February 15, 2011 to November 30, 2010. It also removes the authorization of the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out a bill in 2011 and requires the advisory committee to suggest legislation at the end of 2010.

**Enacted Law Summary**

Resolve 2009, chapter 184 directs the Right To Know Advisory Committee to examine the issues relating to the

## Joint Standing Committee on Judiciary

protection of private information in electronic and other communications sent and received by public officials, particularly communications between elected officials and their constituents. The Advisory Committee must report by November 30, 2010.

LD 1805 An Act To Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 652  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-832 S-535 BLISS S-545 BLISS

This bill provides technical corrections to errors and inconsistencies in the laws of Maine.

### Committee Amendment "A" (H-832)

This amendment designates the substance of the bill as Part A and then adds additional Parts. Part B contains additional technical corrections. Parts C, D and E contain amendments that are or could be considered to make substantive changes.

### Senate Amendment "A" To Committee Amendment "A" (S-535)

This amendment amends Public Law 2009, chapter 571, Part EEE, section 1 to correct an agency name and clarify that the rules reducing the fees for copies of vital records will apply retroactively to April 1, 2010.

### Senate Amendment "B" To Committee Amendment "A" (S-545)

This amendment corrects the effective date of the amendment to the Maine Revised Statutes, Title 14, section 6030-C, subsection 1 to 90 days after adjournment of the Second Regular Session to be consistent with the effective date of Public Law 2009, chapter 566, which amends the same section.

### Enacted Law Summary

Public Law 2009, chapter 652 makes corrections to the laws of Maine.

Part A contains technical corrections originally contained in the bill.

Part B makes additional technical corrections.

Part C makes the following changes that are substantive or may be considered substantive.

Section 1 corrects a conflict concerning sea urchin licenses created when Public Law 2009, chapter 396 repealed Title 12, section 6536 and chapter 213 amended section 6536, subsection 4.

Section 2 amends the license term for a game of chance license to operate an electronic video machine from a period not to exceed 6 months to a period of up to 12 months. Section 3 amends the games of chance laws concerning the maximum number of players in a licensed card game in one location at any one time to be consistent with the changes made in Public Law 2009, chapter 224. Section 4 makes section 2 and section 3 corrections take effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

Section 5 repeals and replaces current law concerning the use of helmets by passengers on motorcycles and

## Joint Standing Committee on Judiciary

autocycles to delete the application of the law to passengers of autocycles. Autocycle passengers were not intended to be included in Public Law 2009, chapter 55.

Section 6 corrects an inconsistency between the new language in the statute concerning temporary licenses for delivery and plant operators and the unallocated transition language as enacted by Public Law 2009, chapter 334. Section 7 makes the correction apply retroactively to the effective date of chapter 334, which is January 1, 2010.

Sections 8 and 9 correct the contingent effective date sections in Public Law 2009, chapter 496. In Public Law 2009, chapter 496, sections 30 and 31 provide for a contingent effective date, based on a pending people's veto referendum. However, the law should have provided for a contingent retroactive effective date since it is correcting a definition that is already in effect. The premium imposed on bulk motor vehicle oil changed from a per oil change surcharge to a surcharge on bulk motor vehicle oil, beginning August 1, 2008. If the change is not made, the surcharge is not excluded from the definition of "sale price" for the period of time between August 1, 2008 and when Public Law 2009, chapter 496 takes effect.

Part D corrects two problems created by Public Law 2009, chapter 461 concerning Pine Tree Development Zones.

Part E corrects definitions in the new law creating the Universal Childhood Immunization Program, enacted by Public Law 2009, chapter 595.

Part F amends Public Law 2009, chapter 571, Part EEE, section 1 to correct an agency name and clarify that the rules reducing the fees for copies of vital records will apply retroactively to April 1, 2010.

Public Law 2009, chapter 652 was enacted as an emergency measure effective April 14, 2010 unless otherwise provided.

### LD 1814 An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities

PUBLIC 593

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill adds an exception to the public policy in favor of a child's contact with both parents and shared parental rights and responsibilities when the court determines that the contact or an award of shared parental rights and responsibilities would not be in the best interest of the child. This bill requires the court to consider how the existence of domestic abuse between the parents would affect the other best interest factors. This bill also adds another factor to the list of best interest factors that would require the court to consider whether allocation of some or all parental rights and responsibilities would best support the child's safety and well-being.

#### Enacted Law Summary

Public Law 2009, chapter 593 enacts statutory recommendations of the Maine Commission on Domestic and Sexual Abuse made pursuant to Resolve 2009, chapter 120.

Chapter 593 amends the laws concerning parental rights and responsibilities to add an exception to the public policy in favor of a child's contact with both parents and shared parental rights and responsibilities when the court determines that the contact or an award of shared parental rights and responsibilities would not be in the best interest of the child. It also requires the court to consider how the existence of domestic abuse between the parents would affect the other best interest factors. Chapter 593 also adds another factor to the list of best interest factors that would require the court to consider whether allocation of some or all parental rights and responsibilities would best

## Joint Standing Committee on Judiciary

support the child's safety and well-being.

LD 1824    **An Act To Decriminalize Violations of Rules or Permit Conditions of the  
Baxter State Park Authority**

**PUBLIC 644  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS NUTTING J	OTP-AM	H-812

This bill decriminalizes violations of the rules of the Baxter State Park Authority or the conditions of permits issued by the authority.

### **Committee Amendment "A" (H-812)**

The amendment adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 644 decriminalizes violations of the rules of the Baxter State Park Authority or the conditions of permits issued by the authority.

Public Law 2009, chapter 644 was enacted as an emergency measure effective April 12, 2010.

*Joint Standing Committee on Judiciary*

SUBJECT INDEX

*Arbitration and Mediation*

Enacted

LD 1256      An Act To Provide Protections for Consumers Subject to      PUBLIC 572  
Mandatory Arbitration Clauses

Not Enacted

LD 1378      An Act To Adopt Portions of the Uniform Mediation Act      ONTP

*Attorney General*

Enacted

LD 1710      An Act Concerning Litigation Brought by the Attorney General      PUBLIC 536  
To Enforce Provisions of the Forest Practices Laws

*Business & Nonprofit Organizations*

Enacted

LD 1580      An Act To Replace the Maine Limited Liability Company Act      PUBLIC 629

*Child Protection*

Enacted

LD 1623      An Act To Expand Options in Child Protection Proceedings for      PUBLIC 557  
Children in Foster Care

Not Enacted

LD 1511      An Act To Remove the Age Limit Governing When a Court Must      ONTP  
Consider the Wishes of a Child in a Proceeding for the  
Termination of Parental Rights

*Confidentiality/Freedom of Access*

Enacted

LD 1551      Resolve, Directing the Right To Know Advisory Committee To      RESOLVE 171  
Examine Issues Related to Communications of Members of  
Public Bodies

LD 1791      Resolve, Directing the Right To Know Advisory Committee To      RESOLVE 186  
Further Examine Requirements That Public Bodies Keep  
Records of Public Proceedings

LD 1792      **An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions**      **PUBLIC 567**

LD 1802      **Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Private Information Contained in the Communications of Public Officials**      **RESOLVE 184**

Not Enacted

LD 1714      **An Act To Protect Information Maintained by Registers of Deeds**      **ONTP**

*Courts and Court Procedure*

Enacted

LD 1550      **An Act To Promote Opportunity for Workers in the Maine Woods**      **PUBLIC 532**

Not Enacted

LD 529      **An Act To Create a Traffic Court**      **ONTP**

*Domestic Violence/Protection from Abuse*

Enacted

LD 1722      **An Act To Strengthen Protection from Abuse and Protection from Harassment Laws**      **PUBLIC 555**

LD 1814      **An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities**      **PUBLIC 593**

*Family Law, General*

Not Enacted

LD 1624      **An Act To Ensure Rights to Children for Caretaker Relatives**      **ONTP**

*Human Rights and Medical Rights*

Enacted

LD 1537      **Resolve, Directing the Maine Human Rights Commission To Report on Improvements**      **RESOLVE 178**

*Legal Services*

Enacted

LD 1622      **An Act To Make Technical Changes to the Laws Governing the Practice of Law**      **PUBLIC 480**



LD 1795      **Resolve, Regarding Legislative Review of Chapter 2: Standards  
for Qualifications of Assigned Counsel, a Major Substantive Rule  
of the Maine Commission on Indigent Legal Services**      **RESOLVE 180  
EMERGENCY**

*Torts and Immunity, General*

Not Enacted

LD 1738      **An Act To Establish a Duty To Report Serious Injuries**      **ACCEPTED ONTP  
REPORT**

*Torts and Immunity, Medical Malpractice*

Enacted

LD 1574      **An Act To Amend the Rights and Liabilities of the Supervising  
Physician of a Physician Assistant**      **PUBLIC 587**

*Tribal-State Relations*

Enacted

LD 445      **An Act To Improve Tribal-State Relations**      **PUBLIC 636**

Not Enacted

LD 1625      **An Act To Establish a Policy of Communication and Consultation  
on Issues Affecting Tribal Communities of the Passamaquoddy  
Tribe**      **ONTP**

*Uncategorized*

Enacted

LD 1805      **An Act To Correct Errors and Inconsistencies in the Laws of  
Maine**      **PUBLIC 652  
EMERGENCY**

LD 1824      **An Act To Decriminalize Violations of Rules or Permit  
Conditions of the Baxter State Park Authority**      **PUBLIC 644  
EMERGENCY**

Not Enacted

LD 1289      **An Act To Enact the Uniform Debt Management Services Act**      **ONTP**

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

April 2010

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REP. BRUCE A. BICKFORD

**Joint Standing Committee on Labor**

**LD 125      Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	ONTP	

This resolve was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

The resolve establishes a blue ribbon commission to study the functions and operations of the Maine Public Employees Retirement System.

**LD 192      An Act To Index the State Minimum Wage to Inflation**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE GERZOFSKY	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

The bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2010 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

**LD 403      An Act To Increase the Minimum Wage**

**LEAVE TO WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	LTW	

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

This bill increases the minimum wage to \$8.20 per hour in 2010 and to \$8.90 in 2011. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage rate maintains employee purchasing power. The price adjustment is based on the change in the Consumer Price Index.

*Joint Standing Committee on Labor*

**LD 934 An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature by joint order, H.P. 1053.

Under current law, if a state employee organization or public employee organization files a request with a public employer alleging that a majority of the employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining, the public employer may request an election to determine whether there exists majority support among the employees for such representation. This bill provides instead that the public employer may request an inspection of the evidence of written majority authorization on the part of the employees.

**LD 1524 Resolve, Directing the Department of Labor To Research and Analyze the Methods Other States Utilize To Assess Benefit Charges When a Worker Becomes Unemployed and Receives Benefits**

**RESOLVE 147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU CRAVEN	OTP-AM	H-594

The original bill addresses the situation of two employers who both lay off the same employee within 30 days of each other. The bill requires that both employers be considered the claimant's last employer for purposes of the laws governing unemployment compensation.

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

This amendment changes the bill to a resolve. It directs the Commissioner of Labor or the commissioner's designee to examine the methods used by other states to assess benefit charges when a worker who has multiple employers becomes unemployed and receives unemployment benefits. The commissioner or the designee shall also analyze the findings to determine how to best protect Maine employers from inequitable assessments and how to best use technology to implement the findings. The commissioner or the designee shall report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2011. The committee is authorized to submit a bill to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 147 directs the Commissioner of Labor or the commissioner's designee to examine the methods used by other states to assess benefit charges when a worker who has multiple employers becomes unemployed and receives unemployment benefits. The commissioner or the designee shall also analyze the findings to determine how to best protect Maine employers from inequitable assessments and how to best use technology to implement the findings. The commissioner or the designee shall report findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2011. The committee is authorized to submit a bill to the First Regular Session of the 125th Legislature.

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**LD 1528     An Act To Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies and To Ensure Equal Application of the Requirement To Obtain Coverage**

**PUBLIC 520**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ ONTP MIN	

This bill clarifies that the Workers' Compensation Board's abuse investigation unit may share information with other state agencies to enhance interagency efforts to ensure compliance with their respective laws and rules.

This bill also ensures that the penalties in the Maine Workers' Compensation Act of 1992 for failure to procure insurance coverage are applied in the same manner to all business entities. This bill clarifies that limited liability companies may be dissolved as provided in Title 31, section 608-B and that any agent having primary responsibility for obtaining insurance coverage of a corporation, partnership, limited liability company, professional corporation or other business entity is liable for punishment for not procuring said coverage.

**Enacted Law Summary**

Public Law 2009, chapter 520 clarifies that the Workers' Compensation Board's abuse investigation unit may share information with other state agencies to enhance interagency efforts to ensure compliance with their respective laws and rules.

It ensures that the penalties in the Maine Workers' Compensation Act of 1992 for failure to procure insurance coverage are applied in the same manner to all business entities. It clarifies that limited liability companies may be dissolved as provided in Title 31, section 608-B and that any agent having primary responsibility for obtaining insurance coverage of a corporation, partnership, limited liability company, professional corporation or other business entity is liable for punishment for not procuring said coverage.

**LD 1529     An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits**

**PUBLIC 521**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-380

This bill, which is in response to the decision of the Maine Supreme Judicial Court in *Nichols v. S.D. Warren/Sappi*, 2007 ME 103, 928 A.2d 732, provides that "disability insurance policy," as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992, does not include a life insurance policy that includes a disability feature.

**Committee Amendment "A" (S-380)**

This amendment clarifies that if a disability feature of a life insurance policy was put in place as a result of collective bargaining, the disability feature will not be considered a disability insurance policy as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992.

**Enacted Law Summary**

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Public Law 2009, chapter 521, in response to the decision of the Maine Supreme Judicial Court in *Nichols v. S.D. Warren/Sappi*, 2007 ME 103, 928 A.2d 732, provides that "disability insurance policy," as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992, does not include a life insurance policy that includes a disability feature if that policy was put in place as a result of collective bargaining.

**LD 1543     An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974**

**PUBLIC 466**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP	

This bill makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference.

**Enacted Law Summary**

Public Law 2009, chapter 466 makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference. The referenced amendments increase the number of weeks Trade Readjustment Assistance benefits are potentially payable (up to an additional 26 weeks) based on the type and duration of training a worker is participating in and expand the Trade Adjustment Assistance Act to more workers and firms, including those providing services to firms impacted by trade, public sector workers, and workers whose firms have shifted production to any foreign country. Further, the referenced amendments expand training opportunities and provide increased flexibility of training options for workers. The law also increases the likelihood that an unemployed worker affected by trade will be able to maintain health insurance by increasing the health care tax credit premium subsidy from 65% to 80% and expanding the conditions under which the health care tax credit is payable.

**LD 1545     An Act To Protect Maine Workers**

**PUBLIC 637**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ OTP-AM MIN	S-495 S-536 JACKSON

This bill prohibits an employer from employing foreign laborers for five years if the employer violates the required proof of equipment ownership or foreign labor certification laws.

**Committee Amendment "A" (S-495)**

This amendment is the majority report of the Joint Standing Committee on Labor. It:

1. Prohibits an employer from employing foreign laborers for two years if the employer violates the required proof of logging equipment ownership or foreign labor certification laws;
2. Defines "logging equipment";
3. Eliminates the use of a lease as proof of ownership for logging equipment;

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4. Directs an employer to notify the Maine Department of Labor at the time of filing for certification from the United States Department of Labor to hire a bond worker. The employer shall provide for the year in which a bond worker is employed the number of bond workers requested, a list of each piece of equipment a bond worker will operate, receipts of payment for equipment purchased in bona fide transactions and documentation of payment of any tax assessed on the equipment;
5. Directs the Commissioner of Labor to adopt rules to implement and enforce the provisions regarding proof of logging equipment ownership;
6. Raises the fine from between \$3,000 - \$15,000 to between \$10,000 - \$25,000 for a civil violation of the proof of ownership requirement;
7. Clarifies that the Attorney General may institute injunction proceedings for violations of the laws pertaining to employment of bond workers;
8. Directs the Department of Administrative and Financial Services, Bureau of Revenue Services to provide interagency support and field information to assist the Department of Labor in enforcing proof of equipment ownership for employers using bond workers; and
9. Eliminates the allowance in the unemployment law that permits certain foreign agricultural laborers to collect unemployment.

### **Committee Amendment "B" (S-496)**

This amendment is the minority report of the Joint Standing Committee on Labor. It:

1. Defines "immediate family";
2. Clarifies the use of a lease as proof of ownership for logging equipment;
3. Directs an employer to notify the Maine Department of Labor at the time of filing for certification from the United States Department of Labor to hire a bond worker. The employer shall provide, for the year in which a bond worker is employed, the number of bond workers requested, a list of each piece of logging equipment a bond worker will operate, receipts of payment for logging equipment purchased in bona fide transactions and documentation of payment of any tax assessed on the equipment;
4. Directs the Commissioner of Labor to adopt rules to implement and enforce the provisions regarding proof of logging equipment ownership;
5. Clarifies that the Attorney General may institute injunction proceedings for violations of the laws pertaining to the employment of foreign agricultural laborers;
6. Directs the Department of Administrative and Financial Services, Bureau of Revenue Services to provide interagency support and field information to assist the Department of Labor in enforcing proof of equipment ownership for employers using bond workers; and
7. Eliminates the allowance in the unemployment laws that permits foreign agricultural laborers to collect unemployment.

This amendment does not affect any punishment, penalty or fine incurred before this amendment takes effect or any action or proceeding pending at the time of this amendment.

### **Senate Amendment "A" To Committee Amendment "A" (S-536)**

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This amendment adds language to the laws governing proof of equipment ownership for employers using foreign laborers requiring that any lease used to demonstrate ownership must be a bona fide lease and sets forth the standards for determining whether a lease is bona fide.

The amendment requires employers of bond workers to notify the Department of Labor of the name and location of bond workers performing logging work in the State.

The amendment requires employers seeking bond workers to form and participate in a recruitment clearinghouse that assists in evaluating and referring potential logging occupation workers. The Department of Labor will work with the clearinghouse to ensure understanding of, and compliance with, recruitment and hiring requirements under federal regulations and state law.

The amendment requires the Department of Labor to maintain a list of contractors who are seeking to hire bond workers, and to require landowners to hire contractors from that list. Contractors who violate federal regulations or state law relating to bond workers must be removed from the list. A landowner who enters into or maintains a contract with an entity that is not on the list is subject to a fine of up to \$50,000.

The amendment establishes the Foreign Labor Certification Process Fund and adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 637 prohibits an employer from employing foreign laborers for two years if the employer violates the foreign labor certification laws and makes such a violation a class E crime.

The law defines "bond worker" and "logging equipment".

It adds language to the laws governing proof of ownership of logging equipment for employers using bond workers. It requires that any lease used be a bona fide lease and sets forth the standards for determining whether a lease is bona fide. It also requires that the employer provide the Maine Department of Labor with contact information about the owner(s), board members, and agent of the leasing company.

The law directs an employer to notify the Maine Department of Labor at the time of filing for certification from the U.S. Department of Labor to hire a bond worker. It requires employers to provide to the Maine Department of Labor the number of bond workers requested, a list of each piece of logging equipment a bond worker will operate, receipts of payment for logging equipment purchased, and documentation of payment of any tax assessed on the logging equipment. The employer shall also notify the Maine Department of Labor within three days of the date on which a bond worker begins work in the state and provide the worker's name and the location of the work.

It prohibits an employer from employing foreign laborers for two years if the employer violated the proof of ownership requirements.

It directs the Commissioner of Labor to adopt rules to implement and enforce the bill.

The law raises the fine from between \$3,000 - \$15,000 to between \$10,000 - \$25,000 for a civil violation of proof of ownership, notification, or for employing a bond worker after violating the proof of ownership section of the law. It also clarifies that the Attorney General may institute injunction proceedings for violations.

It adds the Maine Revenue Service as interagency support to assist the Department of Labor in enforcing proof of equipment ownership for employers using bond workers.

The law requires employers seeking bond workers to form and participate in a recruitment clearinghouse that assists in evaluating and referring potential logging occupation workers. The Maine Department of Labor will work with



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the clearinghouse to ensure understanding of, and compliance with, recruitment and hiring requirements under federal regulations and state law. The Maine Department of Labor is required to maintain a list of contractors who are seeking to hire bond workers, and to require landowners to hire contractors from that list.

If an employment offer is conditioned on a skills test, it must be applied to all new applicants in that job classification and conducted in a reasonable location. If a skills test is required, the employer must submit a copy of the skills test to the Maine Department of Labor and if an applicant is rejected due to failing the skills test, a written statement explaining the failure must be provided to the applicant, the recruitment clearinghouse, and the Maine Department of Labor.

Contracts between landowners and logging employers must contain a provision that allows the landowner to terminate the contract if the logging employer violates federal regulations or state law. Contractors who violate federal regulations or state law relating to bond workers must be removed from the list. A landowner who enters into or maintains a contract with an entity that is not on the list is subject to a fine of up to \$50,000.

The law establishes the Foreign Labor Certification Process Fund.

It eliminates the allowance in the unemployment law that permits foreign agricultural laborers, from contiguous countries with whom the State has an agreement, from collecting unemployment from the State of Maine.

The law creates the necessary exemption for interagency cooperation between the Maine Department of Labor and the Maine Bureau of Revenue Services.

### **LD 1552    An Act To Improve Employment Opportunities for Maine Workers in the Forest Industry**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM MAJ ONTP MIN	H-738 H-779 MARTIN J L

This bill requires a landowner to notify the Department of Conservation, Bureau of Forestry if forest land is harvested by a harvester who uses bonded labor under the federal H-2A bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H-2A bonded labor program or the landowner fails to provide the required notification, the land must be withdrawn from the Maine Tree Growth Tax Law and a penalty assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

#### **Committee Amendment "A" (H-738)**

This amendment clarifies the procedure in which a landowner must notify the Department of Conservation, Bureau of Forestry if forest land is harvested by a landowner or harvester who uses bonded labor under the federal H-2A bonded labor program. It indicates that the use of bonded labor on any part of a parcel of tree growth land during the two-year notification cycle will result, upon notification by Maine Revenue Services, in the loss of Maine Tree Growth Tax Law benefits and that the withdrawal penalty will be imposed. It further clarifies that the parcel of land will not benefit from the General Fund contribution to forest fire protection for the property tax year in which bonded labor is used.

#### **House Amendment "B" (H-779)**

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This amendment provides that land must be suspended from the Maine Tree Growth Tax Law for any year in which the landowner uses bonded labor or fails to provide the required notification to the Department of Conservation, Bureau of Forestry.

### LD 1558 An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters

PUBLIC 513

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-379

This bill extends an accidental death benefit to the beneficiary of a professional firefighter who dies from cardiovascular injury or disease or pulmonary disease as described in the Maine Revised Statutes, Title 39-A, section 328 while in the line of duty. The benefit applies only if the firefighter was a member of the Participating Local District Retirement Program administered by the Maine Public Employees Retirement System and the injury or disease that caused the firefighter's death is the result of a condition that developed within six months of the firefighter's having been in service as a professional firefighter for a municipal fire department. The bill also makes the death benefit retroactive to November 1, 2004.

#### Committee Amendment "A" (S-379)

This amendment defines a qualifying member for accidental death benefits as a professional firefighter who dies as a result of developing a cardiovascular injury or disease or pulmonary disease resulting from a condition that develops within 30 days of participating in firefighting or training or a drill that involves firefighting. It also establishes a rebuttable presumption that if a professional firefighter develops a cardiovascular injury or disease or pulmonary disease and dies after 30 days, but within six months of participating in firefighting or training or a drill that involves firefighting, the firefighter's death is a result of a firefighting activity. The amendment also directs the Board of Trustees of the Maine Public Employees Retirement System to establish rules to implement the bill. These rules are defined as routine technical rules and must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters before implementation.

#### Enacted Law Summary

Public Law 2009, chapter 513, defines "professional firefighter" and "qualifying member" for accidental death benefits. In order to obtain accidental death benefits, the professional firefighter must die as a result of developing a cardiovascular injury or disease or pulmonary disease resulting from a condition that develops within 30 days of participating in firefighting or training or a drill that involves firefighting. It also establishes a rebuttable presumption that if a professional firefighter develops a cardiovascular injury or disease or pulmonary disease and dies after 30 days, but within six months of participating in firefighting or training or a drill that involves firefighting, the firefighter's death is a result of a firefighting activity. It directs the Board of Trustees of the Maine Public Employees Retirement System to establish rules to implement the law. These rules are routine technical rules and must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters at least 30 days prior to final adoption. The law makes the death benefit retroactive to November 1, 2004.

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**LD 1565    An Act To Amend the Laws Governing the Misclassification of  
Construction Workers**

**PUBLIC 649**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM MAJ ONTP MIN	H-746 H-826 MARTIN J L

This bill authorizes the Executive Director of the Workers' Compensation Board to issue a stop-work order if a hiring agent or construction subcontractor has knowingly misrepresented one or more employees as independent contractors, knowingly failed to provide a workers' compensation insurance policy or knowingly provided false, incomplete or misleading information to the board concerning the number of employees.

The stop-work order takes effect when served upon the hiring agent or construction subcontractor and requires the cessation of all business operations. The stop-work order remains in effect until the executive director issues a release upon finding the hiring agent or construction subcontractor has come into compliance and paid any penalty assessed. The stop-work order applies to any successor firm, corporation, or partnership of the hiring agent or construction subcontractor. A hiring agent or construction subcontractor who is subject to a stop-work order may apply to the executive director within 10 days of issuance for a hearing. The hearing and a decision must be rendered within 48 hours of the application.

This bill also prohibits that hiring agent or construction subcontractor from performing work on a public building or other public works for a period of three years.

### **Committee Amendment "A" (H-746)**

This amendment, which is the majority report of the committee, authorizes the Executive Director of the Workers' Compensation Board or the executive director's designee, to issue a stop-work order after a hearing if a hiring agent or construction subcontractor misrepresented one or more employees as independent contractors, failed to provide a workers' compensation insurance policy or provided false, incomplete or misleading information to the Workers' Compensation Board concerning the number of employees. The executive director must give the hiring agent or construction subcontractor 48 hours' notice before the stop-work order hearing. The amendment also includes an appropriations and allocations section to cover enforcement.

### **House Amendment "C" To Committee Amendment "A" (H-826)**

This amendment authorizes the Executive Director of the Workers' Compensation Board or the executive director's designee to stay a stop-work order if a hiring agent or construction subcontractor provides evidence that the hiring agent or subcontractor has complied with the provisions of the Maine Workers' Compensation Act of 1992. It also extends the notice of hearing provision from 48 hours to three business days.

This amendment protects an issuer of surety bonds from liability when a payment or a performance bond is required of a hiring agent or construction subcontractor and that hiring agent or construction subcontractor is subject to a stop-work order from the Executive Director of the Workers' Compensation Board.

This amendment also defines what will be considered a knowing violation of the provision requiring that workers' compensation insurance be obtained for the purpose of issuing a stop-work order.

### **Enacted Law Summary**

Public Law 2009, chapter 649 authorizes the Executive Director of the Workers' Compensation Board or the

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executive director's designee, after a hearing, to issue a stop-work order to a hiring agent or construction subcontractor who knowingly failed to provide workers' compensation insurance for employees. The hiring agent or construction subcontractor must receive at least three business days' notice of a hearing regarding a stop-work order. The executive director or the executive director's designee shall stay a stop-work order if a hiring agent or construction subcontractor provides evidence that the hiring agent or construction subcontractor has complied with the provisions of the Maine Workers' Compensation Act of 1992. A stop-work order remains in effect until the executive director or the executive director's designee issues an order releasing the stop-work order upon finding of compliance and the hiring agent or construction subcontractor has paid any penalty assessed or has entered into a penalty payment agreement with the Workers' Compensation Board. Any stop-work order issued applies to any successor firm, corporation or partnership of the hiring agent or construction subcontractor.

The law protects an issuer of surety bonds from liability when a payment or a performance bond is required of a hiring agent or construction subcontractor and that hiring agent or construction subcontractor is subject to a stop-work order from the Executive Director of the Workers' Compensation Board.

The law defines a knowing violation of the provision requiring that workers' compensation insurance be obtained for the purpose of issuing a stop-work order.

Positions to enhance the enforcement of laws prohibiting misclassification of workers must be funded from the Workers' Compensation Board's reserve account.

**LD 1566    An Act Relating to the Membership of the Workers' Compensation Board**

**PUBLIC 640**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD JACKSON	OTP-AM	H-659 S-399 BRYANT B

This bill clarifies the current restrictions on Workers' Compensation Board membership related to lobbying and being a service provider by providing that Workers' Compensation Board members may lobby on behalf of the board and by defining the term "service provider" for purposes of being a member of the board.

**Committee Amendment "A" (H-659)**

This amendment replaces the bill and clarifies the current restrictions on the Workers' Compensation Board membership with regard to any possible conflict of interest between a member and an issue in front of the board. It cites the conflict of interest provisions found in the Maine Workers' Compensation Act of 1992, which refers to the disqualification of executive employees from participating in matters that appear to be a conflict of interest by disclosure or by abstention found in the Maine Revised Statutes, Title 5, section 18.

**Senate Amendment "A" To Committee Amendment "A" (S-399)**

This amendment, like the bill, relates to the membership of the Workers' Compensation Board. Current law restricts the term of a member representing management or labor to two full terms. This amendment repeals that restriction.

**Enacted Law Summary**

Public Law 2009, chapter 640 clarifies the current restrictions on the Workers' Compensation Board membership with regard to any possible conflict of interest between a member and an issue in front of the board. It cites the conflict of interest provisions found in the Maine Workers' Compensation Act of 1992, which refers to the disqualification of executive employees from participating in matters that appear to be a conflict of interest by

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disclosure or by abstention found in the Maine Revised Statutes, Title 5, section 18. It removes the two-term restriction to membership on the Workers' Compensation Board.

**LD 1582     An Act To Bring the Laws of the Maine Public Employees Retirement System into Compliance with the Federal Internal Revenue Code**

**PUBLIC 474**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	OTP-AM	H-595

This bill makes changes to the laws governing the qualified defined benefit retirement programs administered by the Maine Public Employees Retirement System to conform them to provisions of the United States Internal Revenue Code. These changes are necessary to ensure the continued qualified status and favorable tax treatment of the defined benefit programs under the Internal Revenue Code, Sections 401(a) and 414(d) and other applicable provisions. The Maine Public Employees Retirement System has received favorable determination letters from the Internal Revenue Service confirming the continued qualification of the Legislative Retirement Program, Judicial Retirement Program, State Employee and Teacher Retirement Program and Participating Local District Retirement Program, subject in part to the adoption of the changes proposed in this bill.

The bill adds language to clarify that applicable retirement programs are intended to be governmental qualified defined benefit plans under the Internal Revenue Code.

The bill amends the respective retirement program statutes to comply with specific Internal Revenue Code requirements that govern certain operational procedures currently in practice but that must be specifically referred to in the written plan document. In addition, the bill amends the respective retirement programs to comply with the provisions of the federal Tax Reform Act of 1986, the federal Unemployment Compensation Amendments of 1992, the federal Omnibus Budget Reconciliation Act of 1993; the federal Uruguay Round Agreements Act, the federal Uniformed Services Employment and Reemployment Rights Act of 1994, the federal Small Business Job Protection Act of 1996, the federal Taxpayer Relief Act of 1997, the federal Internal Revenue Service Restructuring and Reform Act of 1998, the federal Community Renewal Tax Relief Act of 2000 and the federal Economic Growth and Tax Relief Reconciliation Act of 2001. More specifically, the bill:

1. Confirms that a member is 100% vested in the member's contribution account pursuant to the Internal Revenue Code, Section 401(a)(7);
2. Specifies that a forfeiture of a benefit by a member or former member must be used to reduce the unfunded liability of the employer pursuant to the Internal Revenue Code, Section 401(a)(8);
3. Provides that distributions to members must commence no later than the April 1st following the calendar year in which the member attains 70 1/2 years of age pursuant to the Internal Revenue Code, Section 401(a)(9), known as the "required minimum distribution," and must be paid in accordance with the Code;
4. Provides that annual compensation of an eligible member that exceeds \$245,000, adjusted yearly for cost-of-living increases, may not be taken into account in determining benefits or contributions due for any plan year pursuant to the Internal Revenue Code, Section 401(a)(17);
5. Defines what constitutes an eligible retirement plan, an eligible rollover distribution and a member for favorable tax rollovers pursuant to the Internal Revenue Code, Section 401(a)(31);

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6. Specifies how contributions, benefits and service credit with respect to qualified military service must be provided in accordance with the Internal Revenue Code, Section 414(u) and the federal Uniformed Services Employment and Reemployment Rights Act of 1994;
7. Establishes a ceiling on the amount of annual retirement benefits that may be provided to a member pursuant to the Internal Revenue Code, Section 415, currently \$195,000 for a member who has at least 10 years of service and who is at least 62 years of age; and
8. Prohibits the Board of Trustees of the Maine Public Employees Retirement System from engaging in certain transactions pursuant to the Internal Revenue Code, Section 503(b).

The bill authorizes the Board of Trustees of the Maine Public Employees Retirement System to adopt rules necessary to maintain the qualified tax status of the governmental defined benefit retirement plans administered by the Maine Public Employees Retirement System.

The bill amends the waiver provisions of the Legislative Retirement Program to provide that a Legislator is allowed a one-time irrevocable election of whether to join the program. This language is added to comport with various provisions of the Internal Revenue Code, federal treasury regulations and guidance providing that employees in a defined benefit plan or pick-up plan may not have an election with respect to participation or the amount of contributions unless that election is a one-time irrevocable election at the commencement of employment, and that election survives the employee's entire working life with that employer.

The bill provides a maximum automatic refund amount under the existing refund of inactive account statutes pursuant to Internal Revenue Code, Section 401(a)(31)(B).

The bill establishes the employer reporting requirements for employees with optional membership in the State Employee and Teacher Retirement Program and sets forth the responsibilities of the employer in the optional membership election process.

The bill amends the optional membership statutes in the State Employee and Teacher Retirement Program to provide for a one-time irrevocable election and removes all provisions relating to delayed elections and reentry into the plan to comport with federal law.

The bill repeals language related to the purchase of back contributions that is no longer applicable due to the elimination of certain election options.

The bill establishes the conditions under which a person who is a member prior to August 1, 2010 may purchase service credit.

The bill amends the group life insurance program statutes to remove language that is no longer applicable.

The bill amends the optional membership provision in the Participating Local District Retirement Program to provide for a one-time irrevocable election to participate in the program.

The bill provides for a one-time irrevocable election for persons hired by a participating local district with Social Security coverage.

The bill provides for a one-time irrevocable election for persons hired, or rehired, by a participating local district that created an alternative retirement plan prior to the person's hire date. It also provides that an

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employee of a participating local district that creates an alternative plan after the person's date of hire can make a one-time irrevocable election into the alternative plan within 90 days.

The bill amends the conditions under which a member may withdraw accumulated contributions when a participating local district withdraws from the program.

The bill amends the conditions under which the retirement system must refund the assets of a withdrawn participating local district to include that the plan must be terminated in accordance with federal law.

The bill removes language regarding optional members rejoining a program of the retirement system that is no longer applicable.

The bill amends the establishment clause of the Participating Local District Consolidated Retirement Plan to clarify that the plan is intended to be a governmental defined benefit plan and to state the purpose of the plan in a manner consistent with the other Maine Public Employees Retirement System defined benefit retirement programs.

The bill amends the Maine Community College System retirement plan statutes to provide for a one-time irrevocable election into the State Employee and Teacher Retirement Program.

### **Committee Amendment "A" (H-595)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2009, chapter 474 makes changes to the laws governing the qualified defined benefit retirement programs administered by the Maine Public Employees Retirement System to conform them to provisions of the United States Internal Revenue Code. These changes are necessary to ensure the continued qualified status and favorable tax treatment of the defined benefit programs under the Internal Revenue Code, Sections 401(a) and 414(d) and other applicable provisions. The Maine Public Employees Retirement System has received favorable determination letters from the Internal Revenue Service confirming the continued qualification of the Legislative Retirement Program, Judicial Retirement Program, State Employee and Teacher Retirement Program and Participating Local District Retirement Program, subject in part to the adoption of the changes proposed in this law.

The law adds language to clarify that applicable retirement programs are intended to be governmental qualified defined benefit plans under the Internal Revenue Code.

The law amends the respective retirement program statutes to comply with specific Internal Revenue Code requirements that govern certain operational procedures currently in practice but that must be specifically referred to in the written plan document. In addition, the law amends the respective retirement programs to comply with the provisions of the federal Tax Reform Act of 1986, the federal Unemployment Compensation Amendments of 1992, the federal Omnibus Budget Reconciliation Act of 1993; the federal Uruguay Round Agreements Act, the federal Uniformed Services Employment and Reemployment Rights Act of 1994, the federal Small Business Job Protection Act of 1996, the federal Taxpayer Relief Act of 1997, the federal Internal Revenue Service Restructuring and Reform Act of 1998, the federal Community Renewal Tax Relief Act of 2000 and the federal Economic Growth and Tax Relief Reconciliation Act of 2001. More specifically, Public Law 2009, chapter 474:

1. Confirms that a member is 100% vested in the member's contribution account pursuant to the Internal Revenue Code, Section 401(a)(7);

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2. Specifies that a forfeiture of a benefit by a member or former member must be used to reduce the unfunded liability of the employer pursuant to the Internal Revenue Code, Section 401(a)(8);
3. Provides that distributions to members must commence no later than the April 1st following the calendar year in which the member attains 70 1/2 years of age pursuant to the Internal Revenue Code, Section 401(a)(9), known as the "required minimum distribution," and must be paid in accordance with the Code;
4. Provides that annual compensation of an eligible member that exceeds \$245,000, adjusted yearly for cost-of-living increases, may not be taken into account in determining benefits or contributions due for any plan year pursuant to the Internal Revenue Code, Section 401(a)(17);
5. Defines what constitutes an eligible retirement plan, an eligible rollover distribution and a member for favorable tax rollovers pursuant to the Internal Revenue Code, Section 401(a)(31);
6. Specifies how contributions, benefits and service credit with respect to qualified military service must be provided in accordance with the Internal Revenue Code, Section 414(u) and the federal Uniformed Services Employment and Reemployment Rights Act of 1994;
7. Establishes a ceiling on the amount of annual retirement benefits that may be provided to a member pursuant to the Internal Revenue Code, Section 415, currently \$195,000 for a member who has at least 10 years of service and who is at least 62 years of age; and
8. Prohibits the Board of Trustees of the Maine Public Employees Retirement System from engaging in certain transactions pursuant to the Internal Revenue Code, Section 503(b).

The law authorizes the Board of Trustees of the Maine Public Employees Retirement System to adopt rules necessary to maintain the qualified tax status of the governmental defined benefit retirement plans administered by the Maine Public Employees Retirement System.

The law amends the waiver provisions of the Legislative Retirement Program to provide that a Legislator is allowed a one-time irrevocable election of whether to join the program. This language is added to comport with various provisions of the Internal Revenue Code, federal treasury regulations and guidance providing that employees in a defined benefit plan or pick-up plan may not have an election with respect to participation or the amount of contributions unless that election is a one-time irrevocable election at the commencement of employment, and that election survives the employee's entire working life with that employer.

The law provides a maximum automatic refund amount under the existing refund of inactive account statutes pursuant to Internal Revenue Code, Section 401(a)(31)(B).

The law establishes the employer reporting requirements for employees with optional membership in the State Employee and Teacher Retirement Program and sets forth the responsibilities of the employer in the optional membership election process.

The law amends the optional membership statutes in the State Employee and Teacher Retirement Program to provide for a one-time irrevocable election and removes all provisions relating to delayed elections and reentry into the plan to comport with federal law.

The law repeals language related to the purchase of back contributions that is no longer applicable due to the elimination of certain election options.



## Joint Standing Committee on Labor

The law establishes the conditions under which a person who is a member prior to August 1, 2010 may purchase service credit.

The law amends the group life insurance program statutes to remove language that is no longer applicable.

The law amends the optional membership provision in the Participating Local District Retirement Program to provide for a one-time irrevocable election to participate in the program.

The law provides for a one-time irrevocable election for persons hired by a participating local district with Social Security coverage.

The law provides for a one-time irrevocable election for persons hired, or rehired, by a participating local district that created an alternative retirement plan prior to the person's hire date. It also provides that an employee of a participating local district that creates an alternative plan after the person's date of hire can make a one-time irrevocable election into the alternative plan within 90 days.

The law amends the conditions under which a member may withdraw accumulated contributions when a participating local district withdraws from the program.

The law amends the conditions under which the retirement system must refund the assets of a withdrawn participating local district to include that the plan must be terminated in accordance with federal law.

The law removes language regarding optional members rejoining a program of the retirement system that is no longer applicable.

The law amends the establishment clause of the Participating Local District Consolidated Retirement Plan to clarify that the plan is intended to be a governmental defined benefit plan and to state the purpose of the plan in a manner consistent with the other Maine Public Employees Retirement System defined benefit retirement programs.

The law amends the Maine Community College System retirement plan statutes to provide for a one-time irrevocable election into the State Employee and Teacher Retirement Program.

### LD 1595 An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System

PUBLIC 473

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-356

This bill protects retirees of the Maine Public Employees Retirement System from decreases in retirement benefits due to decreases in the Consumer Price Index. This extends, to multiple years, the number of times a cost-of-living adjustment may be made to recapture actuarial gains lost as a result of a decline in the Consumer Price Index. This bill ensures cost neutrality for the unusual case where the Consumer Price Index in any year is not sufficient to compensate for it having been below zero the previous year.

#### Committee Amendment "A" (S-356)

This amendment incorporates a fiscal note.

## Joint Standing Committee on Labor

### Enacted Law Summary

Public Law 2009, chapter 473 protects retirees of the Maine Public Employees Retirement System from decreases in retirement benefits due to decreases in the Consumer Price Index. This extends, to multiple years, the number of times a cost-of-living adjustment may be made to recapture actuarial gains lost as a result of a decline in the Consumer Price Index. It ensures cost neutrality for the unusual case where the Consumer Price Index in any year is not sufficient to compensate for it having been below zero the previous year.

**LD 1626    An Act To Amend the Unemployment Compensation Laws Regarding  
Vacation Pay**

**PUBLIC 638**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE JACKSON	OTP-AM MAJ ONTP MIN	H-648 S-540 DIAMOND

Under current law, an individual is disqualified from receiving unemployment compensation benefits for various reasons, such as voluntarily leaving work; being discharged for misconduct; refusal to accept work; a work stoppage; falsifying on the work application; conviction of a felony or misdemeanor in connection with his or her work; absence from work due to incarceration; receiving remuneration in the form of "dismissal wages, wages in lieu of notice, terminal pay, vacation pay or holiday pay," or for unemployment benefits received from another state. This bill removes the vacation pay restriction.

#### **Committee Amendment "A" (H-648)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, strikes the emergency preamble and the emergency clause from the bill. The amendment also provides funding for the estimated cost of the expansion of unemployment insurance benefits for state agencies that must directly reimburse the Unemployment Trust Fund and adds an appropriations and allocations section to the bill.

#### **Senate Amendment "A" To Committee Amendment "A" (S-540)**

This amendment strikes out the appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 638 removes the restriction that disqualifies an individual from receiving unemployment compensation benefits for any week in which the individual receives, is entitled to receive or has received remuneration in the form of vacation pay. It allows executive branch departments and agencies to request transfers from the Salary Plan program for the additional General Fund and Highway Fund costs incurred as a result of the additional unemployment benefits authorized by this law.

**LD 1657    An Act Regarding Maine Public Employees Retirement System Life  
Insurance Policies**

**PUBLIC 515  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-376

## Joint Standing Committee on Labor

This bill amends the law governing the distribution of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers to require that the benefit be paid to the deceased's duly appointed executor, personal representative or conservator for distribution according to the provisions of a lawfully executed will if there is no qualifying beneficiary designated at the time of the employee's death. The bill also makes technical changes to the law to accommodate this revision in the order of precedence.

### Committee Amendment "A" (S-376)

This amendment replaces the bill and moves the deceased employee's duly appointed executor or personal representative of the employee's will after widow or widower in precedence for payment of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers. The amendment also amends the law governing coverage for employees of participating local districts in order to maintain consistency across the program. The amendment establishes a time frame within which an executor or personal representative must contact the retirement system in order for the claim proceeds to be distributed to the estate. The amendment removes all references to "conservator." The amendment makes the changes retroactive to January 1, 2009 for group life insurance and group accidental death claims not yet paid by the retirement system. The amendment also adds an emergency preamble and clause to the bill.

### Enacted Law Summary

Public Law 2009, chapter 515 moves the deceased employee's duly appointed executor or personal representative of the employee's will after widow or widower in precedence for payment of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers. It also amends the section of law governing coverage for employees of participating local districts in order to maintain consistency across the program. The law establishes a time frame of six months from the date of the death of the employee within which an executor or personal representative must contact the retirement system in order for the claim proceeds to be distributed to the estate. The law removes all references to "conservator." The law also makes the changes retroactive to January 1, 2009 for group life insurance and group accidental death claims not yet paid by the retirement system.

Public Law 2009, chapter 515 was enacted as an emergency measure effective March 17, 2010.

### LD 1665 An Act To Prevent the Spread of H1N1

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	ONTP MAJ OTP-AM MIN	

This bill requires an employer to give a maximum of 52 accrued hours of paid sick leave per year to any employee who is employed by a large business employer and a maximum of 26 accrued hours of paid sick leave per year to any employee who is employed by a small business employer. Paid sick leave is accrued from the first day of employment and can be used on the 90th day and thereafter.

Earned paid sick leave may be used by an employee during an absence from employment due to the physical or mental illness, injury or medical condition of an employee or an employee's family member; if the employee's place of business is closed due to a public health emergency; if an employee needs to care for a dependent whose school or place of care has been closed due to a public health emergency; for the purpose of an employee accessing necessary preventive health care or an employee's family member accessing necessary preventive health care; or due to the employee or the employee's family member being a victim of stalking, domestic violence or sexual abuse.

## *Joint Standing Committee on Labor*

An employer who provides compensated leave for reasons included in the bill equal to or greater than required by the bill satisfies the obligations of the bill. The bill applies to employees covered by a collective bargaining agreement.

The bill prohibits an employer from discharging, demoting, suspending, disciplining, threatening, or otherwise discriminating against an employee who requests paid sick leave for reasons asserted in the bill or who files a complaint, testifies, or assists in an action brought against the employer for a violation of this bill. The bill does not prohibit an employer from taking employment action against an employer for taking leave that is not protected under this bill.

The bill requires the Maine Department of Labor to adopt routine technical rules to implement and enforce the bill.

### **Committee Amendment "A" (S-470)**

This amendment prohibits an employer from discharging, demoting, suspending, disciplining or discriminating against an employee who misses work or comes to work late for no more than five days in 12 months due to illness of the employee or of a family member of the employee. The employee must make reasonable efforts to notify the employer at the time of the illness.

The amendment does not prohibit an employer from taking employment action against an employee for taking time off that is not protected by this or other applicable law.

The Department of Labor is required to adopt routine technical rules to implement this provision. The employee may seek relief from a violation of this provision by bringing a civil action in the appropriate court.

### **LD 1681    An Act To Implement a Maine Unemployment Insurance Work-sharing Program**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	LTW	

This bill creates a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, an employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

### **LD 1711    An Act To Clarify the Status of Prisoners**

**PUBLIC 529**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN	OTP-AM	H-676

## *Joint Standing Committee on Labor*

This bill clarifies that certain prisoners are not considered employees with regard to minimum wage laws unless they fit within one of the listed categories. The categories include sentenced prisoners who are employed by a private employer; participating in a work release program, sentenced outside an institution under a set of rigorous conditions imposed at sentencing (17-A MRSA 1261); participating in one of more than 50 non-Federal prison work pilot projects (18 USC 1761); or on probation (34-A MRSA 2020-A).

### **Committee Amendment "A" (H-676)**

This amendment adds persons employed while in a community confinement monitoring program to the list of persons protected by minimum wage law. It also adds this same group to the definition of "employee" in the workers' compensation laws. The amendment conforms a section of workers' compensation law that deals with incarcerated individuals to that definition.

### **Enacted Law Summary**

Public Law 2009, chapter 529 clarifies that certain prisoners are not considered employees with regard to minimum wage laws unless they fit within one of the listed categories. The categories include sentenced prisoners who are employed by a private employer; participating in a work release program, sentenced outside an institution under a set of rigorous conditions imposed at sentencing (17-A MRSA 1261); participating in one of more than 50 non-Federal prison work pilot projects (18 USC 1761); or on probation (34-A MRSA 2020-A).

The law adds persons employed while in a community confinement monitoring program to the list of persons protected by minimum wage law. It adds this same group to the definition of "employee" in the workers' compensation laws. The law conforms a section of workers' compensation law that deals with incarcerated individuals to that definition.

### **LD 1715    An Act To Provide the Finance Authority of Maine with Flexible Health Care Options**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT SCHNEIDER	ONTP	

This bill adds the employees of the Finance Authority of Maine to those eligible for participation in the state group health plan.

The bill was no longer necessary because it was identical to a provision in the supplemental budget, Public Law 2009, chapter 571.

### **LD 1776    An Act To Protect Retirement Income**

**PUBLIC 630  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-405 S-542 DIAMOND

This bill allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units for fiscal years

## Joint Standing Committee on Labor

ending June 30, 2010 and June 30, 2011. This bill provides to teachers the same benefits available to state employees.

### Committee Amendment "A" (S-405)

This amendment adds an emergency preamble and clause.

The amendment allows participating local district employees covered by the Maine Public Employees Retirement System to make payments equal to retirement contributions that would have been made if the employees had been paid on days off without pay as a result of budget decisions made by a participating local district for the fiscal years ending June 30, 2010 and June 30, 2011. This amendment provides to those employees the same benefits available to other system members.

### Senate Amendment "A" To Committee Amendment "A" (S-542)

This amendment makes changes to conform to changes made in the supplemental budget, Public Law 2009, chapter 571.

### Enacted Law Summary

Public Law 2009, chapter 630 allows participating local district employees covered by the Maine Public Employees Retirement System to make payments equal to retirement contributions that would have been made if the employees had been paid on days off without pay as a result of budget decisions made by a participating local district for the fiscal years ending June 30, 2010 and June 30, 2011. This benefit is available to other members of the system.

Public Law 2009, chapter 630 was enacted as an emergency measure effective April 9, 2010.

## LD 1815 An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992

**PUBLIC 569  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

Pursuant to Public Law 2009, chapter 452, this bill clarifies construction subcontractor status for purposes of the Maine Workers' Compensation Act of 1992 by making the predetermination status valid for one year. The predetermination creates a rebuttable presumption that the determination is correct in any later claim for benefits under the Maine Workers' Compensation Act of 1992. The bill does not require a worker, an employer or workers' compensation insurance carrier to request predetermination. The bill directs the Workers' Compensation Board to update the predetermination application, within existing resources, and submit it for review by the Joint Standing Committee on Labor. The bill also includes an appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 569 clarifies construction subcontractor status for purposes of the Maine Workers' Compensation Act of 1992 by making the predetermination status valid for one year. The predetermination creates a rebuttable presumption that the determination is correct in any later claim for benefits under the Maine Workers' Compensation Act of 1992.

The law does not require a worker, an employer or workers' compensation insurance carrier to request predetermination.

The law directs the Workers' Compensation Board to update the predetermination application, within existing

*Joint Standing Committee on Labor*

resources, and submit it for review by the Joint Standing Committee on Labor.

Public Law 2009, chapter 569 was enacted as an emergency measure effective March 30, 2010.

*Joint Standing Committee on Labor*

SUBJECT INDEX

*Collective Bargaining*

Not Enacted

LD 934      An Act To Clarify Public Sector Employee Fair Choice in      ONTP  
Collective Bargaining

*Employee Benefits*

Not Enacted

LD 1715      An Act To Provide the Finance Authority of Maine with Flexible      ONTP  
Health Care Options

*Employment Practices*

Enacted

LD 1545      An Act To Protect Maine Workers      PUBLIC 637

Not Enacted

LD 1552      An Act To Improve Employment Opportunities for Maine      INDEF PP  
Workers in the Forest Industry

LD 1665      An Act To Prevent the Spread of H1N1      DIED IN  
CONCURRENCE

*State Retirement System*

Enacted

LD 1558      An Act Regarding Accidental Death Benefits for Beneficiaries of      PUBLIC 513  
Deceased Firefighters

LD 1582      An Act To Bring the Laws of the Maine Public Employees      PUBLIC 474  
Retirement System into Compliance with the Federal Internal  
Revenue Code

LD 1595      An Act To Provide Continued Protection of Benefits for Retirees      PUBLIC 473  
of the Maine Public Employees Retirement System

LD 1657      An Act Regarding Maine Public Employees Retirement System      PUBLIC 515  
Life Insurance Policies      EMERGENCY

LD 1776      An Act To Protect Retirement Income      PUBLIC 630  
EMERGENCY

Not Enacted



LD 125      **Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System**      ONTP

*Unemployment Compensation*

Enacted

LD 1524      **Resolve, Directing the Department of Labor To Research and Analyze the Methods Other States Utilize To Assess Benefit Charges When a Worker Becomes Unemployed and Receives Benefits**      RESOLVE 147

LD 1543      **An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974**      PUBLIC 466

LD 1626      **An Act To Amend the Unemployment Compensation Laws Regarding Vacation Pay**      PUBLIC 638

Not Enacted

LD 1681      **An Act To Implement a Maine Unemployment Insurance Work-sharing Program**      LEAVE TO WITHDRAW

*Wages*

Enacted

LD 1711      **An Act To Clarify the Status of Prisoners**      PUBLIC 529

Not Enacted

LD 192      **An Act To Index the State Minimum Wage to Inflation**      INDEF PP

LD 403      **An Act To Increase the Minimum Wage**      LEAVE TO WITHDRAW

*Workers' Compensation*

Enacted

LD 1528      **An Act To Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies and To Ensure Equal Application of the Requirement To Obtain Coverage**      PUBLIC 520

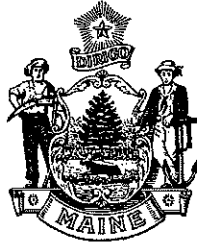
LD 1529      **An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits**      PUBLIC 521

LD 1565      **An Act To Amend the Laws Governing the Misclassification of Construction Workers**      PUBLIC 649

LD 1566      **An Act Relating to the Membership of the Workers' Compensation Board**      PUBLIC 640



STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND  
VETERANS' AFFAIRS**

April 2010

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**Joint Standing Committee on Legal and Veterans Affairs**

**LD 56      An Act To Join the Interstate Compact on the National Popular Vote**

**DIED IN  
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L	OTP MAJ ONTP MIN	

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.

**LD 833      An Act To Distribute Funds Received from the Racino in Bangor to the  
Department of Health and Human Services, Office of Substance Abuse**

**PUBLIC 622**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY SULLIVAN	OTP-AM MAJ OTP-AM MIN	H-785 TRINWARD H-791 TRINWARD

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill redirects 3% of revenues from slot machines that currently go to the Gambling Control Board to the Department of Health and Human Services, Office of Substance Abuse for use in the treatment of addiction.

**House Amendment "A" (H-785)**

This amendment replaces the bill. It establishes the Gambling Addiction Prevention and Treatment Fund to be administered by the Department of Health and Human Services, Office of Substance Abuse. The amendment directs that through fiscal year 2012-13 net income from the Bangor racino equal to \$50,000 be distributed to the General Fund for the administrative expenses of the Gambling Control Board be transferred to the Gambling Addiction Prevention and Treatment Fund. In fiscal year 2013-14 and for each fiscal year thereafter the transfer is increased to \$100,000. The Office of Substance Abuse is required to report annually to the joint standing committee of the Legislature having jurisdiction over gambling matters regarding the use of the fund. It also adds an emergency preamble and emergency clause to the bill.

**House Amendment "A" To House Amendment "A" (H-791)**

This amendment removes the emergency preamble and the emergency clause.

**Enacted Law Summary**

Public Law 2009, chapter 622 establishes the Gambling Addiction Prevention and Treatment Fund to be administered by the Department of Health and Human Services, Office of Substance Abuse. It specifies that through

## *Joint Standing Committee on Legal and Veterans Affairs*

fiscal year 2012-13 net income from the Bangor racino equal to \$50,000 be distributed to the General Fund for the administrative expenses of the Gambling Control Board be transferred to the Gambling Addiction Prevention and Treatment Fund. In fiscal year 2013-14 and for each fiscal year thereafter the transfer is increased to \$100,000. The Office of Substance Abuse is required to report annually to the joint standing committee of the Legislature having jurisdiction over gambling matters regarding the use of the fund.

**LD 1330    An Act Regarding Gaming by Charitable Organizations**

**PUBLIC 487**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-611

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill repeals the existing chapter of the Maine Revised Statutes, Title 17 on games of chance and replaces it with a new chapter. The provisions governing games of chance are the same but structured differently with the intent of clarifying the provisions within the chapter. This bill makes changes to cross-references in order to comply with the new section numbers assigned to the games of chance provisions. The only substantive change made by the bill is to the definition of "slot machine," which is amended by the bill to be consistent with other references to slot machines in the law and to recognize the electronic nature of modern slot machines.

**Committee Amendment "A" (H-611)**

This amendment makes several technical changes and nonsubstantive clarifications to the bill. In the definitions it distinguishes between the machines that are eligible to be licensed and the machines that are not. It strikes the new proposed definition of "slot machine" and replaces it with a definition closer to the one in current law. The amendment incorporates sections of law that were enacted last year that permit nonmember volunteers of an organization to sell raffle tickets and an exception for certain organizations from the licensing requirement to conduct games of chance. It corrects an error in the bill with regard to the tournament game provision and replaces an inadvertently omitted section regarding evidence for investigation of violations. The amendment clarifies language and corrects duplicative provisions governing raffles. The amendment also specifies that a license for games of chance may be issued only to a person who is 18 years of age or older. This amendment also corrects cross-references.

**Enacted Law Summary**

Public Law 2009, chapter 487 repeals Chapter 14 of Title 17 which governs the licensing and conduct of games of chance by non-profit charitable organizations. This law enacts a new chapter to replace chapter 14 and makes non-substantive changes to clarify and organize the provisions of law governing games of chance.

**LD 1345    RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Increase the Required Number of Signatures for a Direct Initiative  
or a People's Veto and To Limit a Direct Initiative to One Subject**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL SULLIVAN	ONTP MAJ OTP-AM MIN	

## *Joint Standing Committee on Legal and Veterans Affairs*

This resolution proposes to amend the Constitution of Maine to increase the number of signatures that a petitioner must gather for a people's veto or a direct initiative from not less than 10% of the total vote for Governor cast in the last gubernatorial election to not less than 20% of the total vote for Governor cast in the last gubernatorial election. It also limits a direct initiative to one subject.

**LD 1420     An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	ONTP	

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill does the following.

1. It reduces from 3,250 to 750 the number of qualifying contributions required for a gubernatorial candidate to be certified as a Maine Clean Election Act candidate.
2. It provides that a Maine Clean Election Act gubernatorial candidate may continue to collect \$5 contributions from registered voters in the State.
3. It allows a voter who provides a \$5 qualifying contribution to a gubernatorial candidate in a contested primary to provide an additional \$5 contribution to that candidate after certification.
4. It provides that each \$5 qualifying contribution and each \$5 additional contribution must be matched by a distribution of \$55 from the Maine Clean Election Fund.
5. It increases the distribution limits for gubernatorial primary elections from \$200,000 to \$350,000 and for gubernatorial general elections from \$600,000 to \$750,000.

**LD 1421     An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries**

**PUBLIC 471**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA MITCHELL E	OTP-AM	H-602

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to ensure the perpetual care of Maine veterans'; cemeteries. In order to accomplish this purpose, this bill establishes an irrevocable trust account within the Department of Defense, Veterans and Emergency Management for the exclusive purpose of maintenance, upkeep and care of veterans'; cemeteries within the State. Under the bill, the irrevocable trust will be authorized to receive, in addition to allocations from the Legislature, gifts, bequests and other funds from public or private agencies. Funds in the trust may not be encumbered for, or diverted to, purposes other than the maintenance and care of veterans'; cemeteries within the State.

## Joint Standing Committee on Legal and Veterans Affairs

### Committee Amendment "A" (H-602)

This amendment replaces the bill, which was a concept draft. The amendment establishes a fund to support the perpetual care of veterans' graves within the Maine Veterans' Memorial Cemetery System. The fund receives deposits from a portion of plot interment allowances provided by the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance. The amendment directs the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to work with the Treasurer of State to develop a plan for investment of money in the fund and criteria for expenditures for the perpetual care of veterans' graves.

### Enacted Law Summary

Public Law 2009, chapter 471 establishes a fund to support the perpetual care of veterans' graves within the Maine Veterans' Memorial Cemetery System. The fund receives deposits from a portion of plot interment allowances provided by the United States Department of Veterans Affairs. The fund is authorized to receive public and private donations in addition to the plot interment allowance. This law requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to work with the Treasurer of State to develop a plan for investment of money in the fund and criteria for expenditures for the perpetual care of veterans' graves.

### LD 1437 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

ONTP

Sponsor(s)

CRAVEN

Committee Report

ONTP

Amendments Adopted

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

This bill allows operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose.

Video gaming terminal manufacturers, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals.

The license specifies the number of terminals allowed on the premises, and the maximum number of terminals allowed is 5 per licensee. Terminals must be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system must provide continuous online monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount for each play is \$5 and the maximum payout is \$1,250. Each game on each machine must return at least 80% of wagers to players, calculated on an annual basis.

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Net terminal income, which is income after payback to players, is divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee. Licenses are issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

**LD 1546    An Act To Improve Disclosure of Campaign Finance Information and  
the Operation of the Maine Clean Election Act**

**PUBLIC 524**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-395

This bill amends the existing requirements for political action committees and party committees to file campaign finance reports within 24 hours of receiving large contributions and making large expenditures during the last 13 days before an election. Under the bill, the reporting requirements for political action committees and party committees in this 13-day period are the same as the requirements for candidates. The bill requires political action committees and party committees to report any contribution of \$1,000 or more received during the 13-day period. Under existing law, those contributions are not publicly reported until the regular financial report filed 42 days after the election. It also increases the threshold for political action committees and party committees to report large expenditures from \$500 to \$1,000. The bill clarifies when a party committee must itemize contributions in its regular campaign finance reports. It specifies that a party committee must itemize contributions received from the same source totaling more than \$200 during the time period covered by the report. The bill amends a requirement that a Maine Clean Election Act candidate keep a record specifying the work performed by a vendor if the candidate has paid \$500 or more in public campaign funds to the vendor. The bill limits the requirement to campaign staff and consulting services, rather than services provided by vendors generally.

**Committee Amendment "A" (S-395)**

This amendment strikes the provisions in the bill that change the reporting thresholds for political action committees, party committees and ballot question committees. The amendment exempts certain personal gifts from disclosure in the statement of sources of income that executive branch employees file with the Commission on Governmental Ethics and Election Practices. The exemption is for gifts made to the employee on the basis of personal friendship from sources other than lobbyists, as long as the employee has no reason to believe that the gift was made because of the employee's official position. The amendment also removes the requirement that the employee swear to the statement before filing it with the commission. The amendment permits the commission to subpoena records and testimony of witnesses from sources outside the State. It also permits the commission to waive the filing of accelerated campaign finance reports by traditionally financed candidates whose Maine Clean Election Act opponents have received the maximum amount of matching funds. For individuals or groups who are required to file independent expenditure reports of expenditures made to influence candidate elections, the amendment deletes the requirement to report contributions received. Under the amendment, if the commission receives a document from a gubernatorial candidate seeking Maine Clean Election Act funding that contains telephone numbers, e-mail addresses or bank account or credit card information of the candidate's contributors, the commission shall keep that information confidential, with limited exceptions. Also, the amendment clarifies that, starting in the 2010 elections, if there is insufficient money in the Maine Clean Election Fund, the commission may permit publicly funded candidates to raise contributions in the same amounts as traditionally financed candidates. The amendment clarifies what triggers reporting under the laws governing ballot question committees by replacing language with a cross-reference to an existing definition of "campaign." The amendment also corrects conflicts in current law.



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### Enacted Law Summary

Public Law 2009, chapter 524 amends a requirement that a Maine Clean Election Act candidate keep a record specifying the work performed by a vendor if the candidate has paid \$500 or more in public campaign funds to the vendor by limiting the requirement to campaign staff and consulting services, rather than services provided by vendors generally. The law exempts certain personal gifts from disclosure in the statement of sources of income that executive branch employees file with the Commission on Governmental Ethics and Election Practices. The exemption is for gifts made to the employee on the basis of personal friendship from sources other than lobbyists, as long as the employee has no reason to believe that the gift was made because of the employee's official position. Chapter 524 also removes the requirement that the employee swear to the statement before filing it with the commission. This law permits the commission to subpoena records and testimony of witnesses from sources outside the State. It also permits the commission to waive the filing of accelerated campaign finance reports by traditionally financed candidates whose Maine Clean Election Act opponents have received the maximum amount of matching funds. For individuals or groups who are required to file independent expenditure reports of expenditures made to influence candidate elections, chapter 524 deletes the requirement to report contributions received. Under this law, if the commission receives a document from a gubernatorial candidate seeking Maine Clean Election Act funding that contains telephone numbers, e-mail addresses or bank account or credit card information of the candidate's contributors, the commission shall keep that information confidential, with limited exceptions. Also, chapter 524 clarifies that, starting in the 2010 elections, if there is insufficient money in the Maine Clean Election Fund, the commission may permit publicly funded candidates to raise contributions in the same amounts as traditionally financed candidates. Finally, this law clarifies what triggers reporting under the laws governing ballot question committees by replacing language with a cross-reference to an existing definition of "campaign."

LD 1559    **An Act Regarding Liquor Licenses for Qualified Catering Services**

**PUBLIC 530  
EMERGENCY**

Sponsor(s)

BLISS

Committee Report

OTP-AM

Amendments Adopted

S-375

This bill specifies that a qualified catering service that is eligible for a liquor license may host up to 12 events per year at a facility owned by the catering service and serve alcoholic beverages to be consumed on the premises.

#### **Committee Amendment "A" (S-375)**

This amendment replaces the bill. It creates a permit available to a qualified caterer licensed to serve spirits, wine and malt liquor as a caterer to conduct self-sponsored events at the caterer's facility and serve these alcoholic beverages. The fee for the self-sponsored event permit is \$700 annually in addition to the qualified catering license fee. Events conducted in accordance with this permit must offer a diverse menu and may not exceed seven hours in duration.

### Enacted Law Summary

Public Law 2009, chapter 530 creates a permit available to a qualified caterer licensed to serve spirits, wine and malt liquor as a caterer to conduct self-sponsored events at the caterer's facility and serve these alcoholic beverages. The fee for the self-sponsored event permit is \$700 annually in addition to the qualified catering license fee. Events conducted in accordance with this permit must offer a diverse menu and may not exceed seven hours in duration.

Public Law 2009, chapter 530 was enacted as an emergency measure effective March 22, 2010.

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LD 1579 An Act To Facilitate Voting by Uniformed Service and Overseas Voters

PUBLIC 563  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE GOODALL	OTP-AM	H-689

This bill allows voters from all municipalities in the State to request absentee ballots using the Secretary of State's online absentee ballot request service. The bill also allows the Secretary of State to facilitate voting by uniformed service and overseas voters by allowing central issuance, receipt and counting of the absentee ballots of these voters and electronic transmission of absentee ballots to and receipt of absentee ballots from these voters.

**Committee Amendment "A" (H-689)**

This amendment clarifies a provision in the bill that allows the Secretary of State to receive absentee ballots for uniformed service and overseas voters by e-mail or fax. It requires the Secretary of State to adopt rules regarding the central issuance and processing of absentee ballots for uniformed service and overseas voters to ensure the ballots are examined, counted and stored in the same manner as regular absentee ballots. The amendment requires the Secretary of State to issue a report on the central issuance and processing of absentee ballots for uniformed service and overseas voters to the joint standing committee of the Legislature having jurisdiction over voting matters by March 1, 2011. The amendment also specifies that the bill, as amended by this amendment, does not apply to the primary election scheduled to occur in June 2010, and adds an emergency preamble and clause to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 563 allows voters from all municipalities in the State to request absentee ballots using the Secretary of State's online absentee ballot request service. It also allows the Secretary of State to facilitate voting by uniformed service and overseas voters by allowing central issuance, receipt and counting of the absentee ballots of these voters and electronic transmission of absentee ballots to and receipt of absentee ballots from these voters. It requires the Secretary of State to adopt rules regarding the central issuance and processing of absentee ballots for uniformed service and overseas voters to ensure the ballots are examined, counted and stored in the same manner as regular absentee ballots. Chapter 563 requires the Secretary of State to issue a report on the central issuance and processing of absentee ballots for uniformed service and overseas voters to the joint standing committee of the Legislature having jurisdiction over voting matters by March 1, 2011. Finally, this law specifies that the uniformed services and overseas voting provisions do not apply to the primary election scheduled to occur in June 2010.

Chapter 563 was enacted as an emergency measure effective March 29, 2010.

LD 1596 An Act Regarding Mobile Service Bars at Municipal Golf Courses

PUBLIC 472  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-352

Current law requires that only employees of a golf course may dispense or sell malt liquor from a licensed mobile service bar. This bill provides that employees of a restaurant or lounge licensed to serve alcoholic beverages that is contracted by a municipal golf course that does not have its own liquor license may sell or dispense malt liquor from a mobile service bar on the municipal golf course.

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## Committee Amendment "A" (S-352)

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

### Enacted Law Summary

Public Law 2009, chapter 472 provides that employees of a restaurant or lounge licensed to serve alcoholic beverages that is contracted by a municipal golf course that does not have its own liquor license may sell or dispense malt liquor from a mobile service bar on the municipal golf course.

Chapter 472 was enacted as an emergency measure effective February 23, 2010.

## LD 1627 An Act To Improve Access to Data in the Central Voter Registration System

PUBLIC 564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRINWARD SULLIVAN	OTP-AM	H-656 H-687 TRINWARD

This bill repeals several provisions of law relating to the implementation of a central voter registration system. The bill removes the provision of law that would have repealed laws governing the use and distribution of central voter registration system information and clarifies the restrictions on access to data from the central voter registration system, enhances access to voter data by governmental or quasi-governmental entities for authorized purposes other than solicitations and improves access to absentee voter data and statistical data. The bill provides that individuals or entities that purchase voter data electronically are entitled to receive up to 11 free updates to the data in a one-year period, but not more frequently than one update in any 30-day period. The bill also moves the provisions of law regarding the biennial municipal caucus list into the section of law governing access to data from the central voter registration system.

### Committee Amendment "A" (H-656)

This amendment replaces date of birth with year of birth as a record that is made available from the central voter registration system for campaign-related and get-out-the-vote purposes. It also provides that fees collected by the Secretary of State for providing records from the central voter registration system may be used to offset costs necessary to comply with the federal Help America Vote Act of 2002. This amendment increases the fees for records proposed by the bill by 10%.

### House Amendment "A" To Committee Amendment "A" (H-687)

This amendment clarifies that the use and distribution of central voter registration system information for party activities are permitted even if those activities do not relate to a campaign or a so-called "get out the vote" effort. The amendment also adds language that allows a Legislator use of central voter registration system data for purposes of communicating with the Legislator's constituents and conducting legislative business.

### Enacted Law Summary

Public Law 2009, chapter 564 repeals several provisions of law relating to the implementation of a central voter registration system. It removes the "sunset" provision that would have repealed laws governing the use and distribution of central voter registration system information and clarifies the restrictions on access to data from the central voter registration system, enhances access to voter data by governmental or quasi-governmental entities for authorized purposes other than solicitations and improves access to absentee voter data and statistical data. Chapter

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564 provides that individuals or entities that purchase voter data electronically are entitled to receive up to 11 free updates to the data in a one-year period, but not more frequently than one update in any 30-day period. It also provides that fees collected by the Secretary of State for providing records from the central voter registration system may be used to offset costs necessary to comply with the federal Help America Vote Act of 2002. Chapter 564 increases the fees for records by 10%.

This law moves the provisions of law regarding the biennial municipal caucus list into the section of law governing access to data from the central voter registration system. It clarifies that the use and distribution of central voter registration system information for party activities are permitted even if those activities do not relate to a campaign or a so-called "get out the vote" effort. Finally, chapter 564 also adds language that allows a Legislator use of central voter registration system data for purposes of communicating with the Legislator's constituents and conducting legislative business.

### LD 1628 An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages

PUBLIC 510  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM MAJ ONTP MIN	H-645

This bill amends the law governing the taste testing of alcoholic beverages to remove a provision that requires taste testing of alcoholic beverages by licensed retail establishments to be conducted in a manner that precludes the possibility of observation by children. It replaces that provision with a requirement that signs announcing the time and date of a taste-testing event be posted for at least seven days immediately prior to the event. The bill also makes a minor technical clarification.

#### Committee Amendment "A" (H-645)

This amendment removes the specific time period that a sign announcing an alcoholic beverage taste-testing event must be posted. The amendment also increases the number of events a licensee may conduct from 12 to 24 per year. Finally, the amendment also allows for invitation-only taste-testing events in place of or concurrent with an event open to the public.

#### Enacted Law Summary

Public Law 2009, chapter 510 amends the law governing the taste testing of alcoholic beverages to remove a provision that requires taste testing of alcoholic beverages by licensed retail establishments to be conducted in a manner that precludes the possibility of observation by children. It replaces that provision with a requirement that signs announcing the time and date of a taste-testing event be posted prior to the event. Chapter 510 increases the number of events a licensee may conduct from 12 to 24 per year and also allows for invitation-only taste-testing events in place of or concurrent with an event open to the public.

Public Law 2009, chapter 510 was enacted as an emergency measure effective March 16, 2010.

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**LD 1629 An Act To Streamline Wine Registration Requirements**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY MARRACHE	ONTP	

Currently, under rules adopted by the Department of Public Safety, Bureau of Liquor Licensing and Compliance, the fee to register a wine label is \$10. This bill increases the fee to \$20 and specifies that if the same wine is later offered as a different vintage, a new label is not required.

**LD 1630 An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product**

**PUBLIC 504**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-634

This bill clarifies that instant redeemable coupons included with a spirits product may be attached to the product by an agent of the manufacturer or the manufacturer's sales representative. Current law allows only the manufacturer to attach the coupons.

**Committee Amendment "A" (H-634)**

This amendment provides that an instant redeemable coupon on a spirits product may be offered by the spirits product manufacturer's agent or sales representative and must be made available to all agency store licensees who wish to participate in a coupon promotion and is for the benefit of the consumer only.

**Enacted Law Summary**

Public Law 2009, chapter 504 provides that an instant redeemable coupon on a spirits product may be offered by the spirits product manufacturer's agent or sales representative and must be made available to all agency store licensees who wish to participate in a coupon promotion and is for the benefit of the consumer only.

**LD 1656 Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath**

**RESOLVE 143**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-351

This resolve transfers the ownership of the Bath Armory to the City of Bath as permitted by statute for the sum of \$1.

**Committee Amendment "A" (S-351)**

This amendment strikes the requirement that the Bath Armory be transferred to the City of Bath for \$1 and requires

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that the Bath Armory be transferred to the City of Bath for no less than \$175,000.

### **Enacted Law Summary**

Resolves 2009, chapter 143 requires that the Bath Armory be transferred to the City of Bath for no less than \$175,000.

**LD 1667    An Act To Amend the Election Laws and Other Related Laws**

**PUBLIC 538**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-384

The bill corrects an inconsistency between the Maine Revised Statutes, Title 1 and Title 21-A with regard to the period of time that the Office of Fiscal and Program Review has to prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations. The bill clarifies the qualifications of the registrar of voters and what other positions the registrar is prohibited from seeking or holding. The bill allows the warden, ward clerk and deputy wardens of a municipality to be registered voters of the county, rather than requiring them to be registered voters of the municipality. The bill removes the requirements that the fiscal impact statement for direct initiatives of legislation must be posted with the sample ballots at least seven days before election day and posted in each booth on election day. The bill clarifies that any member of the public may inspect absentee ballot envelopes and applications before they are processed, according to certain procedures and times specified in law. The bill also makes grammatical changes and fixes gender-specific language.

### **Committee Amendment "A" (S-384)**

This amendment replaces the provision in the bill that allows a person who is not a resident of a municipality to serve as warden, ward clerk or deputy warden for that municipality, as long as that person is a resident of the county. The amendment specifies that this exception is allowed on a per election basis only in the event of a vacancy in the warden, ward clerk or deputy warden position. The amendment strikes the provision in the bill that required the fiscal impact statement on direct initiatives to be available to a voter upon request instead of in the voting booth as in current law. The amendment specifies that the fiscal impact statement must be posted with sample ballots outside the guardrail in the voting place so as to be visible to voters.

### **Enacted Law Summary**

Public Law 2009, chapter 538 clarifies that any member of the public may inspect absentee ballot envelopes and applications before they are processed, according to certain procedures and times specified in law. It provides that a person who is not a resident of a municipality may serve as warden, ward clerk or deputy warden for that municipality, as long as that person is a resident of the county. This exception is allowed on a per election basis only in the event of a vacancy in the warden, ward clerk or deputy warden position. Chapter 538 specifies that the fiscal impact statement on constitutional amendments and statewide referenda must be posted with sample ballots outside the guardrail in the voting place so as to be visible to voters. This law also makes several grammatical changes and fixes gender-specific language.

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**LD 1690    An Act To Prevent Predatory Signature Gathering and Ensure a Clean Citizen Initiative and People's Veto Process**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY SULLIVAN	ONTP	

This bill requires the Secretary of State to make electronic lists of certified signatures from petitions for direct initiatives of legislation and people's veto referenda beginning December 2010. The bill also extends the time period that a person has to examine petitions when challenging the decision of the Secretary of State from five to 10 days. The bill authorizes the Secretary of State to reject certification of signatures on a petition for a direct initiative of legislation or a people's veto if the person who signed the petition submits a written request to the direct initiative or people's veto applicant 15 days prior to the date when the petitions are due to the municipal clerk for verification. This bill also requires registration of organizations that receive compensation to collect or support the collection of signatures on petitions for a direct initiative of legislation or people's veto referendum. Finally, this bill makes a technical clarification to the campaign finance and disclosure laws regarding ballot question committees.

**LD 1691    An Act To Amend the Laws Governing Taste Testing of Alcoholic Beverages by Retail Licensees**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER SULLIVAN	ONTP MAJ OTP-AM MIN	

This bill strikes a provision that requires taste testing of alcoholic beverages by retail establishments to be conducted in a manner that precludes the possibility of observation by children. It replaces that provision with a requirement that signs announcing the time and date of a taste-testing event be posted for at least seven days immediately prior to the event. The bill also increases from 12 to 18 the maximum annual number of taste-testing events that may be conducted by stores or licensees that are open year-round. The bill also requires that taste-testing events that take place at full-service grocery stores be set up in a way that a person who chooses not to take part in the taste-testing event may navigate through the store and maintain a distance of a minimum of 15 feet from the taste-testing event unless the store is a specialty store that showcases alcoholic beverages or is too small to meet the 15-foot distance requirement for taste-testing events. The bill also provides for invitation-only taste-testing events.

**Senate Amendment "A" To Committee Amendment "A" (S-428)**

This amendment, which was not adopted, removes the provisions relating to wine retailers and malt liquor retailers. It also removes the requirement that an agency liquor store that is a full-service grocery store be a certain size in order to be subject to the provisions regarding where in the store taste-testing activities must be conducted.

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**LD 1692      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Amend the Requirements Governing Direct Initiatives**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN CRAVEN	ONTP MAJ OTP-AM MIN	

This resolution proposes to amend the Constitution of Maine to require that the text of a direct initiative of legislation identify the amount and source of revenue required to implement the initiative and, if applicable, identify the program or programs whose funding must be reduced or eliminated to implement the initiative. This resolution also directs the Office of Fiscal and Program Review to provide reasonable assistance to the proponent of the direct initiative.

**Committee Amendment "A" (H-688)**

This amendment, which was not adopted removes from the resolution the provision that requires the Legislature's office of fiscal review to provide assistance to a person filing a direct initiative to identify the fiscal impact and propose a means to fund the initiative. The amendment also makes a technical correction.

**LD 1712      An Act To Exempt Certain Mobile Homes from the Radon Testing  
Requirement**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J R PERRY J	LTW	

This bill exempts rented mobile homes that are not affixed to permanent foundations from mandatory radon testing.

**LD 1713      An Act Pertaining to Educational Benefits for Veterans and Their  
Dependents**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL NUTTING J	ONTP	

This bill amends the law pertaining to educational benefits for veterans and their dependents to provide that if a child is unable to enroll in a degree program prior to turning 22 years of age due to the veteran's total permanent disability claim pending with the United States Department of Veterans Affairs, then the child may apply to begin the benefit within two years from the date of the veteran's award notification letter.



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LD 1730     **An Act To Strengthen the Ballot Initiative Process**

**PUBLIC 611**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ ONTP MIN	S-443 S-481 SULLIVAN S-487 TRAHAN

This bill repeals the Maine Revised Statutes, Title 21-A, section 904 and enacts a new section 904-C to conform with technical drafting standards. It requires that the penalties for violating this section include a mandatory \$1,000 fine that may not be suspended. It also prohibits a person who has been convicted of fraud or forgery in the last five years from circulating a petition. The bill requires that a person or entity receiving compensation for collecting signatures on a petition or a person or entity compensating another person for collecting signatures on a petition shall register with the Secretary of State. Failing to register is a Class E crime that includes a mandatory fine of \$1,000 for an individual and \$10,000 for a company. Funds generated by the fines for failing to register must be paid to the Maine Clean Election Fund.

**Committee Amendment "A" (S-443)**

This amendment is the majority report of the committee and replaces the bill. The amendment requires a unique identifier on petitions for a direct initiative of legislation and people's veto referendum that comprises the circulator's initials and a sequential number representing the petitions circulated. It also requires that a petition must be signed and notarized prior to being submitted to a municipal clerk for verification. It directs the clerk to make copies of all petitions submitted for verification by circulators. The amendment creates a registration requirement for petition organizations that are compensated to organize, supervise or manage the circulation of petitions for a direct initiative or people's veto. The amendment extends the amount of time that a person has to challenge the decision of the Secretary of State to reject or certify petitions from five to 10 days and reduces the number of days the Superior Court has to rule on the challenge from 45 to 40 days. Finally, the amendment makes a correction to the statute to comply with a 1998 Maine Supreme Judicial Court decision that denies the right of de novo trial to a person challenging the decision of the Secretary of State to reject or certify petitions. The amendment also makes the statute consistent with the Constitution of Maine, which allows for a total of 100 days for a final decision on the certification of a petition for a direct initiative or a people's veto.

**Senate Amendment "B" To Committee Amendment "A" (S-481)**

This amendment removes language requiring the registrar to make a copy of each petition. It retains language requiring the registrar to make a copy of a petition that the registrar suspects was submitted in violation of petition requirements.

**Senate Amendment "C" To Committee Amendment "A" (S-487)**

This amendment does the following.

1. It removes language from Committee Amendment "A" requiring the circulator of a petition to affix a unique identifier to the top and bottom of each page of a petition, and instead amends existing law to require the Secretary of State to provide space on each petition page intended for signatures for the inclusion of a unique identifying number to accompany the name of the circulator.
  
2. It provides that if petitions are not signed and verified before being submitted to the registrar, the registrar is required only to return the petitions.

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### Enacted Law Summary

Public Law 2009 chapter 611 requires the Secretary of State to provide space on each petition page intended for signatures for a direct initiative or a people's veto for the inclusion of a unique identifying number to accompany the name of the circulator on that petition. This law requires the municipal clerk or registrar to make a copy of a petition for a direct initiative or people's veto that the clerk or registrar suspects was submitted in violation of petition requirements. It creates a registration requirement for petition organizations that are compensated to organize, supervise or manage the circulation of petitions for a direct initiative or people's veto. This law also extends the amount of time that a person has to challenge the decision of the Secretary of State to reject or certify petitions from five to 10 days and reduces the number of days the Superior Court has to rule on the challenge from 45 to 40 days. Chapter 611 makes a correction to the statute to comply with a 1998 Maine Supreme Judicial Court decision that denies the right of de novo trial to a person challenging the decision of the Secretary of State to reject or certify petitions. This law also makes the statute consistent with the Constitution of Maine, which allows for a total of 100 days for a final decision on the certification of a petition for a direct initiative or a people's veto.

**LD 1731     An Act To Modernize the Bingo Laws**

**PUBLIC 505**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL W SULLIVAN	OTP-AM	H-646

This bill authorizes the use of a lucky seven dispenser by a licensed Indian tribe in connection with the sale of lucky seven tickets or raffle tickets. It also defines "lucky seven dispenser." In addition it specifies that rules pertaining to beano equipment do not apply to high-stakes beano. The bill also repeals the provision of law that allows an organization to operate high-stakes beano games on 27 weekends per year.

#### **Committee Amendment "A" (H-646)**

This amendment replaces the bill. The amendment provides that an Indian tribe licensed to conduct high-stakes beano and licensed to sell lucky seven or other similar tickets may use a dispenser to sell the tickets. The amendment specifies that the tickets dispensed must provide the element of chance, not the dispenser. The amendment provides that the Chief of the State Police may adopt routine technical rules to facilitate the use of dispensers. The amendment also changes the title of the bill and adds an appropriations and allocations section.

### Enacted Law Summary

Public Law 2009, chapter 505 provides that an Indian tribe licensed to conduct high-stakes beano and licensed to sell lucky seven or other similar tickets may use a dispenser to sell the tickets. The law specifies that the tickets dispensed must provide the element of chance, not the dispenser. Chapter 505 provides that the Chief of the State Police may adopt routine technical rules to facilitate the use of dispensers.

**LD 1759     Resolve, To Transfer the Ownership of the Fort Kent Armory from the  
Military Bureau to the University of Maine at Fort Kent**

**RESOLVE 212**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM MAJ ONTP MIN	H-831 TRINWARD

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This resolve transfers the ownership of the Fort Kent Armory to the University of Maine at Fort Kent as permitted by statute for the sum of \$1.

### **House Amendment "A" (H-831)**

This amendment replaces the resolve. It authorizes the transfer of ownership of the Fort Kent Armory to the University of Maine at Fort Kent for \$150,000 by means of a quitclaim deed. It requires the funds to be deposited in an Other Special Revenue Funds account within the Department of Administrative and Financial Services to be used to meet the outstanding Maine Governmental Facilities Authority obligations associated with prior improvements to the Fort Kent Armory as a first priority. It also provides that any balance remaining after meeting the outstanding obligations associated with the armory, as determined by the Commissioner of Administrative and Financial Services, must be used for maintenance and repair costs at National Guard armories. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Resolves 2009, chapter 212 authorizes the transfer of ownership of the Fort Kent Armory to the University of Maine at Fort Kent for \$150,000 by means of a quitclaim deed. It requires the funds to be deposited in an Other Special Revenue Funds account within the Department of Administrative and Financial Services to be used to meet the outstanding Maine Governmental Facilities Authority obligations associated with prior improvements to the Fort Kent Armory as a first priority. It also provides that any balance remaining after meeting the outstanding obligations associated with the armory, as determined by the Commissioner of Administrative and Financial Services, must be used for maintenance and repair costs at National Guard armories.

### **LD 1770    An Act To Extend the Temporary Reduction in High-stakes Beano License Fees**

**PUBLIC 534  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL W SULLIVAN	OTP-AM	H-671

Current law provides that the annual license fee for a high-stakes beano license is \$50,000, except that the fee due in 2008 and 2009 was \$25,000. This bill extends the reduction in license fees to 2010 and 2011, and requires that the Chief of the State Police, with input from those federally recognized Indian tribes issued licenses for high-stakes beano, submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs regarding enforcement and administrative functions conducted with regard to high-stakes beano, including recommendations regarding fees for high-stakes beano licenses.

### **Committee Amendment "A" (H-671)**

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

### **Enacted Law Summary**

Public Law 2009, chapter 534 extends the reduction in license fees for high stakes beano from \$50,000 to \$25,000 through 2011. It requires that the Chief of the State Police, with input from those federally recognized Indian tribes issued licenses for high-stakes beano, submit a report by February 1, 2011 to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs regarding enforcement and administrative functions conducted with regard to high-stakes beano, including recommendations regarding fees for high-stakes beano licenses.

Public Law 2009, chapter 534 was enacted as an emergency measure effective March 22, 2010.

*Joint Standing Committee on Legal and Veterans Affairs*

LD 1790 An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-719 H-743 TRINWARD

This bill implements the unanimous recommendations of the working group to study landlord and tenant issues. The bill does the following.

1. It makes changes to the abandoned and unclaimed property law to simplify the process for landlords and tenants.
2. It makes several changes to update the law and clarify that the provisions apply to written leases and to tenancies at will.
3. It codifies in law the holdings of recent court decisions relating to a landlord's responsibilities to provide reasonable accommodations to a tenant.
4. It requires that a tenant be given written notice of the right to contest an eviction action.
5. It provides a remedy for a tenant if the landlord fails to pay for heat or utilities.
6. It allows a municipality to intervene to provide basic necessities to ensure the habitability of property leased to tenants and gives the municipality a lien against the landlord for the costs. Basic necessities include maintenance, repairs, heat and utilities for which a landlord or tenant is responsible.
7. It establishes the duties of a landlord and tenant when a dwelling unit has a bedbug infestation.
8. Under current law, a tenant may make minor repairs and deduct the costs from rent up to \$500 or 1/2 a month's rent. The bill allows a tenant to deduct from rent the full cost associated with making necessary repairs to property in foreclosure if the landlord fails to maintain the property.

**Committee Amendment "A" (H-719)**

This amendment does the following.

1. It clarifies the duty of a landlord with regard to the conditional release, sale or disposal of unclaimed property of a tenant.
2. It clarifies that a pest control agent employed by a landlord to control a bedbug infestation must carry liability insurance.
3. It clarifies that a landlord must disclose to a tenant the tenant's costs of compliance for requested bedbug inspection or control measures.
4. It requires that a landlord must notify a tenant of the reasons for and scope of the request for access to premises to inspect for or control an infestation of bedbugs.

## *Joint Standing Committee on Legal and Veterans Affairs*

5. It amends the provision allowing a tenant to make necessary repairs to a property in foreclosure and deduct those costs from monthly rent to remove language referring to a successor to the interest of a landlord and to restrict the amount a tenant may deduct for repair costs from rent to the equivalent of 2 months' rent.

6. It amends the definition of "basic necessities" to clarify that a municipality would not have authority to obtain a lien against a landlord for the costs of basic necessities that are the responsibility of a tenant.

7. It clarifies that a tenant has the ability to recover damages from the landlord for a violation of the security deposit laws.

### **House Amendment "A" (H-743)**

House Amendment "A" repeals a provision that does not conform to changes made in the bill to the Maine Revised Statutes, Title 14, section 6013.

### **Enacted Law Summary**

Public Law 2009, chapter 566 implements the unanimous recommendations of the working group to study landlord and tenant issues. The law makes the following changes to the landlord and tenant laws.

1. The law makes changes to the abandoned and unclaimed property law to simplify the process for landlords and tenants. The law also repeals a provision in Title 33, section 1954 relating to abandoned property held by a landlord that does not conform to the changes made in the law to the Maine Revised Statutes, Title 14, section 6013.

2. The law makes several changes to clarify that statutory provisions apply to written leases and to tenancies at will.

3. The law codifies the holdings of recent court decisions relating to a landlord's responsibilities to provide reasonable accommodations to a tenant.

4. The law requires that a tenant be given written notice of the right to contest an eviction action.

5. The law provides a remedy for a tenant if the landlord fails to pay for heat or utilities.

6. The law allows a municipality to intervene to provide basic necessities to ensure the habitability of property leased to tenants and gives the municipality a lien against the landlord for the costs. Basic necessities include maintenance, repairs, heat and utilities for which a landlord is responsible.

7. The law establishes the duties of a landlord and tenant when a dwelling unit has a bedbug infestation.

8. Under current law, a tenant may make minor repairs and deduct the costs from rent up to \$500 or 1/2 a month's rent. Public Law 2009, chapter 566 allows a tenant to deduct from rent up to an amount equivalent to two months rent for the costs of making necessary repairs to property in foreclosure if the landlord fails to maintain the property.

9. The law clarifies that a tenant has the ability to recover damages from the landlord for a violation of the security deposit laws.

*Joint Standing Committee on Legal and Veterans Affairs*

LD 1808 An Act To Allow a Casino in Oxford County

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP MAJ  
OTP-AM MIN

This initiated bill authorizes a casino at a single site in Oxford County. The municipal officers or the voters of any municipality in which the site is located must approve the casino for the operation of the gaming facility. The location of the casino must satisfy certain criteria regarding the distance of the casino from health and safety infrastructure. To be eligible for a casino license an applicant must own a facility that is within 10 miles of the proposed casino at which harness racing was conducted pursuant to a license from the State Harness Racing Commission for the 2009 racing year. The casino is authorized to contain slot machines and table games, including card games, dice games and other games of chance, including, but not limited to, blackjack, poker, dice, craps, roulette, baccarat, money wheels, wheel of fortune or any electronic facsimile of such a game. The initiated bill increases the total number of slot machines that may be registered in the State from 1,500 to 3,000 and provides that a casino operator may not operate more than 1,500 slot machines at a casino. The initiated bill provides for regulation of the casino by the Department of Public Safety, Gambling Control Board. The initiated bill requires the casino operator to collect and distribute to the State 46% of the net slot machine income and 16% of the net table game income. The money paid to the State from the net slot machine income must be used for the following purposes:

1. Twenty-five percent of the net slot machine income must be directed to the Department of Education to be used for funding kindergarten to grade 12 essential programs and services;
2. Four percent of the net slot machine income must be directed to the University of Maine System Scholarship Fund;
3. Three percent of the net slot machine income must be directed to the Maine Community College System for its scholarships program;
4. Four percent of the net slot machine income must be directed to the tribal governments of the Penobscot Nation and Passamaquoddy Tribe;
5. Three percent of the net slot machine income must be directed to the Gambling Control Board for administrative expenses, including gambling addiction counseling services;
6. Two percent of the net slot machine income must be directed to the municipality in which the casino is located;
7. One percent of the net slot machine income must be directed to the Agricultural Fair Support Fund;
8. One percent of the net slot machine income must be directed to supplement harness racing purses;
9. One percent of the net slot machine income must be directed to the Sire Stakes Fund;
10. One percent of the net slot machine income must be directed to the county in which the casino is located to pay for mitigation of costs resulting from gaming operations; and
11. One percent of the net slot machine income must be directed to the Department of Agriculture, Food and Rural Resources to fund dairy farm stabilization.

## *Joint Standing Committee on Legal and Veterans Affairs*

The money paid to the State from the net table game income must be used for the following purposes:

1. Ten percent of the net table game income must be directed to the Department of Education to be used for funding kindergarten to grade 12 essential programs and services;
2. Three percent of the net table game income must be directed to the Gambling Control Board for administrative expenses of the board, including gambling addiction counseling services;
3. Two percent of the net table game income must be directed to the municipality in which the table games are located; and
4. One percent of the net table game income must be directed to the county in which the table games are located to pay for mitigation of costs resulting from gaming operations.

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

This amendment, which was not adopted, proposes a competing measure to the initiated bill that would authorize a single casino in Oxford County. The amendment establishes a tribal commercial track license. The tribal commercial track must be located in Washington County. The amendment increases eligibility for a casino operator license to include an operator in Oxford County, a tribal commercial track and a commercial track that was licensed to operate slot machines as of January 1, 2010. A casino operator that is a commercial track that was licensed to operate slot machines on January 1, 2010 would be subject to distributions from table games and slot machines in the same manner as existing distributions from slot machine income, except that there would be no distribution of gross slot machine or gross table game income. Each casino would be required to submit 16% of net table game income to the Gambling Control Board for distribution. Under this amendment, a casino in Oxford County would be required to submit 46% of net slot machine income to the Gambling Control Board. A casino at a commercial track or tribal commercial track would be required to submit 49% of net slot machine income to the Gambling Control Board until an Oxford County casino commences operation, at which time the percentage is reduced to 46%. Under this amendment the casino at a tribal commercial track would be authorized to operate up to 500 slot machines. Other casinos are authorized to operate up to 1,500 slot machines. The total number of slot machines authorized to be operated in the State is 3,500 under this amendment. There are no limits on the number of table games. The amendment establishes an initial fee for a casino at a tribal commercial track at \$75,000 with an annual renewal fee of \$24,000. An initial application fee of \$225,000 is required for a casino in Oxford County. A casino that is a commercial track that was authorized to operate slot machines as of January 1, 2010 would not be subject to an initial application fee for a casino but would be required to pay the same \$80,000 annual renewal fee as proposed in the initiated bill for the Oxford casino.

**LD 1831    An Act To Amend the Laws Pertaining to High-stakes Beano**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL W MITCHELL E		

This bill provides that a dispenser of lucky seven or other similar tickets may be connected to a remotely located computer programmed to determine the tickets' element of chance.

*Joint Standing Committee on Legal and Veterans Affairs*

**SUBJECT INDEX**

*Alcoholic Beverages*

Enacted

LD 1559	An Act Regarding Liquor Licenses for Qualified Catering Services	PUBLIC 530 EMERGENCY
LD 1596	An Act Regarding Mobile Service Bars at Municipal Golf Courses	PUBLIC 472 EMERGENCY
LD 1628	An Act To Amend the Laws Governing the Taste Testing of Alcoholic Beverages	PUBLIC 510 EMERGENCY
LD 1630	An Act To Clarify the Laws Governing Instant Redeemable Coupons Included with a Spirits Product	PUBLIC 504

Not Enacted

LD 1629	An Act To Streamline Wine Registration Requirements	ONTP
LD 1691	An Act To Amend the Laws Governing Taste Testing of Alcoholic Beverages by Retail Licensees	ACCEPTED ONTP REPORT

*Beano and Games of Chance*

Enacted

LD 1330	An Act Regarding Gaming by Charitable Organizations	PUBLIC 487
LD 1731	An Act To Modernize the Bingo Laws	PUBLIC 505
LD 1770	An Act To Extend the Temporary Reduction in High-stakes Beano License Fees	PUBLIC 534 EMERGENCY

Not Enacted

LD 1831	An Act To Amend the Laws Pertaining to High-stakes Beano	INDEF PP
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*Campaign Finance and Maine Clean Election Act*

Enacted

LD 1546	An Act To Improve Disclosure of Campaign Finance Information and the Operation of the Maine Clean Election Act	PUBLIC 524
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Not Enacted



LD 1420 An Act To Alter the Distribution of Maine Clean Election Act Funding to Gubernatorial Candidates ONTP

*Defense, Veterans and Emergency Management*

Enacted

LD 1656 Resolve, To Transfer the Ownership of the Bath Armory to the City of Bath RESOLVE 143

LD 1759 Resolve, To Transfer the Ownership of the Fort Kent Armory from the Military Bureau to the University of Maine at Fort Kent RESOLVE 212

*Elections*

Enacted

LD 1667 An Act To Amend the Election Laws and Other Related Laws PUBLIC 538

Not Enacted

LD 56 An Act To Join the Interstate Compact on the National Popular Vote DIED IN CONCURRENCE

*Initiatives and Referenda*

Enacted

LD 1730 An Act To Strengthen the Ballot Initiative Process PUBLIC 611

Not Enacted

LD 1345 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Required Number of Signatures for a Direct Initiative or a People's Veto and To Limit a Direct Initiative to One Subject ACCEPTED ONTP REPORT

LD 1690 An Act To Prevent Predatory Signature Gathering and Ensure a Clean Citizen Initiative and People's Veto Process ONTP

LD 1692 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Requirements Governing Direct Initiatives ACCEPTED ONTP REPORT

*Landlord/Tenant Laws*

Enacted

LD 1790 An Act To Implement the Recommendations of the Working Group To Study Landlord and Tenant Issues PUBLIC 566

Not Enacted

LD 1712      **An Act To Exempt Certain Mobile Homes from the Radon Testing Requirement**      LEAVE TO WITHDRAW

*Slot Machines and Gambling*

Enacted

LD 833      **An Act To Distribute Funds Received from the Racino in Bangor to the Department of Health and Human Services, Office of Substance Abuse**      PUBLIC 622

Not Enacted

LD 1437      **An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations**      ONTP

LD 1808      **An Act To Allow a Casino in Oxford County**      INDEF PP

*Veterans*

Enacted

LD 1421      **An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries**      PUBLIC 471

Not Enacted

LD 1713      **An Act Pertaining to Educational Benefits for Veterans and Their Dependents**      ONTP

*Voting*

Enacted

LD 1579      **An Act To Facilitate Voting by Uniformed Service and Overseas Voters**      PUBLIC 563  
EMERGENCY

LD 1627      **An Act To Improve Access to Data in the Central Voter Registration System**      PUBLIC 564

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

April 2010

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REP. DIANNE TILTON

***Joint Standing Committee on Marine Resources***

**LD 932      An Act To Establish Area Management of Maine's Scallop Fishery**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP	

LD 932 was carried over from the First Regular session. It is a concept draft pursuant to Joint Rule 208 and seeks to establish area management of the State's scallop fishery.

**LD 1331      An Act Regarding Saltwater Recreational Fishing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	ONTP	

LD 1331 was carried over from the First Regular Session. The bill establishes a saltwater recreational fishing license, dedicate the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach. The bill also removes the exemptions from the commercial license requirements for certain methods of fishing for personal use. LD 1331 establishes the Marine Recreational Fisheries and Habitat Advisory Council and repeals the Marine Recreational Fishing Advisory Council and the Sea Run Fisheries and Habitat Advisory Council.

**LD 1432      An Act To Create a Saltwater Recreational Fishing Registry**

**PUBLIC 559**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM MAJ ONTP MIN	S-464 S-479 BRYANT B

LD 1432 was carried over from the First Regular Session. The bill creates a saltwater recreational fishing registry to register persons engaged in saltwater recreational fishing that would be administered by the Department of Inland Fisheries and Wildlife through the department's existing licensing program. It directs the Commissioner of Inland Fisheries and Wildlife to negotiate a memorandum of agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration to exempt the State from the federal registry if the State submits data from the saltwater recreational fishing registry proposed in this bill. LD 1432 also deappropriates \$12,000 from the Department of Marine Resources recreational fishing program to fund the saltwater recreational fishing registry.

**Committee Amendment "C" (S-464)**

LD 1432 was recommitted to the Joint Standing Committee on Marine Resources. This committee amendment replaces the bill and:

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1. Creates a saltwater recreational fishing registry administered by the Department of Marine Resources to register persons engaged in saltwater recreational fishing;
2. Creates a striped bass endorsement and a commercial operator's license and require that individuals fishing for striped bass obtain an endorsement and captains of vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a commercial operator's license;
3. Sets the striped bass endorsement fees for residents at \$5 and nonresidents at \$15 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older. It also sets the fee for a commercial operator's license at \$50;
4. Directs that revenue raised from the striped bass endorsement and commercial operator's license be deposited in the Marine Recreation Fishing Conservation and Management Fund;
5. Directs clerks or other agents appointed by the Commissioner of Marine Resources to register people on the saltwater recreational fishing registry, issue striped bass endorsements or issue commercial operator's licenses to charge a fee of \$2 for each person registered, issued a striped bass endorsement or issued a commercial operator's license. It also requires the commissioner to charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees;
6. Makes a violation of the registration, endorsement or license requirements a civil violation for which a fine of not less than \$100 may be adjudged;
7. Provides that a person on the registry or who holds a striped bass endorsement or a license issued under this amendment would be subject to the applicable suspension provisions under marine resources laws;
8. Provides that members of a federally recognized Indian tribe in Maine recreationally fishing in salt water must register annually free of charge;
9. Provides an exemption to the registration and striped bass endorsement requirements for a person under 16 years of age, a person with a disability, a passenger on board a vessel captained by an individual who holds a commercial operator's license, a person renting a smelt fishing camp from a commercial operator that holds a commercial operator's license, a disabled veteran and a resident fishing on July 4th, Labor Day weekend or Memorial Day weekend;
10. Provides that a person holding a valid New Hampshire saltwater recreational fishing license may fish in salt water in the area from Maine's southern border to Cape Neddick;
11. Directs the commissioner to work with fishing and hunting groups and other interested parties to notify and educate the public about the saltwater recreational fishing registry;
12. Requires the commissioner to report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration; and
13. Sets an effective date of January 1, 2011.

### **Senate Amendment "C" To Committee Amendment "C" (S-479)**

This amendment exempts a person from the saltwater recreational fishing registry if that person indicates on a valid fishing license that that person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the license and exempts a resident of the State who

## *Joint Standing Committee on Marine Resources*

makes that indication from having to obtain a striped bass endorsement. It also direct the Department of Inland Fisheries and Wildlife to provide this data to the federal or state agency responsible for monitoring saltwater recreational fishing at a time and manner as determined by that agency.

### **Enacted Law Summary**

Public Law 2009, chapter 559 does the following:

1. It creates a saltwater recreational fishing registry administered by the Department of Marine Resources to register persons engaged in saltwater recreational fishing;
2. It creates a striped bass endorsement and a commercial operator's license and requires that individuals fishing for striped bass obtain an endorsement and captains of vessels licensed to carry passengers for hire for saltwater recreational fishing obtain a commercial operator's license;
3. It sets the striped bass endorsement fees for residents at \$5 and nonresidents at \$15 and creates a \$10 resident lifetime striped bass endorsement for a person 70 years of age or older. It sets the fee for a commercial operator's license at \$50;
4. It exempts a person from the saltwater recreational fishing registry if that person indicates on a valid fishing license that that person engaged in saltwater recreational fishing during the prior year or plans to engage in saltwater recreational fishing during the period covered by the license. It also exempts a resident of the State who makes that indication from having to obtain a striped bass endorsement;
5. It provides an exemption to the registration and striped bass endorsement requirements for a person under 16 years of age, a person with a disability, a passenger on board a vessel captained by an individual who holds a commercial operator's license, a person renting a smelt fishing camp from a commercial operator that holds a commercial operator's license, a disabled veteran and a resident fishing on July 4th, Labor Day weekend or Memorial Day weekend;
6. It provides that members of a federally recognized Indian tribe in Maine recreationally fishing in saltwater must register annually free of charge;
7. It provides that a person holding a valid New Hampshire saltwater recreational fishing license may fish in saltwater in the area from Maine's southern border to Cape Neddick;
8. It directs that the revenue raised from the striped bass endorsement and commercial operator's license be deposited in the Marine Recreation Fishing Conservation and Management Fund;
9. It requires clerks or other agents appointed by the Commissioner of Marine Resources to register people on the saltwater recreational fishing registry, issue striped bass endorsements or issue commercial operator's licenses to charge a fee of \$2 for each person registered, issued a striped bass endorsement or issued a commercial operator's license. It also requires the commissioner to charge a fee of \$1 for each registration taken, endorsement issued or commercial operator's license provided by department employees;
10. It makes a violation of the registration, endorsement or license requirements a civil violation for which a fine of not less than \$100 may be adjudged;
11. It provides that a person on the registry or who holds a striped bass endorsement is subject to the applicable suspension provisions under marine resources laws;
12. It directs the commissioner to work with fishing and hunting groups and other interested parties to notify and educate the public about the saltwater recreational fishing registry;

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13. It requires the commissioner to report registry information to the United States Department of Commerce, National Oceanic and Atmospheric Administration in a form and manner as required by the National Oceanic and Atmospheric Administration; and

14. It becomes effective on January 1, 2011.

**LD 1560     An Act To Eliminate the 3-trap Limit in the Waters of the State**

**PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-367

LD 1560 eliminates the limit in current law of 3 lobster traps per trawl in the waters off Hancock County.

### **Committee Amendment "A" (S-367)**

This amendment eliminates the 3-trap limit in current law and adds an effective date of January 1, 2011.

### **Enacted Law Summary**

Public Law 2009 chapter 499 eliminates the 3-trap limit in current law and becomes effective on January 1, 2011.

**LD 1567     An Act To Correct Errors and Inconsistencies in Marine Resources  
Laws**

**PUBLIC 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY DAMON	OTP-AM	H-707

LD 1567 makes the following changes to the laws governing marine resources.

1. It amends the timing of issuance and renewal of the seaweed buyer's license, the enhanced retail seafood license and the wholesale shellfish harvester's license to expire on March 31st of each year making them consistent with other dealer licenses.
2. It adds the enhanced retail seafood license to the list of shellfish dealers who must allow access to their facilities for shellfish inspection.
3. It removes a conflict in the law regarding suspension and revocation of a lobster and crab fishing license created when two bills amending the same section were passed in 2009 (PL 2009, c 394, §3 and PL 2009, c 151 §5). The bill would incorporate both changes made by those two laws.
4. It makes a suspension of license laws for failure to appear, answer, pay or failure to comply with court order for support consistent.
5. It provides that a person's ability to obtain a license is suspended if that person fails to pay state tax obligations.

## *Joint Standing Committee on Marine Resources*

6. It amends the "molesting lobster gear" statute to extend the "restitution" provision to persons other than those who hold a lobster and crab fishing license.
7. It allocates \$20 of each Class II lobster and crab fishing license for persons over 70 years of age to the Lobster Fund.
8. It increases the amount of money that must accrue to the General Fund for each eel harvesting license from \$33 to \$50.
9. It removes the prohibition against the commissioner to issue a sea urchin and scallop diving tender license or to allow a person to act as a tender without meeting certain requirements to making it illegal for a person to act as a tender without meeting those requirements.
10. It repeals and replaces the sea urchin and scallop diving tender license section and provide that as long as one person is present on a boat used as a platform for harvesting sea urchins and scallops by hand has met the tender safety requirements, all other persons present on the boat may operate the boat and handle the harvested product. It also sets the fee for a sea urchin and scallop diving tender license at \$133 to resolve an existing conflict in the law.
11. It repeals and replaces the scallop license handfishing sea urchin license section of the law and clarify that a person acting as a tender to an individual possessing an individual hand fishing scallop license must also possess a scallop or sea urchin tender license. It also provides that an unlicensed person that has met the required safety standards for a tender acting as a tender for an individual with a hand fishing scallop license with tender may possess, ship, transport and sell shucked scallops taken by the license holder. It increases the fee for a handfishing scallop license with tender from \$161 to \$193.
12. It makes a technical correction to a license name.
13. It adds a \$40 surcharge to the hand fishing scallop license with tender.
14. It provides that the surcharge collected for a sea urchin and scallop diving tender license is split equally between the Scallop Research Fund and the Sea Urchin Research Fund.
15. It repeals and replaces the handfishing sea urchin license section of law and provides that a person acting as tender to an individual possessing a individual handfishing sea urchin licenses must also possess a sea urchin and scallop diving tender license. It also increases the fee for a handfishing sea urchin license with tender from \$161 to \$202.
16. It adds a \$60 surcharge on a handfishing sea urchin license with tender.
17. It provides that a person who purchases dry seaweed in an amount that is equivalent to 10 wet tons or more must purchase a seaweed buyer's license.

### **Committee Amendment "A" (H-707)**

This amendment makes the following changes to the bill.

1. It eliminates the Atlantic Salmon Commission and the per diem reimbursement for commission members. The funding for the commission was eliminated in Public Law 2009, chapter 462.
2. It removes references to a person's "right" to obtain a license regarding suspensions for failure to pay taxes, comply with support orders or appear in court and replaces them with "eligibility to obtain or hold."
3. It corrects the proposed allocation of \$20 to \$10 from each Class II lobster and crab fishing license for persons



## *Joint Standing Committee on Marine Resources*

over 70 years of age to the Lobster Fund.

4. It clarifies that it is prima facie evidence of possessing illegal scallops if a person licensed under the scallop laws is shucking scallops when the vessel has scallops onboard under the minimum size restriction.

5. It changes the license surcharge for a hand fishing scallop license with tender from \$40 to \$100 to correct a conflict created during the First Regular Session of the 124th Legislature.

6. It provides that the Commissioner of Marine Resources may not open a shellfish area that has been reclassified from a prohibited to a restricted classification after January 1, 2010 to depuration harvesting without the approval of the affected municipality. If a municipality fails to document to the commissioner within 4 weeks of the reclassification that it intends to take significant measures to be incorporated into its pollution abatement plan or if the municipality indicates it will not develop a pollution abatement plan, the commissioner may open that area to depuration harvesting without the consent of the municipality. A municipality needs to report its progress on the pollution abatement plan every 6 months.

7. It authorizes a wholesale seafood license with shrimp permit holder to process shrimp.

8. It makes a number of technical changes to existing statutes.

### **Enacted Law Summary**

Public Law 2009, chapter 561 does the following:

1. It amends the timing of issuance and renewal of the seaweed buyer's license, the enhanced retail seafood license and the wholesale shellfish harvester's license to expire on March 31st of each year making them consistent with other dealer licenses;
2. It adds the enhanced retail seafood license to the list of shellfish dealers who must allow access to their facilities for shellfish inspection;
3. It removes a conflict in the law regarding suspension and revocation of a lobster and crab fishing license created when two bills amending the same section were passed in 2009 (PL 2009, c 394, §3 and PL 2009, c 151 §5). Public Law 2009, chapter 561 incorporates both changes made by those two laws;
4. It makes a suspension of license laws for failure to appear, answer, pay or failure to comply with court order for support consistent;
5. It provides that a person's ability to obtain a license is suspended if that person fails to pay state tax obligations;
6. It amends the "molesting lobster gear" statute to extend the "restitution" provision to persons other than those who hold a lobster and crab fishing license;
7. It allocates \$10 of each Class II lobster and crab fishing license for persons over 70 years of age to the Lobster Fund;
8. It increases the amount of money that must accrue to the General Fund for each eel harvesting license from \$33 to \$50;
9. It removes the prohibition against the commissioner to issue a sea urchin and scallop diving tender license or to allow a person to act as a tender without meeting certain requirements to making it illegal for a person to act as a tender without meeting those requirements;

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10. It repeals and replaces the sea urchin and scallop diving tender license section and provides that as long as one person is present on a boat used as a platform for harvesting sea urchins and scallops by hand has met the tender safety requirements, all other persons present on the boat may operate the boat and handle the harvested product. It sets the fee for a sea urchin and scallop diving tender license at \$133 to resolve an existing conflict in the law.

11. It repeals and replaces the scallop license handfishing sea urchin license section of the law and clarifies that a person acting as a tender to an individual possessing an individual hand fishing scallop license must also possess a scallop or sea urchin tender license. It provides that an unlicensed person that has met the required safety standards for a tender acting as a tender for an individual with a hand fishing scallop license with tender may possess, ship, transport and sell shucked scallops taken by the license holder. It increases the fee for a handfishing scallop license with tender from \$161 to \$193;

12. It adds a \$100 surcharge to the hand fishing scallop license with tender;

13. It provides that the surcharge collected for a sea urchin and scallop diving tender license is split equally between the Scallop Research Fund and the Sea Urchin Research Fund;

14. It repeals and replaces the handfishing sea urchin license section of law and provides that a person acting as a tender to an individual possessing an individual handfishing sea urchin licenses must also possess a sea urchin and scallop diving tender license. It increases the fee for a handfishing sea urchin license with tender from \$161 to \$202;

15. It adds a \$60 surcharge on a handfishing sea urchin license with tender;

16. It provides that a person who purchases dry seaweed in an amount that is equivalent to 10 dry tons or more must purchase a seaweed buyer's license;

17. It eliminates the Atlantic Salmon Commission and the per diem reimbursement for commission members. The funding for the commission was eliminated in Public Law 2009, chapter 462;

18. It clarifies that it is prima facie evidence of possessing illegal scallops if a person licensed under the scallop laws is shucking scallops when the vessel has scallops onboard under the minimum size restriction;

19. It provides that the Commissioner of Marine Resources may not open a shellfish area that has been reclassified from a prohibited to a restricted classification after January 1, 2010 to depuration harvesting without the approval of the affected municipality. If a municipality fails to document to the commissioner within 4 weeks of the reclassification that it intends to take significant measures to be incorporated into its pollution abatement plan or if the municipality indicates it will not develop a pollution abatement plan, the commissioner may open that area to depuration harvesting without the consent of the municipality. A municipality would need to report its progress on the pollution abatement plan every 6 months; and

20. It authorizes a wholesale seafood license with shrimp permit holder to process shrimp.

**LD 1584    An Act To Require That Marine Resources Dealers Purchase Only from Licensed Harvesters**

**PUBLIC 478**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EATON	OTP	

## *Joint Standing Committee on Marine Resources*

This bill creates a requirement that seafood and marine worm dealers, when buying directly from a harvester, purchase marine organisms only from a properly licensed person. It also creates a requirement for harvesters, upon a dealer's request, to show their licenses to the dealer.

### **Enacted Law Summary**

Public Law 2009, chapter 478 requires that seafood and marine worm dealers, when buying directly from a harvester, purchase marine organisms only from a properly licensed person. It also requires harvesters, upon a dealer's request, to show their licenses to the dealer.

**LD 1593     An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry**

**PUBLIC 523  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE DAMON	OTP-AM	H-643

LD 1593 implements some of the recommendations of the Governor's Task Force on the Economic Sustainability of Maine's Lobster Industry. It changes existing laws governing the handling of lobster parts and tails in order to improve the markets for the lobster industry. It eliminates the lobster tail permit and fee and create a new lobster processor license to allow for increased market flexibility through the rule-making process.

### **Committee Amendment "A" (H-643)**

This amendment caps the fee the Department of Marine Resources can set for the lobster processor license by rule at \$750 and to change the effective date of the bill from April 1, 2010 to July 1, 2010.

### **Enacted Law Summary**

Public law 2009, chapter 523 implements some of the recommendations of the Governor's Task Force on the Economic Sustainability of Maine's Lobster Industry. It eliminates the lobster tail permit and fee and creates a new annual lobster processor license that authorizes the activities allowed under the lobster tail permit but also allows the holder to process lobsters and lobster meat in accordance with rules adopted by the commissioner. A person must have a wholesale seafood license with a lobster permit and the lobster processor license to conduct the activities authorized by the processor license. It also authorizes the commissioner to set the fee for the lobster processor license by rule.

Public Law 2009, chapter 523 authorizes the commissioner to grant waivers for specific lobster products not addressed in rules that are produced by holders of the lobster processor license. It also exempts hotels or restaurants from the license if the meat is removed within the establishment for serving on the premise as is currently provided under the lobster meat permit. It caps the fee the Department of Marine Resources can set for the lobster processor license by rule at \$750 and to change.

Public Law 2009, chapter 523 was enacted as an emergency measure effective on July 1, 2010.

*Joint Standing Committee on Marine Resources*

**LD 1604 An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare**

**PUBLIC 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-385

LD 1604 clarifies that the Commissioner of Marine Resources has the regulatory authority to close an area to fishing should it be necessary to protect the public safety and welfare.

**Committee Amendment "A" (S-385)**

This amendment consolidates the existing rule-making authority of the Commissioner of Marine Resources with regard to gear conflicts, public health and the provisions proposed in the bill regarding the protection of public safety. It also authorizes the commissioner to adopt emergency rules to prevent property damage and provide that the commissioner must hold a public meeting within 48 hours of adopting an emergency rule regarding the protection of public safety or the protection of property. The amendment provides that the public meeting is not a public hearing for purposes of the Maine Administrative Procedure Act.

**Enacted Law Summary**

Public Law 2009, chapter 528 provides that the Commissioner of Marine Resources has the regulatory authority to close an area to fishing should it be necessary to protect the public safety and welfare. It also consolidates the existing rule-making authority of the commissioner with regard to gear conflicts, public health and the protection of public safety. Public Law 2009, chapter 528 authorizes the commissioner to adopt emergency rules to prevent property damage and provides that the commissioner must hold a public meeting within 48 hours of adopting an emergency rule regarding the protection of public safety or the protection of property. It also provides that the public meeting is not a public hearing for purposes of the Maine Administrative Procedure Act.

**LD 1724 An Act To Create a Commercial Pelagic and Anadromous Fishing License and Establish the Pelagic and Anadromous Fisheries Fund**

**PUBLIC 527**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-393

LD 1724 creates a new license for commercial pelagic and anadromous fishing and a new dedicated fund to provide the revenue needed to conduct research related to pelagic and anadromous fisheries management and to gather fisheries landings information relative to the harvest of pelagic fish and anadromous fish. It also allows the licensing fund to be used for research and development programs that address restoration, development and conservation of pelagic and anadromous fish resources.

**Committee Amendment "A" (S-393)**

This amendment authorizes the Commissioner of Marine Resources to determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. It also amend the fees for a commercial pelagic and anadromous fishing license to reflect fee changes in other commercial finfish fishing licenses made last year. The amendment reduces the surcharge on a commercial pelagic and anadromous fishing license for resident operators without crew members from \$150 to \$50 and increases the amount for residents

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with crew members from \$100 to \$200 and for nonresidents with crew members from \$100 to \$400.

### **Enacted Law Summary**

Public Law 2009, chapter 527 creates a new license for commercial pelagic and anadromous fishing and a new dedicated fund to provide the revenue needed to conduct research related to pelagic and anadromous fisheries management and to gather fisheries landings information relative to the harvest of pelagic fish and anadromous fish. It allows the licensing fund to be used for research and development programs that address restoration, development and conservation of pelagic and anadromous fish resources.

Public Law 2009, chapter 527 authorize the Commissioner of Marine Resources to determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. It amends the fees for a commercial pelagic and anadromous fishing license to reflect fee changes in other commercial finfish fishing licenses made last year. It sets the surcharge on a commercial pelagic and anadromous fishing license for resident operators without crew members at \$50 and residents with crew members at \$200 and for nonresidents with crew members at \$400.

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SUBJECT INDEX

*Dealers and Harvesters*

Enacted

LD 1584      An Act To Require That Marine Resources Dealers Purchase  
Only from Licensed Harvesters      PUBLIC 478

*Department of Marine Resources*

Enacted

LD 1604      An Act To Clarify the Marine Resources Laws To Provide for the  
Protection of Public Safety and Welfare      PUBLIC 528

*Lobsters*

Enacted

LD 1560      An Act To Eliminate the 3-trap Limit in the Waters of the State      PUBLIC 499

LD 1593      An Act To Amend the Lobster Meat Laws and Expand Economic  
Opportunity for Maine's Lobster Industry      PUBLIC 523  
EMERGENCY

*Omnibus*

Enacted

LD 1567      An Act To Correct Errors and Inconsistencies in Marine  
Resources Laws      PUBLIC 561

*Pelagic and Anadromous Fish*

Enacted

LD 1724      An Act To Create a Commercial Pelagic and Anadromous  
Fishing License and Establish the Pelagic and Anadromous  
Fisheries Fund      PUBLIC 527

*Recreational Saltwater Fishing*

Enacted

LD 1432      An Act To Create a Saltwater Recreational Fishing Registry      PUBLIC 559

Not Enacted

LD 1331      An Act Regarding Saltwater Recreational Fishing      ONTP

*Scallops*

Not Enacted

LD 932      **An Act To Establish Area Management of Maine's Scallop  
Fishery**

ONTP

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON NATURAL RESOURCES**

April 2010

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**LD 891      Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals**

**RESOLVE 206**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM MAJ ONTP MIN	H-801 DUCHESNE S-386

This bill was carried over from the First Regular Session. The bill adds a new standard to the laws governing site location of development to allow the Department of Environmental Protection to review and consider the greenhouse gas emissions likely to occur as a result of the project. The bill also provides a related provision concerning mitigation.

**Committee Amendment "A" (S-386)**

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve.

1. It directs the Department of Environmental Protection, in consultation with others, to compile from existing sources a set of standards for the design and operation of developments subject to the site location of development laws such that the emissions of a building designed, constructed and operated under the standards will be carbon-neutral.
2. It directs the Department of Environmental Protection, in consultation with others, to develop a series of best management practices for the design and site layout of developments subject to the site location of development laws that will contribute to minimizing the emission of greenhouse gases and maximizing energy efficiency.
3. It directs the Department of Environmental Protection, in consultation with others, to evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other energy benchmarking systems in order to recommend whether developments subject to the site location of development laws should have a different standard.
4. It requires the Department of Environmental Protection to report on each of the 3 subject areas to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011 and authorizes the committee to submit a bill relating to the reports to the First Regular Session of the 125th Legislature.
5. It directs the Maine Land Use Regulation Commission to recommend ways to ensure that the location of future development in the commission's jurisdiction minimizes overall energy use, reduces greenhouse gas emissions and maximizes energy efficiency. It requires the commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 1, 2012 and authorizes the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill relating to the report to the Second Regular Session of the 125th Legislature.

**House Amendment "A" To Committee Amendment "A" (H-801)**

This amendment requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;

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2. Develop best management practices for the design and site layout of site law developments;
3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and
4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

This amendment removes language requiring that the Maine Land Use Regulation Commission identify alternative approaches and provide recommendations regarding development under its jurisdiction. This amendment also removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the First Regular Session of the 125th Legislature and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters to submit a bill to the Second Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 206 requires the Department of Environmental Protection to:

1. Identify alternative approaches and provide recommendations regarding ways to ensure that the design and operation of site law developments further the state climate action plan;
2. Develop best management practices for the design and site layout of site law developments;
3. Evaluate the energy performance of the Maine Uniform Building and Energy Code in relation to other benchmarking systems and recommend whether site law developments that are designed and operated to those benchmarking systems will further the state climate action plan; and
4. Submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2011.

**LD 956      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Provide Constitutional Protection to the Funds Generated by the  
Regional Greenhouse Gas Initiative**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	ONTP	

This resolution was carried over from the First Regular Session. The resolution proposes to amend the Constitution of Maine to ensure that all revenues derived from the Regional Greenhouse Gas Initiative be expended solely to support the goals and implementation of the Regional Greenhouse Gas Initiative.

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LD 1423 **An Act To Improve Toxics Use Reduction and Reduce Energy Costs by  
Maine Businesses**

PUBLIC 579

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-712

This bill was carried over from the First Regular Session.

The bill amends the toxic use and hazardous waste reduction laws administered by the Department of Environmental Protection by:

1. Modernizing the statewide toxics use, toxics release and hazardous waste reduction goals by establishing a goal of zero discharge by 2050 and charging the Pollution Prevention Advisory Committee with establishing a schedule and process for continual progress toward this goal;
2. Setting forth a procedure to add new facilities or new chemicals or classes of chemicals to the provisions of the law;
3. Including the State's greenhouse gas reduction goals and encouraging facilities to meet those goals through energy efficiency and other measures;
4. Requiring the department to establish an Internet-based reporting system for facility progress reports; and
5. Eliminating the requirement that facilities use an activity production index when filing the pollution prevention plan.

**Committee Amendment "A" (H-712)**

This amendment replaces the bill. Part A repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. It directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every three years. Commercial and industrial facilities that use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential.

Part A also requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law.

Part A also requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

**Enacted Law Summary**

Public Law 2009, chapter 579 repeals the Maine Revised Statutes, Title 38, chapter 26 effective July 1, 2012. Part A of chapter 579:

1. Directs the Department of Environmental Protection to establish by rule a list of priority toxic chemicals by July 1, 2011 and to review and revise the list at least every 3 years. Commercial and industrial facilities that

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use in excess of 1,000 pounds of a priority toxic chemical per year are required by July 1, 2012 to develop a pollution prevention plan or environmental management system and by July 1, 2013 to begin filing annual usage reports with the department. Information contained in the report may be classified as confidential;

2. Requires the department to develop a technical assistance program, authorizes the department to develop a recognition program and authorizes the department to exempt facilities from the requirements of the law; and
3. Requires the department to submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on a revised fee structure by January 5, 2013.

Part B corrects cross-references.

**LD 1518      Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 167  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-651

This resolve provides for legislative review of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

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

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2009, chapter 167 authorizes final adoption of Section 16 Activities in Coastal Sand Dunes, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 167 was finally passed as an emergency measure effective March 23, 2010.

**LD 1526      Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 149  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

**Enacted Law Summary**

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Resolve 2009, chapter 149 authorizes final adoption of portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 149 was finally passed as an emergency measure effective February 18, 2010.

**LD 1527      Resolve, Regarding Legislative Review of Portions of Chapter 692:  
Siting of Oil Storage Facilities, a Major Substantive Rule of the  
Department of Environmental Protection**

**RESOLVE 148  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

### **Enacted Law Summary**

Resolve 2009, chapter 148 authorizes final adoption of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

Resolve 2009, chapter 148 was finally passed as an emergency measure effective February 18, 2010.

**LD 1538      An Act To Close Loopholes in Environmental Laws**

**PUBLIC 537**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WELSH NASS R	OTP-AM	H-665

This bill clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. The bill also clarifies the forest management exemption of the storm water management law to include some language from a similar exemption in the Natural Resources Protection Act. The bill provides that when a municipal planning board is determining whether two or more contiguous nonconforming lots must be treated as a single lot under shoreland zoning because they are owned by the same person, the planning board may consider whether the same person owns or has a financial interest in both lots, even if such ownership or financial interest is jointly held with other persons or as a member, officer or shareholder of a corporation. The bill clarifies the exemption from the Natural Resources Protection Act for road construction used primarily for forest management activities and not used to access development. The exemption currently does not apply to roads that provide access to development in a subdivision, and the bill changes the text from "to development in a subdivision" to "to a subdivision."

### **Committee Amendment "A" (H-665)**

This amendment strikes the provision in the bill that provides guidance to municipal planning boards when determining whether two or more contiguous nonconforming lots are owned by the same person for purposes of treating the lots as a single lot. The amendment replaces the exemption for forest management activities in the storm water management law with text that is more consistent with the exemption addressing forest management activities in the Natural Resources Protection Act. The amendment retains the clarification in the bill concerning changes in

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land use. The amendment changes part of the exemption addressing forest management activities in the Natural Resources Protection Act to include a clarification concerning changes in land use.

### Enacted Law Summary

Public Law 2009, chapter 537 clarifies the "permit shield" provision of the waste discharge law to replace a reference to "this chapter" with a reference to the relevant sections. It clarifies the forest management exemption in the storm water management law. It clarifies the exemption addressing forest management activities in the Natural Resources Protection Act.

LD 1553    **An Act To Facilitate Establishment of Watershed Districts**

**PUBLIC 506  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EBERLE DAVIS G	OTP-AM	H-631

This bill facilitates establishment of watershed districts to address urban-impaired streams in two ways.

The bill amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan.

The bill amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. The bill is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

### Committee Amendment "A" (H-631)

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

### Enacted Law Summary

Public Law 2009, chapter 506 facilitates establishment of watershed districts to address urban-impaired streams in two ways. It amends the laws governing site location of development to authorize the Department of Environmental Protection to make a finding that the storm water management standards are met if a redevelopment project is located in a watershed with an approved management plan and the project's owner or operator has entered into an agreement or has obtained the approvals and permits necessary to participate in that management plan. It amends the laws governing coastal and lake watershed districts to clarify that the laws provide one way of establishing a watershed district and that, alternatively, one or more municipalities may create a watershed district under municipal home rule authority or under interlocal cooperation authority. Chapter 506 is retroactive to July 1, 2009 to ensure that actions taken since that date to create watershed districts by interlocal agreement or by incorporation are valid.

Public Law 2009, chapter 506 was enacted as an emergency measure effective March 15, 2010.

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LD 1568 **An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers**

**PUBLIC 610**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE GOODALL	OTP-AM	H-731 S-502 GOODALL

This bill bans the manufacture and sale of shipping pallets and products manufactured from recycled shipping pallets that contain the "deca" mixture of polybrominated diphenyl ethers, effective January 1, 2011.

**Committee Amendment "A" (H-731)**

This amendment replaces the bill. The amendment does the following.

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.
2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.
3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.
4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.
5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.
6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.
7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.
8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.

**Senate Amendment "C" To Committee Amendment "A" (S-502)**

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This amendment changes the effective date for a person subject to restrictions of replacement of the "deca" mixture from January 1, 2011 to June 1, 2011. The amendment makes a technical correction to a percentage amount. The amendment narrows the prohibition on replacements for the "deca" mixture from a halogenated organic chemical that contains the element bromine, chlorine or fluorine to a brominated or chlorinated flame retardant. The amendment also requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.

### **Enacted Law Summary**

Public Law 2009, chapter 610 does the following.

1. It bans the manufacture, sale and use of products, other than shipping pallets, that are manufactured from recycled shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers.
2. Beginning January 1, 2012, it bans the manufacture, sale and use of shipping pallets containing the "deca" mixture of polybrominated diphenyl ethers, except for shipping pallets manufactured before January 1, 2012 that contain the "deca" mixture and shipping pallets that are manufactured from recycled shipping pallets containing the "deca" mixture.
3. It provides for an exemption process under which a manufacturer may apply to the Commissioner of Environmental Protection for an exemption to the January 1, 2012 ban. The commissioner shall grant an exemption if certain criteria are met. An exemption may not extend beyond January 1, 2013.
4. It requires a manufacturer or owner of shipping pallets that are subject to the restrictions to annually certify compliance with the restrictions to the Department of Environmental Protection.
5. It requires a manufacturer of shipping pallets containing the "deca" mixture to notify persons that sell the product of the restrictions.
6. It specifies the criteria a chemical alternative must meet in order to be used as a replacement for the "deca" mixture.
7. It authorizes information submitted to the department that is related to the manufacture, sale or use of the "deca" mixture to be designated as confidential.
8. It authorizes the department to supervise an alternatives assessment study to determine the availability of safer alternatives to the use of the "deca" mixture in shipping pallets. The study may be voluntarily funded by a manufacturer or owner of shipping pallets subject to the restrictions in the law. It requires the department to determine by January 1, 2011 whether there is reasonable basis to conclude that information available to the department demonstrates that a safer alternative to the use of the "deca" mixture in shipping pallets exists. It requires the Commissioner of Environmental Protection to consider applicable fire safety standards, approvals and tests and relevant performance standards that are consistent with the specifications of the manufacturer and industry practices.
9. It requires the Department of Environmental Protection to study, within existing resources, whether the implementation of the restriction that a "deca" mixture may not be replaced with a chemical alternative that is a brominated or chlorinated flame retardant would cause a hardship to anyone that must comply with the restriction.



## *Joint Standing Committee on Natural Resources*

**LD 1573    An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws**

**PUBLIC 654**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	H-756

The bill does the following.

1. It provides that, subject to the availability of funds, the Commissioner of Environmental Protection pays a portion of the cost of the alternative to an overboard discharge system in the form of a grant if certain criteria are met. Where the grant is insufficient to cover the cost of removal, the commissioner may offer a loan using funds from the revolving loan fund.
2. It sets an upper limit on income eligibility for funding to assist the owner of an overboard discharge and makes several changes and clarifications to the meaning of "annual income."
3. It clarifies the ownership transfer provisions and requires an alternatives analysis and possible replacement of an overboard discharge prior to significant reconstruction of the primary residence, expansion of the primary residence by 30%, division of the lot or transfer of the adjacent lot where the same person has a financial interest in the lot with the primary residence and the adjacent lot. Also, an alternative system to an overboard discharge must be removed where connection to a public sewer is practicable.
4. It changes references to "relicensing" overboard discharges to "licensing" and requires that an identified technologically proven replacement system be installed within 180 days of site evaluation approval and written notification by the Department of Environmental Protection. It also provides that the overboard discharge owner may apply for funding and provides for the postponement of replacement system installation should grant funding not be available.
5. It allows the licensing of existing overboard discharges that have no practicable alternatives.
6. It requires that watercraft sanitary waste pump-out facilities at marinas be easily accessible and functional during normal working hours and at all stages of the tide. It also sets an upper limit on the pump-out fee equivalent to 200% of the fee limit set pursuant to the Clean Vessel Act of 1992.

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

The amendment amends the definition of "annual income" for purposes of determining eligibility for grants to pay a portion of the cost of an alternative to an overboard discharge system. It amends the definition of "significant action." It allows commercial establishments to request an extension of time to install an alternative to an overboard discharge when transferring ownership and requires the Department of Environmental Protection to approve or deny the extension request within 10 business days. It provides that the law does not require a municipality to withhold a local permit or approval associated with a significant action. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed earlier than July 2, 2012 if a residential or commercial establishment has an overboard discharge that is not eligible for a grant and has a license that expires on or after July 2, 2010 and prior to July 2, 2012. It prohibits the Department of Environmental Protection from requiring an identified alternative to an overboard discharge to be installed unless the alternative constitutes best practicable treatment. It requires marinas that serve vessels year-round to provide pump-out services year-round.

## Joint Standing Committee on Natural Resources

### Enacted Law Summary

Public Law 2009, chapter 654 amends the laws governing overboard discharge systems, including provisions relating to:

1. Grant and loan eligibility;
2. Alternatives analysis requirements and overboard discharge replacement on ownership transfer and "significant actions;" and
3. Overboard discharge replacement on relicensing.

Chapter 654 also amends the laws governing watercraft sanitary waste pump-out facilities at marinas.

### LD 1575 An Act To Establish a Residential Wood Stove Replacement Fund

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BECK JACKSON	OTP-AM	H-642 S-539 DIAMOND

This bill establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves and allocates funds for that purpose.

#### Committee Amendment "A" (H-642)

This amendment removes appropriations from the State as a funding source for the Residential Wood Stove Replacement Fund. It specifies that financial incentives to replace wood stoves are intended only for residents of the State. It clarifies that only wood stoves manufactured prior to 1988 and used as a primary source of heat in a primary residence are eligible for financial incentives. It requires the Department of Environmental Protection to establish the wood stove replacement program through rulemaking. It increases the allocation of funds in fiscal year 2010-11 to \$2,500,000.

#### Senate Amendment "A" To Committee Amendment "A" (S-539)

This amendment provides for the repeal of the use of Other Special Revenue funds derived from civil penalties associated with department enforcement actions on January 1, 2012, provides for the department to report on the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters and makes adjustments in the appropriations and allocations that better reflect existing funding opportunities.

### Enacted Law Summary

Public Law 2009, chapter 653 establishes a residential wood stove replacement program in the Department of Environmental Protection under which eligible applicants could receive funding toward the purchase of new cleaner-burning residential heating appliances to replace older wood stoves. It requires the department to report on the status and account activity of the residential wood stove replacement program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2012.

*Joint Standing Committee on Natural Resources*

**LD 1577 An Act Concerning the Establishment of Water Levels**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H	ONTP	

This bill amends the water level laws in the Maine Revised Statutes, Title 38 to replace the requirement for an adjudicatory hearing by the Commissioner of Environmental Protection or the Board of Environmental Protection on a request or petition for a water level regime or, if applicable, a minimum flow requirement, with a requirement for a public meeting by the commissioner. This bill also amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that does not contain evidence of mediation or other substantial good faith efforts to resolve any disputes regarding current water level management practices or minimum flow requirements for a body of water impounded by a dam with the owner, lessee or person in control of the dam. The bill further amends the water level laws to authorize the commissioner to dismiss without prejudice any petition that is not supported by substantial evidence that current water level management practices or minimum flow requirements are materially affecting the resources, interests or goals specified in Title 38, section 840, subsection 4.

**LD 1603 An Act To Amend Laws Administered by the Department of Environmental Protection**

**PUBLIC 501**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-362

This bill makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. The bill also specifies that the residents of a town or village corporation at a town or village corporation meeting may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.
2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.
3. It updates language regarding 3rd-party damage claims arising from oil discharges.
4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.
5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.

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6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 months.
7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.
8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.
9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.
10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.
11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.
12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.
13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.
14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.
15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.
16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.
17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.

### **Committee Amendment "A" (S-362)**

This amendment specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond. The bill specified that a town or village corporation could appropriate funds for that purpose. The amendment also clarifies that the prohibition on the return to service of a single-walled underground oil storage tank applies to tanks that have been out of service for 12 consecutive months.

### **Enacted Law Summary**

Public Law 2009, chapter 501 makes changes to laws administered by the Department of Environmental Protection.

1. It changes the description of where a town may use its highway equipment for fire and police protection from "private roads, private ways or bridges" to "private ways." With respect to fire and police protection, it restores the laws governing the use of the highway equipment of a town on private ways to substantially the form they had before the enactment of Public Law 2009, chapter 239. It also specifies that a municipality may appropriate funds to repair a private road, way or bridge for the purpose of protecting or restoring a great pond.
2. It amends the laws governing oil discharges to make it clear that the authority of the Commissioner of

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Environmental Protection to issue clean-up orders extends to all oil discharges and is not limited to discharges that emanate from a storage tank.

3. It updates language regarding third-party damage claims arising from oil discharges.
4. It amends the laws governing oil discharges to authorize the Department of Environment Protection, consistent with current authority under the law governing uncontrolled hazardous substance sites, to include interest when placing liens to recover costs incurred by the department in response to an oil discharge.
5. It clarifies the circumstances under which the owner of a parcel of land on which an out-of-service oil storage facility is located may be held responsible for properly abandoning the facility.
6. It prohibits the return to service of a single-walled underground oil storage tank that has been out of service for more than 12 consecutive months.
7. It clarifies the applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund when the owner has failed to comply with the requirement to obtain a construction permit from the Office of the State Fire Marshal.
8. It clarifies applicability of the deductible amount that must be paid by the owner or operator of a leaking oil storage tank when seeking coverage of clean-up costs from the Ground Water Oil Clean-up Fund if the tank fails to conform to the requirements of the Oil and Solid Fuel Board.
9. It expands the enforcement options available to the Commissioner of Environmental Protection when addressing violations of the lead abatement laws.
10. It allows a landlord to employ a lead dust sampling technician to show that a dwelling unit qualifies for listing on the registry of leased lead-safe residential dwellings. Under current law, a landlord must use a lead inspector.
11. It authorizes the Department of Environmental Protection to recover costs incurred in responding to a discharge of hazardous waste, waste oil and biomedical waste by placing a lien against the real estate of the responsible party.
12. It amends the laws governing mercury-added products to consolidate provisions prohibiting the sale of mercury manometers and thermometers.
13. It amends the laws governing mercury thermostats to consolidate requirements for thermostat wholesalers.
14. It deletes language in unallocated law that requires the Department of Environmental Protection to hold consolidated proceedings with the Department of Transportation in certain situations.
15. It amends the laws governing the Ground Water Oil Clean-up Fund to authorize disbursements for the cleanup of discharges from oil storage facilities whether or not the oil reaches ground water.
16. It amends the laws governing wellhead protection to make it clear that an abandoned underground oil storage facility located within a wellhead protection zone may not be replaced.
17. It clarifies the prohibition on the sale of mercury-added silver oxide button cell batteries.

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**LD 1631     An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products**

**PUBLIC 516**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES GOODALL	OTP-AM	H-673

This bill establishes a product stewardship law under the Department of Environmental Protection.

The bill requires the department to establish procedures for identifying products that are appropriate for a product stewardship program and to designate specific products and product categories that are subject to the product stewardship program requirements. The bill also sets forth factors that must be considered by the department in making this determination, including, but not limited to, the degree to which the product poses an adverse impact to the environment and public health, opportunities for the development of business and opportunities for energy conservation and reduction of waste and toxicity. Under the bill, producers of the designated products must participate in product stewardship programs established and paid for by the producers of the products. If a producer of a designated product does not participate in an approved product stewardship program, that producer's product may not be sold in or into the State as of an implementation date to be established by the department. The bill requires producers of designated products to submit to the department for approval product stewardship plans and proposed changes to established plans. The bill also authorizes the department to amend, suspend or cancel its approval of a product stewardship plan and requires product stewardship programs to submit annual reports.

**Committee Amendment "A" (H-673)**

This amendment replaces the bill. The amendment authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

**Enacted Law Summary**

Public Law 2009, chapter 516 authorizes the Department of Environmental Protection to submit on an annual basis a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. It also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit annually a bill to establish new product stewardship programs or revise existing product stewardship programs after the committee's review of the department report.

**LD 1632     Resolve, Regarding Biofuel in Number 2 Heating Oil**

**RESOLVE 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD BARTLETT	OTP-AM	H-690 S-541 DIAMOND

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This bill requires that, beginning July 1, 2011, heating fuel sold for use in the State must have a sulfur content of no more than 15 parts per million and must contain at least 2% biofuel. As production of biofuel in the State increases, the percentage of biofuel required also increases. The bill also authorizes the Governor to waive the ultra-low sulfur and biofuel requirements.

### Committee Amendment "A" (H-690)

This amendment replaces the bill and changes the title. The amendment establishes state goals for the percentage of biofuel that number 2 heating oil must contain. The amendment also directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

### Senate Amendment "A" To Committee Amendment "A" (S-541)

This amendment changes the bill to a resolve and eliminates the provision that establishes state goals for the percentage of biofuel that number 2 heating oil must contain.

### Enacted Law Summary

Resolve 2009, chapter 210 directs the Executive Department, Governor's Office of Energy Independence and Security to oversee a study of and report on the feasibility of setting a requirement for the percentage of biofuel to be used in number 2 heating oil. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to submit a bill related to the subject matter of the report.

**LD 1633 An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	OTP-AM	H-629

This bill allows municipal landfills that were allowed to remain in operation after January 1, 2000 but are subsequently ordered closed or encapsulated by December 31, 2014 because they do not meet current environmental protection standards to receive funding from the State's remediation and closure program for a portion of closure costs if funding is available.

### Committee Amendment "A" (H-629)

The amendment strikes the provision in the bill that allows licensed municipal landfills to use reduced closure procedures. It also makes the State's cost-share program for municipal landfill closure applicable to municipal landfills that were originally licensed on or before September 1, 1989 and contingent on a finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

*Joint Standing Committee on Natural Resources*

**LD 1662     An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas**

**PUBLIC 604**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-402

Federal law and regulations require states with fuel-burning sources that are reasonably anticipated to cause or contribute to impairment of visibility in federally designated Class I areas to implement reasonable measures to reduce visibility impairment within those areas. This bill establishes reductions in the sulfur content of fuel oil that take effect in 2014 and 2018.

**Committee Amendment "A" (S-402)**

The amendment changes the date, from January 1, 2014 to January 1, 2016, by which the sulfur content of distillate fuel may not be greater than 0.005% by weight. The amendment exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

**Enacted Law Summary**

Public Law 2009, chapter 604 establishes reductions in the sulfur content of fuel oil that take effect in 2016 and 2018. It exempts distillate fuel that is used for manufacturing purposes from the low sulfur content requirements. It requires the Department of Environmental Protection to adopt major substantive rules that provide an opportunity for a licensed air contamination source to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements. It directs the Department of Environmental Protection to establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils. It directs the Department of Environmental Protection to conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015.

**LD 1693     Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules**

**RESOLVE 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY	OTP-AM	H-652 S-436 GOODALL

This bill prohibits ocean-going vessels from discharging ballast water that contains any detectable living organisms into the coastal waters of the State after January 1, 2021. The bill defines "ocean-going vessel" as any vessel operating within the coastal waters of the State that is equipped with ballast tanks capable of taking on and discharging water for the purposes of controlling or maintaining the vessel's trim, draft or stability or to control stresses on the vessel. The bill establishes interim standards in effect from January 1, 2011 to January 1, 2021 that



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allow ocean-going vessels to obtain a permit from the Department of Environmental Protection to discharge ballast water that contains minimal amounts of living organisms, bacteria, viruses and microbes into the coastal waters of the State. Those interim standards are incrementally applied to larger and older ocean-going vessels over that 10-year period. A person who violates these provisions commits a civil violation and is subject to a penalty of not less than \$1,000 and not more than \$10,000 for each violation. The Board of Environmental Protection is required to adopt emergency major substantive rules in 2010 to implement these provisions, and to subsequently submit those rules to the Legislature for review no later than January 14, 2011. The rules must require an annual ballast water discharge permit for ocean-going vessels. The annual fee for that permit must be based on the ballast water capacity of vessels covered by these provisions and must be, in the aggregate, sufficient to fully fund the cost of implementing and enforcing these provisions.

### **Committee Amendment "A" (H-652)**

This amendment replaces the bill with a resolve. The amendment directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge. The amendment also authorizes the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the Second Regular Session of the 125th Legislature.

### **Senate Amendment "A" To Committee Amendment "A" (S-436)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 198 directs the Department of Environmental Protection to report by January 5, 2012 on the status of rulemaking by the United States Coast Guard relating to ship ballast water discharge.

## **LD 1699    An Act To Update and Modernize Maine's Floodplain Mapping**

**PUBLIC 522  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEGG NASS R	OTP-AM	H-655

This bill provides a General Fund appropriation to the Executive Department, State Planning Office of \$250,000 in fiscal year 2010-11 to update and modernize the State's floodplain maps.

### **Committee Amendment "A" (H-655)**

This amendment replaces the bill. The amendment establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State. The amendment adds an appropriations and allocations section and it also adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2009, chapter 522 establishes the Floodplain Mapping Fund for the purpose of providing funds for the mapping of floodplains in the State.

Public Law 2009, chapter 522 was enacted as an emergency measure effective March 18, 2010.

**Joint Standing Committee on Natural Resources**

**LD 1716     An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE JACKSON	OTP	

This bill amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

**Enacted Law Summary**

Public Law 2009, chapter 507 amends the rule-making authority of the Board of Environmental Protection to eliminate the requirement for legislative approval prior to adoption of rules on the agronomic utilization of sludge.

**LD 1725     Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 208**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM   MAJ	H-678
	OTP-AM   MIN	S-493   GOODALL
		S-506   GOODALL

This resolve provides for legislative review of portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-677)**

This amendment was not adopted. This amendment is the majority report of the committee. The amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards but delays the effective date of the rule to January 1, 2012. The amendment also directs the Department of Environmental Protection with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate crossings subject to the requirements of the rule. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011. It also authorizes the committee to submit a bill to the First Regular Session of the 125th Legislature regarding suggested revisions to the rule.

**Committee Amendment "B" (H-678)**

This amendment is the minority report of the committee. The amendment denies authorization for the Department of Environmental Protection to finally adopt a provisionally adopted rule regarding stream crossings and directs the department to resubmit rules to the Legislature by January 1, 2011.

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### **Senate Amendment "A" To Committee Amendment "B" (S-493)**

This amendment authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. The amendment also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. The amendment directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. The amendment directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

### **Senate Amendment "A" (S-506)**

This amendment removes the emergency preamble and the emergency clause.

### **Enacted Law Summary**

Resolve 2009, chapter 208 authorizes portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards only as it applies to construction of new stream crossings undertaken on or after the effective date of this resolve. It also directs the Department of Environmental Protection, with the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, to conduct a series of meetings with municipal public works officials to provide training, information and opportunities to evaluate stream crossings. It directs the Department of Environmental Protection to adopt major substantive rules regarding stream crossings that are already in existence on the effective date of this resolve and requires that the provisionally adopted rules be submitted to the Legislature by January 1, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters. It directs the Department of Environmental Protection and the Department of Transportation to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the outreach and field work activities undertaken by the departments and on the impact of the rule not later than January 5, 2011.

**LD 1742      Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 164  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

### **Enacted Law Summary**

Resolve 2009, chapter 164 authorizes final adoption of portions of Chapter 232: Well Drillers and Pump Installers Rules, a major substantive rule of the Department of Health and Human Services.

Resolve 2009, chapter 164 was finally passed as an emergency measure effective March 17, 2010.

*Joint Standing Committee on Natural Resources*

**LD 1760      Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol**

**RESOLVE 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-410

This resolve requires the Department of Environmental Protection and the Department of Conservation jointly to adopt rules to educate the public about the handling and disposal of motor fuels containing ethanol and to ensure the availability of places for disposal of motor fuel. Rules adopted pursuant to this resolve are routine technical rules.

**Committee Amendment "A" (S-410)**

This amendment replaces the resolve. The amendment requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

**Enacted Law Summary**

Resolve 2009, chapter 201 requires the Department of Environmental Protection to conduct an outreach and education campaign to provide information to residents statewide regarding the handling and disposal of motor fuels containing ethanol.

**LD 1775      An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources**

**PUBLIC 535**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-394

This bill is reported out by the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill requires air emission sources emitting mercury in excess of 10 pounds per year to conduct stack tests for mercury twice per year for two years and to submit a mercury reduction plan to the Department of Environmental Protection. The bill also directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out a bill to the 126th Legislature in connection with the updated report.

**Committee Amendment "A" (S-394)**

This amendment changes the stack test requirements in the bill to apply to air emission sources emitting mercury in excess of 10 pounds in calendar year 2010. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection.

**Enacted Law Summary**

Public Law 2009, chapter 535 requires air emission sources emitting mercury in excess of 10 pounds in calendar year 2010 to conduct stack tests for mercury twice in calendar year 2011 and twice in calendar year 2012 and to submit a mercury reduction plan to the Department of Environmental Protection. It authorizes the Department of Environmental Protection to approve an alternative to the stack testing requirements. It allows the results of

## Joint Standing Committee on Natural Resources

multiple stack tests to be averaged in accordance with guidance from the Department of Environmental Protection. It directs the Department of Environmental Protection to submit an updated report relating to mercury emissions and standards and authorizes the committee to report out a bill to the 126th Legislature in connection with the updated report.

**LD 1787     An Act To Provide for Legislative Review of Recently Proposed  
Revisions to Certain Rules Adopted Pursuant to the Site Location of  
Development Laws and the Storm Water Management Laws**

**PUBLIC 602  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-403

This bill requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Storm water management rules remain routine technical rules. Any major substantive rules provisionally adopted for the site location of development laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

### **Committee Amendment "A" (S-403)**

This amendment adds an emergency preamble and emergency clause to the bill. The amendment requires that rules adopted by the Department of Environmental Protection regarding storm water management after January 1, 2010 and before January 1, 2012 are major substantive rules. Rules adopted after January 1, 2012 are routine technical rules.

### **Enacted Law Summary**

Public Law 2009, chapter 602 requires that rules adopted by the Department of Environmental Protection pursuant to the site location of development laws and storm water management laws after January 1, 2010 and before January 1, 2012 are major substantive rules. Any major substantive rules provisionally adopted for the site location of development laws or storm water management laws in 2010 must be submitted to the joint standing committee of the 125th Legislature having jurisdiction over natural resources matters for review. Rules adopted after January 1, 2012 are routine technical rules.

Public Law 2009, chapter 602 was enacted as an emergency measure effective March 23, 2010.

**LD 1793     An Act To Stabilize Funding for Hazardous Material Emergency  
Response by the Department of Environmental Protection and Enhance  
Response Efforts of the Maine Emergency Management Agency**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A BARTLETT	ONTP	

This bill establishes a fee on natural gas transported by pipeline in the State. Revenue from the fee must be deposited in the Emergency Response Commission Fund to be used by the Maine Emergency Management Agency in support of planning and training for local emergency response to hazardous material incidents. The bill

## *Joint Standing Committee on Natural Resources*

authorizes the transfer of money from the Emergency Response Commission Fund to the Maine Hazardous Waste Fund for the purpose of paying costs related to hazardous material emergency response incurred by the Department of Environmental Protection. The bill also authorizes transfers to the Uncontrolled Sites Fund to be used by the Department of Environmental Protection to carry out its responsibilities related to the oversight of uncontrolled hazardous substance sites. The bill authorizes the Commissioner of Environmental Protection to take enforcement action against facilities with hazardous materials that fail to register with the Maine Emergency Management Agency as required under the Maine Revised Statutes, Title 37-B, chapter 13, subchapter 3-A.

**LD 1794    An Act Regarding Solid Waste Facilities**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This bill amends the law that prohibits expansion of commercial solid waste disposal facilities by authorizing a commercial landfill that is not under an order or agreement to close to expand if the proposed expansion is contiguous with the existing facility and is located on property owned by the person holding the commercial solid waste facility license. Current law requires that the proposed expansion be contiguous with the existing facility and be located on property owned on December 31, 1989 by the licensee or by a corporation or other business entity under common ownership or control with the licensee.

**LD 1796    Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 194  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-740

This resolve provides for legislative review of Chapter 881: Fees; Chemical Use in Children's Products, a major substantive rule of the Department of Environmental Protection.

**Committee Amendment "A" (H-740)**

The amendment authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. The amendment also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 194 authorizes final adoption of Chapter 881: Fees; Chemical Use in Children's Products until February 1, 2013. It also requires the Department of Environmental Protection to examine the first two years of experience regarding fees assessed under the rule and submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2013. Following its review of the report, the committee is authorized to submit a bill regarding fees related to chemical use in children's products to the First Regular Session of the 126th Legislature.

***Joint Standing Committee on Natural Resources***

Resolve 2009, chapter 194 was finally passed as an emergency measure effective April 1, 2010.

**LD 1797     An Act Regarding Planning for the Management of Solid Waste**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This bill moves the responsibility for preparing the state solid waste management and recycling plan and staffing the Solid Waste Management Advisory Council from the Executive Department, State Planning Office to the Department of Environmental Protection.

**LD 1818     Resolve, To Continue Evaluating Climate Change Adaptation Options  
for the State**

**RESOLVE 195**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-467 GOODALL

This bill directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012 and authorizes the committee to submit a bill relating to each report to the 125th Legislature.

**Senate Amendment "A" (S-467)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over natural resources matters to submit a bill to the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 195 directs the Department of Environmental Protection with a stakeholder group to continue to evaluate the options and actions available to Maine people and businesses for adapting to the most likely impacts of climate change pursuant to Resolve 2009, chapter 16. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters in 2011 and 2012.

**LD 1827     Resolve, To Review the Waste Motor Oil Disposal Site Remediation  
Program**

**RESOLVE 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L GOODALL	OTP-AM	H-822

## *Joint Standing Committee on Natural Resources*

This bill amends the premium on motor oil to raise additional revenue for deposit in the Waste Motor Oil Revenue Fund. Currently, the premium is \$1.10 per gallon for bulk quantities of gasoline engine oil and 35¢ for diesel engine oil or prepackaged motor oil, oil sold in containers of 5 gallons or less. The bill increases the premium on prepackaged motor vehicle oil to \$1.10 per gallon. The bill also repeals definitions of the terms "diesel engine bulk motor vehicle oil" and "gasoline engine bulk motor vehicle oil," the effect of which is to expand the applicability of the premium to all motor oil grades. The bill provides for a rebate of the premium paid for prepackaged motor vehicle oil that is stored in the State, and then sold out-of-state. The bill authorizes the Finance Authority of Maine to directly reimburse the Department of Environmental Protection for its costs to clean up the Presque Isle waste motor oil disposal site. The bill directs the Finance Authority of Maine to pay proceeds of the revenue obligation securities issued under the Waste Motor Oil Disposal Site Remediation Program first to responsible parties at the Plymouth waste motor oil disposal site and then to the department for clean-up costs at the Ellsworth, Casco and Presque Isle waste motor oil disposal sites in that order. The bill authorizes the Finance Authority of Maine to reimburse the Maine National Guard for its share of response costs at the Plymouth waste motor oil disposal site. The bill allows the State Tax Assessor to disclose to the Department of Environmental Protection and the Finance Authority of Maine the names of each motor vehicle oil dealer who paid the required premium of motor oil sales.

### **Committee Amendment "A" (H-822)**

This amendment replaces the bill with a resolve. The amendment requires the Department of Environmental Protection to coordinate a review of the waste motor oil disposal site remediation program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 1-F. The review must include the participation of a stakeholder group. The amendment requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1, 2010.

### **Enacted Law Summary**

Resolve 2009, chapter 211 requires the Department of Environmental Protection to coordinate a review of the waste motor oil disposal site remediation program under the Maine Revised Statutes, Title 10, chapter 110, subchapter 1-F. The review must include the participation of a stakeholder group. Chapter 211 requires the department to submit a written report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1, 2010.



*Joint Standing Committee on Natural Resources*

SUBJECT INDEX

*Air quality*

Enacted

LD 1662      An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas      PUBLIC 604

*Air quality - Woodstoves*

Enacted

LD 1575      An Act To Establish a Residential Wood Stove Replacement Fund      PUBLIC 653

*Climate change*

Enacted

LD 891      Resolve, To Develop Practices for Developments of State and Regional Significance in Order To Reduce Dependency on Fossil Fuels and Meet the State's Greenhouse Gas Emissions Reduction Goals      RESOLVE 206

LD 1818      Resolve, To Continue Evaluating Climate Change Adaptation Options for the State      RESOLVE 195

Not Enacted

LD 956      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Constitutional Protection to the Funds Generated by the Regional Greenhouse Gas Initiative      ONTP

*Coastal waters*

Enacted

LD 1693      Resolve, Regarding a Report on the Status of Federal Ship Ballast Water Discharge Rules      RESOLVE 198

*Consumer products*

Enacted

LD 1631      An Act To Provide Leadership Regarding the Responsible Recycling of Consumer Products      PUBLIC 516

*Department of Environmental Protection*

Enacted

LD 1538	An Act To Close Loopholes in Environmental Laws	PUBLIC 537
LD 1603	An Act To Amend Laws Administered by the Department of Environmental Protection	PUBLIC 501

*Floodplains*

Enacted

LD 1699	An Act To Update and Modernize Maine's Floodplain Mapping	PUBLIC 522 EMERGENCY
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*Fuels*

Enacted

LD 1632	Resolve, Regarding Biofuel in Number 2 Heating Oil	RESOLVE 210
LD 1760	Resolve, Concerning the Proper Disposal of Motor Fuels Containing Ethanol	RESOLVE 201

*Geothermal wells*

Enacted

LD 1742	Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 164 EMERGENCY
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*Hazardous material*

Not Enacted

LD 1793	An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency	ONTP
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*Mercury*

Enacted

LD 1775	An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources	PUBLIC 535
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*Natural Resources Protection Act*

Enacted

LD 1518      **Resolve, Regarding Legislative Review of Section 16 Activities in Coastal Sand Dunes, a Major Substantive Rule of the Department of Environmental Protection**      **RESOLVE 167  
EMERGENCY**

*Oils - Waste motor oil*

Enacted

LD 1827      **Resolve, To Review the Waste Motor Oil Disposal Site Remediation Program**      **RESOLVE 211**

*Site location of development*

Enacted

LD 1787      **An Act To Provide for Legislative Review of Recently Proposed Revisions to Certain Rules Adopted Pursuant to the Site Location of Development Laws and the Storm Water Management Laws**      **PUBLIC 602  
EMERGENCY**

*Solid waste*

Not Enacted

LD 1633      **An Act To Expand Eligibility of Certain Municipal Landfills To Participate in the State's Remediation and Closure Program**      **DIED ON  
ADJOURNMENT**

LD 1794      **An Act Regarding Solid Waste Facilities**      **ONTP**

LD 1797      **An Act Regarding Planning for the Management of Solid Waste**      **ONTP**

*Toxic chemicals*

Enacted

LD 1423      **An Act To Improve Toxics Use Reduction and Reduce Energy Costs by Maine Businesses**      **PUBLIC 579**

LD 1568      **An Act To Clarify Maine's Phaseout of Polybrominated Diphenyl Ethers**      **PUBLIC 610**

LD 1796      **Resolve, Regarding Legislative Review of Chapter 881: Fees; Chemical Use in Children's Products, a Major Substantive Rule of the Department of Environmental Protection**      **RESOLVE 194  
EMERGENCY**

*Wastes*

Enacted

LD 1716      **An Act To Expedite Rulemaking Concerning Agronomic Utilization of Sludge**      **PUBLIC 507**

*Water quality*

Enacted

LD 1553	An Act To Facilitate Establishment of Watershed Districts	PUBLIC 506 EMERGENCY
LD 1573	An Act To Improve Water Quality through the Phaseout of Overboard Discharges and the Improvement of the Boat Pump-out Laws	PUBLIC 654

*Water quality - Stream crossings*

Enacted

LD 1725	Resolve, Regarding Legislative Review of Portions of Section 10: Stream Crossings within Chapter 305 Permit by Rule Standards, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 208
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*Waterbodies - Dams*

Not Enacted

LD 1577	An Act Concerning the Establishment of Water Levels	ONTP
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*Wellhead protection; facility siting*

Enacted

LD 1526	Resolve, Regarding Legislative Review of Portions of Chapter 700: Wellhead Protection: Siting of Facilities That Pose a Significant Threat to Drinking Water, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 149 EMERGENCY
LD 1527	Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 148 EMERGENCY

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

April 2010

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*Joint Standing Committee on State and Local Government*

LD 1022    **An Act To Amend the Laws Governing the Legislative Youth Advisory Council**

**PUBLIC 623  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-357

This bill was carried over from the First Regular Session. It amends the laws governing the Legislative Youth Advisory Council.

1. It expands the duties of the council to include establishing a communication network with other youth groups in the State, facilitating methods of receiving input from youth from geographically diverse areas of the State and developing criteria to be considered when recommending future members for appointment.
2. It directs the appointing authorities to give special consideration to youth who have already served on the council when making appointments and directs the appointing authorities to fill vacancies as soon as practicable.
3. It directs the council to include in its rules of procedure an attendance policy that authorizes revocation of membership for lack of attendance.

**Committee Amendment "A" (S-357)**

This amendment replaces the bill. It repeals the existing statute relating to the Legislative Youth Advisory Council and replaces it with new language that reduces the cost of the council by reducing the number of times it may meet, providing greater flexibility with respect to where and how it holds and conducts its meetings and encouraging the participation of the youth members in the legislative process through such activities as shadowing legislative members during the session, attending public hearings and work sessions and testifying before legislative committees on matters pertaining to youth. The amendment states that no additional funds may be appropriated or allocated to the council and that all activities of the council during fiscal years 2009-10 and 2010-11 must be funded from the approximately \$4,000 budgeted by the Legislative Council in the current biennium. It also specifies that legislative and youth members appointed by the presiding officers of the 124th Legislature remain as members until the convening of the 125th Legislature. The amendment adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2009, chapter 623 repeals the statute relating to the Legislative Youth Advisory Council and replaces it with new language that reduces the number of times the council may meet, provides greater flexibility with respect to where and how it holds and conducts its meetings and encourages the participation of the youth members in the legislative process through such activities as shadowing legislative members during the session, attending public hearings and work sessions and testifying before legislative committees on matters pertaining to youth.

Public Law 2009, chapter 623 was enacted as an emergency measure effective April 9, 2010.

**Joint Standing Committee on State and Local Government**

**LD 1512    An Act To Amend the Laws Governing the Somerset County Budget Procedure**

**PUBLIC 576  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS	OTP-AM MAJ OTP-AM MIN	H-640

This bill amends the laws governing the procedure for adopting the Somerset County budget by allowing the budget to be increased, decreased or altered by the budget committee based on information obtained during the public hearing process. The budget must be approved by a majority vote of the budget committee at a meeting called for that purpose. The county commissioners may adopt the budget as submitted by the budget committee or after increasing, decreasing or altering the proposed budget by a majority vote by June 30th. Current law requires a unanimous vote of the commissioners to change the budget. The bill also requires that, if the county does not approve a new budget, it must operate on an interim budget not to exceed the previous year's budget. Current law requires that, if the county does not approve a new budget, it operates on an interim budget not to exceed 80% of the previous year's budget.

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

This amendment, which is the majority report, removes language in the bill that would change the Somerset County budget committee's procedure for adopting a budget and instead requires the budget committee to enter the reasons for any changes made to the proposed county budget into the minutes of the budget committee meeting. It clarifies that the budget committee must adopt the budget by a majority vote of the budget committee and requires that the budget must be adopted at a meeting no later than 15 days prior to the beginning of the county's fiscal year. It retains the process in current law of allowing the county commissioners to change the budget by unanimous vote and the budget committee to reject that change by a 2/3 vote of its membership. This amendment was not adopted.

**Committee Amendment "B" (H-640)**

This amendment, which is the minority report, strikes out the section related to changing the budget adoption procedure of the Somerset County budget committee. It retains the section that requires the county to operate on an interim budget that does not exceed the previous year's budget if the budget is not approved before the start of the fiscal year.

**Enacted Law Summary**

Public Law 2009, chapter 576 allows Somerset County to operate on an interim budget that does not exceed the previous year's budget if the budget is not approved before the start of the fiscal year.

Public Law 2009, chapter 576 was enacted as an emergency measure effective March 31, 2010.

**LD 1513    An Act To Authorize Municipal Officers To Resolve Road-naming Disputes**

**PUBLIC 477**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN	OTP-AM	H-596

**Joint Standing Committee on State and Local Government**

This bill authorizes municipal officers to make the final decision when there is a dispute in the naming of a town way, private way or private road for E-9-1-1 purposes.

**Committee Amendment "A" (H-596)**

This amendment clarifies that the decision of the municipal officers is final when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless a local ordinance or charter states otherwise.

**Enacted Law Summary**

Public Law 2009, chapter 477 authorizes that municipal officers make the final decision when there is a dispute over the naming of a town way, private way or private road for E-9-1-1 purposes unless there is a local ordinance or charter that states otherwise.

**LD 1534      An Act To Ensure That Substantial State Contracts Receive Adequate Legal Review      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	ONTP	

This bill requires state agencies and departments to submit to the Attorney General every proposed contract for the purchase of goods or services that has a total contract price that exceeds \$3,000,000 or that exposes the State to substantial risk in the event of nonperformance.

**LD 1554      An Act Regarding Document Fees at County Registries of Deeds      PUBLIC 575**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P	OTP-AM	H-669 S-449 SIMPSON

This bill increases the filing fee that county registers of deeds may charge for the second and subsequent pages of documents from \$2 to \$4 and clarifies the "reasonable fee" that may be charged for obtaining abstracts and copies of records. It states that the Freedom of Access Act in the Maine Revised Statutes Title 1, chapter 13 does not apply to public inspection and copying fees for records maintained by the county registry office. The bill also requires persons who obtain records from registers of deeds and subsequently sell or distribute those records to indicate on the records that they are not official copies.

**Committee Amendment "A" (H-669)**

This amendment limits the exemption from the freedom of access law in Title 1, chapter 13 to copying fees so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It removes the increase in recording fees from the bill. The amendment clarifies that copying fees can be different depending on the type of document being copied. It also increases the factors that can be used to determine a reasonable fee for copying registry documents to include contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents.



## Joint Standing Committee on State and Local Government

### Senate Amendment "A" To Committee Amendment "A" (S-449)

This amendment clarifies the limit to the exemption from the freedom of access laws to the Maine Revised Statutes, Title 1, chapter 13, section 408, subsection 3, which specifically relates to copying costs. It also narrows the range of factors that may be used to determine a reasonable fee for copying registry documents to those that relate to the cost of producing and making copies available.

#### Enacted Law Summary

Public Law 2009, chapter 575 exempts the fees for copying county registry documents from the freedom of access law in Title 1, chapter 13 so that the Maine Revised Statutes, Title 33, chapter 11 prevails for the purpose of setting fees for copying registry documents. It clarifies that copying fees can be different depending on the type of document being copied and increases the factors that can be used to determine what is a reasonable fee for copying registry documents although those factors must relate to the cost of producing and making copies available.

### LD 1569 An Act To Clarify the Informed Growth Act

**PUBLIC 549  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SIMPSON	OTP-AM MAJ ONTP MIN	H-654

This bill amends the Informed Growth Act by providing that the Informed Growth Act applies only to permits or approvals for new construction and that a change of use permit is not considered a land use permit requiring a comprehensive economic impact study.

#### Committee Amendment "A" (H-654)

This amendment replaces the bill. It exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

#### Enacted Law Summary

Public Law 2009, chapter 549 exempts a retail business establishment from the Informed Growth Act if that establishment is proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as there is no proposed increase in gross floor area greater than 20,000 square feet. It also clarifies that the definition of "large-scale retail development" under the Informed Growth Act does not include renovation of an existing building.

Public Law 2009, chapter 549 was enacted as an emergency effective March 3, 2010.

### LD 1718 An Act To Amend the Laws Relating to Government Records

**PUBLIC 509**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS SIMPSON	OTP-AM	H-638

## Joint Standing Committee on State and Local Government

This bill clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. It clarifies that the custody of a record rests with the State until ownership and possession are formally relinquished. The bill also requires a licensed auctioneer to notify the State Archivist if the auctioneer believes that records belonging to the State are in the possession of a person not authorized to have those records. If the auctioneer fails to notify the State Archivist, the auctioneer may be denied a license or a disciplinary sanction may be imposed pursuant to the Maine Revised Statutes, Title 32, section 291-A.

### Committee Amendment "A" (H-638)

This amendment removes all sections of the bill related to licensed auctioneers notifying the State Archivist if they are in possession of records belonging to the State. The amendment requires the State Archivist to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and requires the explanation to be posted on a publicly accessible website and made available to interested parties upon request.

### Enacted Law Summary

Public Law 2009, chapter 509 clarifies that government records of historic and archival value to the State, regardless of the date of their generation, are the property of the State. The custody of a record rests with the State until ownership and possession are formally relinquished. The State Archivist is required to prepare a detailed explanation of what constitutes a "record" and "records belonging to the State or to a local government or any agency of the State" and post the explanation on a publicly accessible website and made available to interested parties upon request.

LD 1832    **An Act To Amend the Laws Governing the Election of Androscoggin  
County Commissioner District Budget Committee Members**

**PUBLIC 650  
EMERGENCY**

Sponsor(s)

CRAVEN

Committee Report

Amendments Adopted

S-531 SIMPSON

This bill repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

### Senate Amendment "B" (S-531)

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

### Enacted Law Summary

Public Law 2009, chapter 650 repeals the section of law that outlines the method of calculating the votes for the Androscoggin County commissioner district budget committee members, and enacts in its stead a new section of law that reflects the current Androscoggin County commissioner districts, which were reapportioned in 2003 after the 2000 census.

Public Law 2009, chapter 650 was enacted as an emergency measure effective April 13, 2010.

*Joint Standing Committee on State and Local Government*

SUBJECT INDEX

*County Budget Process*

Enacted

LD 1512	An Act To Amend the Laws Governing the Somerset County Budget Procedure	PUBLIC 576 EMERGENCY
LD 1832	An Act To Amend the Laws Governing the Election of Androscoggin County Commissioner District Budget Committee Members	PUBLIC 650 EMERGENCY

*County Government*

Enacted

LD 1554	An Act Regarding Document Fees at County Registries of Deeds	PUBLIC 575
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*Informed Growth Act*

Enacted

LD 1569	An Act To Clarify the Informed Growth Act	PUBLIC 549 EMERGENCY
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*Legislature and Legislative Process*

Enacted

LD 1022	An Act To Amend the Laws Governing the Legislative Youth Advisory Council	PUBLIC 623 EMERGENCY
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*Municipalities and Quasi-Municipalities*

Enacted

LD 1513	An Act To Authorize Municipal Officers To Resolve Road-naming Disputes	PUBLIC 477
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*State Contracts and Fiscal Procedures*

Not Enacted

LD 1534	An Act To Ensure That Substantial State Contracts Receive Adequate Legal Review	ONTP
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*State Government - General*

Enacted



STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TAXATION**

April 2010

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**Joint Standing Committee on Taxation**

**LD 71      Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans**

**RESOLVE 181**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J NUTTING J	OTP-AM	H-644 S-439 PERRY J

This bill was carried over from the First Regular Session. It increases the property tax exemption for post-World War I veterans and their eligible survivors from \$6,000 to \$7,000 to match the exemption given to veterans of World War I and earlier wars.

**Committee Amendment "B" (H-644)**

This amendment replaces the bill, changes it to a resolve and changes the title. The amendment requires the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a working group, which must include representatives of the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services. The amendment requires the Bureau of Revenue Services to invite the participation of the Maine Municipal Association and other interested stakeholders. The amendment requires the working group to review alternatives for increasing the property tax exemption for qualified post-World War I veterans and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, including any necessary implementing legislation. The amendment authorizes the joint standing committee of the Legislature having jurisdiction over taxation matters to submit a bill to the First Regular Session of the 125th Legislature related to the report.

**Senate Amendment "A" To Committee Amendment "B" (S-439)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over taxation matters to submit a bill to the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 181 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a working group, which must include representatives of the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services. It requires the Bureau of Revenue Services to invite the participation of the Maine Municipal Association and other interested stakeholders. It requires the working group to review alternatives for increasing the property tax exemption for qualified post-World War I veterans and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, including any necessary implementing legislation.

**LD 195      An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SMITH D	ONTP MAJ OTP-AM MIN	

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This bill was carried over from the First Regular Session. It requires the motor vehicle excise tax to be based on 90% of the manufacturer's suggested retail price for the motor vehicle, regardless of the amount actually paid for the motor vehicle.

**LD 588      An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON PERRY J	ONTP	

This bill was carried over from the First Regular Session. It changes the formula for the calculation of the motor vehicle excise tax so that the rate of the motor vehicle excise tax remains unchanged throughout the life of the vehicle but the base depreciates over the same 6-year period from 95% of the maker's list price to 15% of the maker's list price to reflect the depreciating actual value of the vehicle.

**LD 659      An Act To Reduce the Sales Tax on Certain Watercraft**

**PUBLIC 620**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON PERRY J	OTP-AM	H-597 S-544 DIAMOND

This bill was carried over from the First Regular Session. Current law exempts from taxation the sale of watercraft, the sale of materials for watercraft construction and the sale of materials for watercraft repair, alteration, refitting, reconstruction, overhaul and restoration if the sale is made to a nonresident and the watercraft is intended to be transported outside the State. This bill extends the exemption to all persons and without regard to whether the watercraft will remain in the State.

**Committee Amendment "B" (H-597)**

This amendment changes the sales tax exemption for watercraft and related materials sold to nonresidents to eliminate the requirement that the watercraft be removed from the State immediately upon delivery by the seller.

**Senate Amendment "A" To Committee Amendment "B" (S-544)**

This amendment replaces changes made in the committee amendment to the sales tax exemption for certain watercraft purchased by nonresidents and provides a 60% reduction in the sales and use tax rate for nonresidents who keep their watercraft in the State beyond the time periods specified in the Maine Revised Statutes, Title 36, section 1760, subsection 25 and subsection 45, paragraph A-1.

**Enacted Law Summary**

Public Law 2009, chapter 620 provides a 60% reduction in the sales and use tax rate for nonresidents who keep their watercraft in the State beyond the time periods specified in the Maine Revised Statutes, Title 36, section 1760, subsection 25 and subsection 45, paragraph A-1.

Public Law 2009, chapter 620 takes effect August 1, 2010.

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**LD 662      An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	ONTP	

This bill was carried over from the First Regular Session. It is a concept draft pursuant to Joint Rule 208, which proposes to gradually restore over a 5-year period the system of distributing state-municipal revenue sharing to the system that was in place prior to 2000 by reestablishing the pre-2000 Local Government Fund system as the sole method of distributing state-municipal revenue sharing on and after fiscal year 2014-15.

**LD 788      An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session. It provides that, beginning in fiscal year 2010-11, 10% of sales tax revenue growth, which is the increase in sales tax revenue for that fiscal year over the amount of revenue generated in fiscal year 2010-11, must be returned to the municipality or unorganized territory where the growth occurred. The municipality or unorganized territory must use the amount received to reduce property tax levies.

**LD 839      An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property**

**PUBLIC 545**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILBERT BRYANT B	OTP MAJ ONTP MIN	

This bill was carried over from the First Regular Session. This bill authorizes a municipality that has a significant amount of personal property in its tax base to include the value of newly introduced personal property in the calculation of the municipality's property growth factor under the property tax limitation system even though that newly introduced personal property may be business equipment that is exempt from property taxation.

**Enacted Law Summary**

Public Law 2009, chapter 545 authorizes a municipality that has a significant amount of personal property in its tax base to include the value of newly introduced personal property in the calculation of the municipality's property growth factor under the property tax limitation system even though that newly introduced personal property may be



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business equipment that is exempt from property taxation.

**LD 931      An Act To Expand the Economic Development Benefit of Tax      ACCEPTED ONTP**  
**Increment Financing in Counties That Include Unorganized Territories      REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP MAJ OTP MIN	

This bill was carried over from the First Regular Session. It 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.

**LD 993      An Act To Implement the Recommendations of the Commission To      ONTP**  
**Study the Protection of Farms and Farmland Pertaining to Taxation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This bill was carried over from the First Regular Session. It provides that amounts used to demonstrate eligibility under the farm and open space tax laws must be from the sale of agricultural products as defined in the Maine Revised Statutes, Title 7, section 152. It also provides for towns to be reimbursed 90% of the revenue lost for farmland classified under the farm and open space tax laws. It also provides a transferable income tax credit for voluntary contributions of farmland for conservation and for conservation easements of farmland that qualify as charitable donations under the federal income tax. The credit is equal to 15% of the value of the donation up to \$250,000 for corporate donors and \$100,000 for other donors. The credit is refundable up to 20% per year.

**LD 1121      An Act To Protect Elderly Residents from Losing Their Homes Due to      PUBLIC 489**  
**Taxes or Foreclosure**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	OTP-AM	H-621

This bill was carried over from the First Regular Session. It provides a Senior Property Tax Deferral Program for persons 65 years of age or older. This bill requires 0.5% of the real estate transfer tax paid to the State to be deposited in a fund to be used to fund the Senior Property Tax Deferral Program. The bill also provides that a lien for unpaid property taxes may not be foreclosed against the homestead of a person who is at least 65 years of age and has lived in the homestead for at least 10 years until the property is transferred by deed or upon death.

**Committee Amendment "A" (H-621)**

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This amendment replaces the bill. It allows a municipality to establish a property tax deferral program for eligible senior citizens. In municipalities that offer the program, it allows homeowners to apply for a deferral of their property taxes if they are at least 70 years of age, occupy the eligible homestead, have lived in their home for at least 10 years and have a household income of less than 300% of the federal poverty level. The taxes may be deferred until the time that certain events occur, including the death of the homeowner or sale of the home, at which time the repayment of the taxes is required within an established time period, along with payment of interest at a rate of 0.5% above the annually established rate for delinquent taxes. The amendment provides procedures for the municipality to preserve the right to enforce a lien. It requires the municipality to use procedures in current law to enforce a lien and for foreclosure. It requires the municipality to provide a copy of a notice prepared by the State Tax Assessor, which describes the effect of deferral of property taxes and of the right of the municipality to foreclose on the tax lien mortgage, to each applicant for the program at the time of application. It also requires the municipality to provide a copy of this notice annually, in lieu of a property tax bill, along with an accounting of taxes deferred and interest accrued. It allows a municipality to repeal the program through the same procedure by which it was adopted; however, any taxes deferred under the program must continue to be deferred under the conditions of the program on the date it was ended.

### **Enacted Law Summary**

Public Law 2009, chapter 489 allows a municipality to establish a property tax deferral program for eligible senior citizens. In municipalities that offer the program, it allows homeowners to apply for a deferral of their property taxes if they are at least 70 years of age, occupy the eligible homestead, have lived in their home for at least 10 years and have a household income of less than 300% of the federal poverty level. The taxes may be deferred until the time that certain events occur, including the death of the homeowner or sale of the home, at which time the repayment of the taxes is required within an established time period, along with payment of interest at a rate of 0.5% above the annually established rate for delinquent taxes. The law provides procedures for the municipality to preserve the right to enforce a lien. The municipality must use procedures in current law to enforce a lien and for foreclosure. The municipality must provide a copy of a notice prepared by the State Tax Assessor, which describes the effect of deferral of property taxes and of the right of the municipality to foreclose on the tax lien mortgage, to each applicant for the program at the time of application. The municipality must provide a copy of this notice annually, in lieu of a property tax bill, along with an accounting of taxes deferred and interest accrued. A municipality may repeal the program through the same procedure by which it was adopted; however, any taxes deferred under the program must continue to be deferred under the conditions of the program on the date it was ended.

**LD 1253     An Act To Establish a Local Option Sales Tax**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P JACKSON	ONTP	

This bill was carried over from the First Regular Session. This bill allows a municipality to impose a local option sales tax of 3% or less by local referendum. Revenue from the local option sales tax is distributed as follows: 50% to the municipality, 25% to the county in which the municipality is located and 25% to the General Fund. The revenue received by the municipality and county must be used to reduce the property tax, either through specific programs, such as by funding a municipal property tax assistance program or funding the portion of the homestead property tax exemptions not funded by the State or generally stabilizing or lowering the projected property tax rate of the municipality or the county tax assessment.

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**LD 1273 An Act To Simplify the Application for Benefits under the Circuitbreaker Program**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STUCKEY PERRY J	ONTP	

This bill was carried over from the First Regular Session. It amends the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, by allowing an individual to apply for a benefit using the individual income tax form. The filing period for benefits under the Circuitbreaker Program is changed to January 1st to the following June 30th, beginning with benefit years beginning after 2009. This bill allows the individual to take the benefit directly or apply it as a credit against income taxes owed by that individual.

**LD 1279 An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session. It requires the transfer to the Tax Relief Fund for Maine Residents, beginning in fiscal year 2010-11, of any growth in revenues over the previous fiscal year adjusted by the growth limitation factor. Money in the fund is to be used to reduce the overall individual income tax burden by reducing the tax rates until the top rate is reduced to 4.5% and increasing to \$30,000 the income threshold below which families will not pay income tax.

**LD 1335 An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	ONTP MAJ OTP-AM MIN	

This bill was carried over from the First Regular Session. It exempts from the sales tax meals provided to residents of full-service retirement facilities. This bill also allows a retirement facility that has been audited to claim a credit against future sales tax payments for sales tax, including any interest or penalties on that sales tax, paid by that facility back to January 1, 2007 on meals that will now be exempt from the sales and use tax pursuant to this bill. The credit must be provided in equal installments over a 10-year period.

## *Joint Standing Committee on Taxation*

LD 1449     **An Act To Expand Tax Incentives for Visual Media Productions**

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RECTOR	OTP-AM	H-598

This bill was carried over from the First Regular Session. It makes changes to the State's tax incentives for attracting visual media productions. The existing income tax credit and reimbursement for certain production wages are replaced with a refundable income tax credit that is a percentage of direct production expenditures in the State. Eligible productions that are certified by the Department of Economic and Community Development with expenditures of more than \$50,000 but less than \$750,000 are eligible for an income tax credit of 10% of expenditures or 15% if the production company has been incorporated in the State for at least two years. An eligible production company with eligible expenses of \$750,000 or more is eligible for a base credit of 20% of eligible expenditures with incremental increases if the company hires at least 15% of its cast and crew in the State, spends at least 25% of the project time in certain counties or participates in an internship program overseen by the Department of Economic and Community Development, Office of Tourism, Maine State Film Office. The Finance Authority of Maine is directed to establish a low-interest loan program for eligible visual media production companies with production expenses of \$750,000 or greater.

### **Committee Amendment "B" (H-598)**

This amendment replaces the bill. It modifies the existing income tax credit by changing the calculation of the credit to 5% of the expenses incurred for a single certified visual media production with expenses of \$75,000 or more. It changes the reimbursement for certain production wages by limiting it to wages that do not exceed \$50,000 per individual, by including leased employees and by applying the reimbursement to a single certified visual media production rather than several projects over a specified period of time. Eligible productions must be certified by the Department of Economic and Community Development, Office of Tourism, Maine State Film Office, which reports annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on the implementation of the credit and reimbursement program. The credits are subject to audit by the State Tax Assessor. The amendment clarifies that visual media productions under the Maine Revised Statutes, Title 5, section 13090-L are eligible for the Maine Seed Capital Tax Credit Program under Title 10, chapter 110, subchapter 9.

### **Enacted Law Summary**

Public Law 2009, chapter 470 modifies the existing income tax credit, which provides incentives for attracting visual media productions, by changing the calculation of the credit to 5% of the expenses incurred for a single certified visual media production with expenses of \$75,000 or more. It changes the reimbursement for certain production wages by limiting it to wages that do not exceed \$50,000 per individual, by including leased employees and by applying the reimbursement to a single certified visual media production rather than several projects over a specified period of time. Eligible productions must be certified by the Department of Economic and Community Development, Office of Tourism, Maine State Film Office, which reports annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on the implementation of the credit and reimbursement program. The credits are subject to audit by the State Tax Assessor. Visual media productions are eligible for the Maine Seed Capital Tax Credit Program under Title 10, chapter 110, subchapter 9. Public Law 2010, chapter 625 (LD 1540) clarifies that this law applies to certificates issued on or after January 1, 2010.

*Joint Standing Committee on Taxation*

**LD 1500     An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code**

**PUBLIC 596  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP	S-426 PERRY J

This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2009, for tax years beginning on or after January 1, 2009 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. The bill primarily affects the State's income tax and estate tax laws.

**Senate Amendment "A" (S-426)**

This amendment changes references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 2, 2010, instead of December 31, 2009, for tax years beginning on or after January 1, 2009 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. This date takes into account federal laws enacted in the period from January 1, 2010 to March 2, 2010, including the federal Act To Accelerate the Income Tax Benefits for Charitable Cash Contributions for the Relief of Victims of the Earthquake in Haiti, Public Law 111-126, which was enacted January 22, 2010, and the federal Temporary Extension Act of 2010, Public Law 111-144, which was enacted March 2, 2010.

**Enacted Law Summary**

Public Law 2009, chapter 596 updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through March 2, 2010, for tax years beginning on or after January 1, 2009 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. It primarily affects the State's income tax and estate tax laws. This date takes into account federal laws enacted in the period from January 1, 2010 to March 2, 2010, including the federal Act To Accelerate the Income Tax Benefits for Charitable Cash Contributions for the Relief of Victims of the Earthquake in Haiti, Public Law 111-126, which was enacted January 22, 2010, and the federal Temporary Extension Act of 2010, Public Law 111-144, which was enacted March 2, 2010.

Public Law 2009, chapter 596 was enacted as an emergency measure effective April 2, 2010.

**LD 1514     Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process**

**RESOLVE 189**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	OTP	S-440 PERRY J

This resolve directs the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Health and Human Services, office of integrated access and support to examine opportunities for using the Department of Health and Human Services' Automated Client Eligibility System to determine eligibility for the Maine Residents Property Tax Program. The bureau and the office are directed to submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2011. The committee may submit legislation related to the report.

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### Senate Amendment "A" (S-440)

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over taxation matters to submit legislation to the First Regular Session of the 125th Legislature.

### Enacted Law Summary

Resolve 2009, chapter 189 directs the Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Health and Human Services, office of integrated access and support to examine opportunities for using the Department of Health and Human Services' Automated Client Eligibility System to determine eligibility for the Maine Residents Property Tax Program. The bureau and the office are directed to submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2011.

**LD 1533      Resolve, Authorizing the State Tax Assessor To Convey the Interest of  
the State in Certain Real Estate in the Unorganized Territory      RESOLVE 150**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP	

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

### Enacted Law Summary

Resolve 2009, chapter 150 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

**LD 1539      An Act Concerning Technical Changes to the Tax Laws      PUBLIC 496**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-622

This bill makes the following changes to the laws governing taxation.

1. It authorizes the State Tax Assessor to enter into agreements with certain other governmental entities for assistance in the administration and enforcement of Maine tax laws.
2. It clarifies and corrects cross-references, grammar and syntax.
3. It authorizes the State Tax Assessor, under certain circumstances, to disclose information to duly authorized officers of other states for use in the administration and enforcement of Maine tax laws.
4. It eliminates gender-specific language.
5. It updates the name of a state agency that was renamed by Public Law 2009, chapter 340.

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6. It provides that an applicant for sales tax registration must identify in its application the types of taxable services it intends to sell.
7. It repeals obsolete tax rates from the special fuel tax law.
8. It corrects a conflict created by Public Law 2009, chapters 213 and 434, which affected the same provision of law, by incorporating changes made by both laws.
9. It corrects an error in the subtraction modification for depreciation deductions for individual and corporate income taxes. This bill also corrects conflicts in the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph AA and section 5200-A, subsection 2, paragraph R.
10. It repeals obsolete statutory language establishing the investment tax credit, since the credit is no longer available, and repeals a reference to the investment tax credit.
11. It clarifies the circumstances under which an income tax credit or refund may be claimed based on a federal amendment or adjustment.
12. It amends the law to clarify that a taxpayer participating in the business equipment tax reimbursement, or BETR, program and a tax increment financing agreement with a municipality may not receive a greater reimbursement than the amount of property taxes actually paid, less any tax increment financing refund received.
13. It repeals a reference to the investment tax credit and clarifies the computation of the reduced BETR program reimbursement.
14. It clarifies language relating to the computation of the employment tax increment financing reimbursement and corrects a conflict created by Public Law 2009, chapters 434 and 461, which affected the same provision of law.

### **Committee Amendment "A" (H-622)**

This amendment makes minor technical changes to the bill by changing a reference to a subsection and adding clarifying language to the end of a paragraph.

### **Enacted Law Summary**

Public Law 2009, chapter 496 makes several technical changes to the laws governing taxation.

1. It authorizes the State Tax Assessor to enter into agreements with certain other governmental entities for assistance in the administration and enforcement of Maine tax laws.
2. It clarifies and corrects cross-references, grammar and syntax.
3. It authorizes the State Tax Assessor, under certain circumstances, to disclose information to duly authorized officers of other states for use in the administration and enforcement of Maine tax laws.
4. It eliminates gender-specific language.
5. It updates the name of a state agency that was renamed by Public Law 2009, chapter 340.
6. It provides that an applicant for sales tax registration must identify in its application the types of taxable services it intends to sell.
7. It repeals obsolete tax rates from the special fuel tax law.

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8. It corrects a conflict created by Public Law 2009, chapters 213 and 434, which affected the same provision of law, by incorporating changes made by both laws.
9. It corrects an error in the subtraction modification for depreciation deductions for individual and corporate income taxes. This bill also corrects conflicts in the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph AA and section 5200-A, subsection 2, paragraph R.
10. It repeals obsolete statutory language establishing the investment tax credit, since the credit is no longer available, and repeals a reference to the investment tax credit.
11. It clarifies the circumstances under which an income tax credit or refund may be claimed based on a federal amendment or adjustment.
12. It amends the law to clarify that a taxpayer participating in the business equipment tax reimbursement, or BETR, program and a tax increment financing agreement with a municipality may not receive a greater reimbursement than the amount of property taxes actually paid, less any tax increment financing refund received.
13. It repeals a reference to the investment tax credit and clarifies the computation of the reduced BETR program reimbursement.
14. It clarifies language relating to the computation of the employment tax increment financing reimbursement and corrects a conflict created by Public Law 2009, chapters 434 and 461, which affected the same provision of law.

**LD 1540     An Act To Amend the Tax Laws**

**PUBLIC 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PERRY J	OTP-AM	H-754 S-538 DIAMOND

This bill makes the following changes to the laws governing taxation.

1. It clarifies the procedure for apportionment of county taxes in the unorganized territory, requires the county commissioners to issue their warrant for county taxes by July 15th and provides that the county must bear the cost of a supplemental assessment if they fail to do so.
2. It provides that a credit or reimbursement allowed or paid that is recoverable by the State Tax Assessor is a tax for purposes of the administrative provisions of the Maine Revised Statutes, Title 36.
3. It imposes interest on credits and reimbursements allowed or paid that are recoverable by the State Tax Assessor.
4. It repeals the requirement that a nonresident purchaser must have been employed or registered to vote in another state in order to qualify for exemption from Maine use tax on an automobile purchased and used in the other state.
5. It provides that an insurance agency may elect to collect and pay the tax on surplus lines premiums on behalf of its employees who are surplus lines producers.
6. It limits the exemption for internal combustion engine fuel sold wholly for exportation from the State to sales by



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a licensed distributor or an exporter.

7. It limits the exemption for special fuel sold only for exportation from the State to sales by a licensed supplier.

### **Committee Amendment "A" (H-754)**

This amendment does the following.

1. It exempts from sales tax any amount charged for the disposal of used tires.
2. It clarifies that the sales tax exemption granted for the sale of prescribed medication does not apply to the sale of marijuana under the Maine Medical Marijuana Act.
3. It provides that small sales of wood pellets and similar wood products intended for home heating are exempt from sales tax.
4. It codifies a state income tax subtraction modification for recovery amounts included in a taxpayer's federal adjusted gross income that were received after the taxpayer claimed an enhanced standard deduction for the amounts. The subtraction modification applies to tax years beginning on or after January 1, 2009.
5. It clarifies that the changes made by Public Law 2009, chapter 470, which changed the State's incentives to provide more effective strategies for attracting visual media productions to the State, applies to visual media production certificates issued by the Department of Economic and Community Development on or after January 1, 2010. For certificates that were issued prior to that date, the intent of this amendment is that those eligible media production companies are governed by the law in effect on the date the certificate was issued with regard to tax credits and reimbursement of wages.

### **Senate Amendment "B" To Committee Amendment "A" (S-538)**

This amendment adds a transfer of \$692,000 from the short-term emergency contingency account to increase the budgeted ending balance in the General Fund.

### **Enacted Law Summary**

Public Law 2009, chapter 625 makes the following changes to the laws governing taxation.

1. It clarifies the procedure for apportionment of county taxes in the unorganized territory, requires the county commissioners to issue their warrant for county taxes by July 15th and provides that the county must bear the cost of a supplemental assessment if they fail to do so.
2. It provides that a credit or reimbursement allowed or paid that is recoverable by the State Tax Assessor is a tax for purposes of the administrative provisions of the Maine Revised Statutes, Title 36.
3. It imposes interest on credits and reimbursements allowed or paid that are recoverable by the State Tax Assessor.
4. It repeals the requirement that a nonresident purchaser must have been employed or registered to vote in another state in order to qualify for exemption from Maine use tax on an automobile purchased and used in the other state.
5. It provides that an insurance agency may elect to collect and pay the tax on surplus lines premiums on behalf of its employees who are surplus lines producers.
6. It limits the exemption for internal combustion engine fuel sold wholly for exportation from the State to sales by a licensed distributor or an exporter.
7. It limits the exemption for special fuel sold only for exportation from the State to sales by a licensed supplier.

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8. It exempts from sales tax any amount charged for the disposal of used tires.
9. It clarifies that the sales tax exemption granted for the sale of prescribed medication does not apply to the sale of marijuana under the Maine Medical Marijuana Act.
10. It provides that small sales of wood pellets and similar wood products intended for home heating are exempt from sales tax.
11. It codifies a state income tax subtraction modification for recovery amounts included in a taxpayer's federal adjusted gross income that were received after the taxpayer claimed an enhanced standard deduction for the amounts. The subtraction modification applies to tax years beginning on or after January 1, 2009.
12. It clarifies that the changes made by Public Law 2009, chapter 470, which changed the State's incentives to provide more effective strategies for attracting visual media productions to the State, applies to visual media production certificates issued by the Department of Economic and Community Development on or after January 1, 2010. Certificates that were issued prior to that date are governed by the law in effect on the date the certificate was issued for both tax credits and reimbursement of wages.
13. It adds a transfer of \$692,000 from the short-term emergency contingency account to increase the budgeted ending balance in the General Fund.

**LD 1634    An Act To Increase Financial Assets of Maine Citizens by Allowing Split Tax Refunds**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS CRAVEN	ONTP	

This bill requires the State Tax Assessor to deposit a state income tax refund into up to three accounts at one or more financial institutions upon request of the person entitled to the refund.

**LD 1635    An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program**

**PUBLIC 577**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON DAMON	OTP-AM	H-751

This bill provides a grace period that imposes a temporary suspension from taxation under the Maine Tree Growth Tax Law for landowners who fail to file the required statements every 10 years but are otherwise in compliance with the law. Current law requires the tax assessor to withdraw the land from taxation under the program and impose prescribed penalties after notifying the landowner and providing a period of 60 days for the landowner to respond to that notice. This bill provides that the parcel for taxation under the Maine Tree Growth Tax Law is suspended from the program for one year after the original due date of the required statements and that the parcel is taxed as if it were not eligible for taxation under the program but without applying the penalty provision. The bill allows the land to be returned to classification under the Maine Tree Growth Tax Law if the landowner provides the required statements before the end of the one-year suspension period. It requires that the penalty be assessed as if the parcel

## *Joint Standing Committee on Taxation*

were withdrawn on the original due date of the required statements if the landowner fails to file the required statements and the land is no longer classified under the Maine Tree Growth Tax Law. The bill requires that if, during the suspension period, the parcel becomes ineligible for taxation under the Maine Tree Growth Tax Law for reasons other than failure to file the required statements, the parcel must be immediately withdrawn and a penalty assessed as if the suspension period had not applied.

### **Committee Amendment "A" (H-751)**

This amendment replaces the bill and creates a process requiring assessors to notify landowners of the deadline for submission of certain information associated with land classified under the Maine Tree Growth Tax Law. The amendment also provides relief from withdrawal and penalty to landowners in the unorganized territory that had land withdrawn between September 20, 2007 and July 1, 2010, if the landowner demonstrates compliance with all tree growth classification requirements before April 1, 2011. The amendment removes the emergency preamble and clause, and adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2009, chapter 577 creates a process requiring assessors to notify landowners of the deadline for submission of certain information associated with land classified under the Maine Tree Growth Tax Law. The law also provides relief from withdrawal and penalty to landowners in the unorganized territory that had land withdrawn between September 20, 2007 and July 1, 2010, if the landowner demonstrates compliance with all tree growth classification requirements before April 1, 2011.

### **LD 1636 An Act To Encourage Extended Stays in Maine Waters**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING RECTOR	ONTP	

Under current law, watercraft that are not within the State for more than 75 days during the year are exempt from excise tax. This bill extends that time period from 75 to 90 days.

### **LD 1637 An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON BLISS	OTP-AM	H-623

This bill removes the requirement that a snowmobile club be a nonprofit organization, which is defined in Title 36 as an organization exempt from taxation under Section 501 (c) of the United State Internal Revenue Code, in order to be eligible for the sales tax exemption for snowmobile trail grooming equipment.

### **Committee Amendment "A" (H-623)**

The amendment replaces the bill. Current law requires that a snowmobile club must be a nonprofit corporation, which is defined in Title 36 as an organization exempt from taxation under Section 501(c) of the United State Internal Revenue Code, in order to receive the sales tax exemption for snowmobile trail grooming equipment. This amendment requires that a snowmobile club must be a nonprofit corporation incorporated under the Maine Revised

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Statutes, Title 13-B in order to receive the sales tax exemption for snowmobile trail grooming equipment.

### Enacted Law Summary

Public Law 2009, chapter 491 requires that a snowmobile club must be a nonprofit corporation incorporated under the Maine Revised Statutes, Title 13-B in order to receive the sales tax exemption for snowmobile trail grooming equipment.

LD 1666     **An Act To Improve the Seed Capital Investment Tax Credit Program**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-404

This bill changes the seed capital investment tax credit program by increasing the existing credit from 40% of an eligible investment to 60% and applying it uniformly across the State rather than basing it on unemployment rates. The bill eliminates the up-front tax credit for investors in certain venture capital funds and makes changes to the conditions and restrictions related to business ownership by investors in private venture capital funds. The bill retains the current amount of \$30,000,000 as the aggregate amount of credits that the Finance Authority of Maine may issue through the end of calendar year 2011 and then increases the amount to \$50,000,000 starting in 2012. It allows investors entitled to the credit that are part of a partnership, corporation or similar entity to allocate the credit using an alternate allocation method rather than allocating the credit in direct proportion to their respective interests in those partnerships, corporations or similar entities. It adds the partners, members or equity owners of certain nonprofit, civic and charitable organizations to the list of those entitled to the credit and states that they must be treated as taxpayers for the purposes of this refundable credit. The bill provides an exception to the provision that specifies that 25% of the tax credit must be taken in the year the investment is made for certain time periods and provides a schedule that specifies what percentage must be taken in each taxable year. The bill also makes the tax credit refundable to provide an incentive for investment in Maine businesses.

### Committee Amendment "A" (S-404)

This amendment replaces the bill. The amendment, like the bill, changes the Maine Seed Capital Tax Credit Program by increasing the existing credit from 40% of an eligible investment to 60% and applying it uniformly across the State rather than basing it on unemployment rates. The amendment eliminates the up-front tax credit for investors in certain venture capital funds and authorizes a refundable tax credit of 50% for investments in eligible businesses by venture capital funds. Any income recognized on a taxpayer's federal tax return from the refundable tax credit would be subtracted from federal adjusted gross income for state income tax purposes. The amendment retains the current amount of \$30,000,000 as the aggregate amount of credits that the Finance Authority of Maine may issue. It requires the Finance Authority of Maine to report annually to the Joint Standing Committee on Taxation on activity in the program in the prior year.

LD 1674     **An Act To Amend the Law Governing Sales Tax Exemptions for  
Certain Nonprofit Youth Organizations**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	ONTP	

**Joint Standing Committee on Taxation**

Current law provides a sales tax exemption for nonprofit youth organizations whose primary purpose is to provide athletic instruction in a nonresidential setting. This bill expands application of the sales tax exemption to nonprofit youth organizations whose primary purpose is to provide artistic instruction in a nonresidential setting.

**LD 1694      Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs**

**RESOLVE 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN CRAVEN	OTP	S-474 PERRY J

This resolve directs the Commissioner of Administrative and Financial Services to convene a working group to define the purpose of certain tax expenditure programs, design a method to collect data that measure the economic impact of tax expenditure programs and recommend a reporting and review schedule of such programs.

**Senate Amendment "A" (S-474)**

This amendment strikes the language that gives the joint standing committee of the Legislature having jurisdiction over taxation matters the authority to report out legislation to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 199 directs the Commissioner of Administrative and Financial Services to convene a working group to define the purpose of certain tax expenditure programs, design a method to collect data that measure the economic impact of tax expenditure programs and recommend a reporting and review schedule of such programs. It requires the Commissioner to submit a report containing the working group's findings and recommendations to the joint standing committees of the Legislature having jurisdiction over taxation matters, appropriations and financial affairs, and business, research and economic development matters.

**LD 1721      An Act To Provide a Sales Tax Exemption for Commemorative Items Honoring Veterans**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY SULLIVAN	ONTP	

This bill provides a state sales tax exemption for commemorative items honoring veterans serving in different conflicts sold by the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

**Joint Standing Committee on Taxation**

**LD 1755      Resolve, To Review Sales of Dairy Products**

**RESOLVE 192**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-716 S-468 PERRY J

This resolve directs the Commissioner of Agriculture, Food and Rural Resources to convene a working group to examine the feasibility of increasing revenue to the State by extending the handling fee or initiating a sales tax on dairy products other than fluid milk. The commissioner is directed to report to the joint standing committee of the Legislature having jurisdiction over agricultural matters by January 15, 2011. The committee is authorized to submit a bill to the First Regular Session of the 125th Legislature.

**Committee Amendment "A" (H-716)**

This amendment provides that the Commissioner of Agriculture, Food and Rural Resources must conduct the study within existing resources, requires the results of the study also to be submitted to the joint standing committee of the Legislature having jurisdiction over taxation matters and authorizes that committee to submit a bill to the First Regular Session of the 125th Legislature.

**Senate Amendment "A" To Committee Amendment "A" (S-468)**

This amendment strikes the language from Committee Amendment "A" that added the joint standing committee of the Legislature having jurisdiction over taxation matters as one of the committees that may submit a bill to the First Regular Session of the 125th Legislature. The amendment also removes from the resolve the authorization of the joint standing committee of the Legislature having jurisdiction over agriculture matters to submit a bill to the First Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 192 directs the Commissioner of Agriculture, Food and Rural Resources to, within existing resources, convene a working group to examine the feasibility of increasing revenue to the State by extending the handling fee or initiating a sales tax on dairy products other than fluid milk. The commissioner is directed to report to the joint standing committees of the Legislature having jurisdiction over agricultural matters and taxation matters by January 15, 2011.

**LD 1785      An Act To Bolster Maine's Social Safety Net through Voluntary Sales Tax Contributions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	ONTP	

This bill directs the State Tax Assessor to create a process for voluntary payments of a sales tax surcharge for persons who make purchases that are subject to the sales and use tax. A person choosing to make voluntary payments may do so through electronic payments from that person's financial institution to the Voluntary Sales Tax Safety Net Fund, which is established in this bill, or by other means that may be established by the State Tax Assessor, who administers payments to the fund. Payments to the fund are not subject to transfers to the Local

## *Joint Standing Committee on Taxation*

Government Fund for state-municipal revenue sharing. Revenues in the fund are distributed proportionately to various safety net programs to alleviate the burden of future budget reductions required as a result of a decline in General Fund revenue.

**LD 1807    An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories**

**PUBLIC 619  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-758 H-771 HAYES

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

**Committee Amendment "A" (H-758)**

This amendment corrects a mathematical error. In addition, the amendment removes the date that limited tax increment financing payments in the unorganized territories to tax increment financing districts approved by the Commissioner of Economic and Community Development prior to July 1, 2008.

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

This amendment is being presented on behalf of the Committee on Bills in the Second Reading to correct mathematical errors.

**Enacted Law Summary**

Public Law 2009, chapter 619 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. It also removes the date that limited tax increment financing payments in the unorganized territories to those approved prior to July 1, 2008.

Public Law 2009, chapter 619 was enacted as an emergency measure effective April 8, 2010.

**LD 1812    Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

**RESOLVE 187  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This resolve provides for legislative review of Chapter 37: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

**Enacted Law Summary**

## *Joint Standing Committee on Taxation*

Resolve 2009, chapter 187 provides for adoption of Chapter 37: Voluntary Municipal Farm Support Program, a major substantive rule of the Department of Agriculture, Food and Rural Resource.

Resolve 2009, chapter 187 was finally passed as an emergency measure effective March 31, 2010.

**LD 1823      Resolve, To Review and Update the Telecommunications Taxation Laws**

**RESOLVE 202**

Sponsor(s)

Committee Report

Amendments Adopted

S-484 PERRY J

This resolve requires the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a working group that includes representatives of municipalities and the telecommunications industry. It requires the working group to review alternatives for updating the telecommunications taxation laws, including a gross receipts tax and a sales tax. It requires the Department of Administrative and Financial Services, Bureau of Revenue Services to report to the joint standing committee of the Legislature having jurisdiction over taxation matters the findings and recommendations of the working group, including any necessary implementing legislation. The resolve authorizes the joint standing committee of the Legislature having jurisdiction over taxation matters to submit a bill to the First Regular Session of the 125th Legislature related to the report.

### **Senate Amendment "A" (S-484)**

This amendment removes the authorization of the joint standing committee of the Legislature having jurisdiction over taxation matters to submit a bill.

### **Enacted Law Summary**

Resolve 2009, chapter 202 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a working group that includes representatives of municipalities and the telecommunications industry. It requires the working group to review alternatives for updating the telecommunications taxation laws, including a gross receipts tax and a sales tax. It requires the Department of Administrative and Financial Services, Bureau of Revenue Services to report the findings and recommendations of the working group, including any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over taxation matters.



*Joint Standing Committee on Taxation*

SUBJECT INDEX

*Administration of Tax Laws*

Enacted

LD 1500	An Act To Conform the Maine Tax Laws for 2009 to the United States Internal Revenue Code	PUBLIC 596 EMERGENCY
LD 1539	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 496
LD 1540	An Act To Amend the Tax Laws	PUBLIC 625

*Income Tax - General*

Not Enacted

LD 1279	An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation	ACCEPTED ONTP REPORT
LD 1634	An Act To Increase Financial Assets of Maine Citizens by Allowing Split Tax Refunds	ONTP

*Miscellaneous Taxes*

Enacted

LD 1823	Resolve, To Review and Update the Telecommunications Taxation Laws	RESOLVE 202
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Not Enacted

LD 195	An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price	ACCEPTED ONTP REPORT
LD 588	An Act To Amend the Excise Tax on Motor Vehicles To Reflect Depreciation	ONTP
LD 662	An Act To Phase Out the Distribution of the Disproportionate Tax Burden Fund under the State-municipal Revenue Sharing Program over a 5-year Period	ONTP
LD 993	An Act To Implement the Recommendations of the Commission To Study the Protection of Farms and Farmland Pertaining to Taxation	ONTP
LD 1636	An Act To Encourage Extended Stays in Maine Waters	ONTP

*Property Tax - Current Use*

Enacted

LD 1635	An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program	PUBLIC 577
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*Property Tax - Exemptions*

Enacted

LD 71	Resolve, To Create a Working Group To Review the Property Tax Exemption for Veterans	RESOLVE 181
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*Property Tax - General*

Enacted

LD 839	An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property	PUBLIC 545
LD 1533	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 150
LD 1807	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories	PUBLIC 619 EMERGENCY

*Property Tax Relief Programs*

Enacted

LD 1121	An Act To Protect Elderly Residents from Losing Their Homes Due to Taxes or Foreclosure	PUBLIC 489
LD 1514	Resolve, To Promote Efficiency and To Streamline Access to the Circuitbreaker Program Application Process	RESOLVE 189
LD 1812	Resolve, Regarding Legislative Review of Chapter 37: Voluntary Municipal Farm Support Program, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 187 EMERGENCY

Not Enacted

LD 1273	An Act To Simplify the Application for Benefits under the Circuitbreaker Program	ONTP
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*Sales Tax*

Enacted

LD 659	An Act To Reduce the Sales Tax on Certain Watercraft	PUBLIC 620
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LD 1637      **An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment**      PUBLIC 491

LD 1755      **Resolve, To Review Sales of Dairy Products**      RESOLVE 192

Not Enacted

LD 788      **An Act To Aid Municipalities and the Unorganized Territory in the Reduction of Property Taxes**      ACCEPTED ONTP REPORT

LD 1253      **An Act To Establish a Local Option Sales Tax**      ONTP

LD 1335      **An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities**      ACCEPTED ONTP REPORT

LD 1674      **An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations**      ONTP

LD 1721      **An Act To Provide a Sales Tax Exemption for Commemorative Items Honoring Veterans**      ONTP

LD 1785      **An Act To Bolster Maine's Social Safety Net through Voluntary Sales Tax Contributions**      ONTP

*Tax Credits and Incentives*

Enacted

LD 1449      **An Act To Expand Tax Incentives for Visual Media Productions**      PUBLIC 470

LD 1694      **Resolve, To Increase Transparency and Accountability and Assess the Impact of Tax Expenditure Programs**      RESOLVE 199

Not Enacted

LD 1666      **An Act To Improve the Seed Capital Investment Tax Credit Program**      DIED ON ADJOURNMENT

*Tax Increment Financing*

Not Enacted

LD 931      **An Act To Expand the Economic Development Benefit of Tax Increment Financing in Counties That Include Unorganized Territories**      ACCEPTED ONTP REPORT

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

April 2010

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***Joint Standing Committee on Transportation***

**LD 1320     An Act To Ensure the Availability of Alcohol-free Motor Fuels**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

This bill was carried over from the First Regular Session of the 124th Legislature by the Joint Standing Committee on Business, Research and Economic Development and re-referred to the Joint Standing Committee on Transportation during the Second Regular Session. This bill requires a retail dealer of gasoline and a distributor of gasoline to offer for sale or use nonethanol-blended unleaded premium grade gasoline.

**LD 1501     An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill requires the transfer of the uncommitted balance in the Highway Fund unallocated surplus account to the Department of Transportation Highway and Bridge Light Capital program for maintenance paving. The amount transferred to this program, when added to previous allocations to the program for the fiscal year, may not exceed an amount necessary to perform maintenance paving at a rate of 600 miles per year as calculated by the Department of Transportation and reported to the State Controller. Any remaining uncommitted balance must be transferred to the Department of Transportation Highway and Bridge Capital and Maintenance and Operations programs for capital needs.

This bill also includes a one-time Highway Fund deallocation of \$142,259 to the Department of Transportation Highway and Bridge Capital program and a corresponding one-time Highway Fund allocation to the Department of Transportation Highway and Bridge Light Capital program, to transfer the adjustment to allocation resulting from the uncommitted balance in the Highway Fund unallocated surplus account at the end of fiscal year 2008-09.

**Committee Amendment "A" (S-361)**

This amendment, which is the minority report of the Joint Standing Committee on Transportation, incorporates a fiscal note.

**LD 1502     Resolve, To Name Route 16/27 in the Town of Stratton the Caleb Dalton Stevens Memorial Highway**

**RESOLVE 145**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY	OTP	

## Joint Standing Committee on Transportation

This resolve names the portion of State Route 16/27 in the Town of Stratton as the Caleb Dalton Stevens Memorial Highway, in memory of an early pioneer settler of the region who traveled that route.

### Enacted Law Summary

Resolve 2009, chapter 145 names the portion of State Route 16/27 in the Town of Stratton as the Caleb Dalton Stevens Memorial Highway, in memory of an early pioneer settler of the region who traveled that route.

### LD 1503 An Act To Establish Emergency Zones on Public Ways To Minimize Accidents

PUBLIC 554

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-398

This bill defines emergency zones and allows the Commissioner of Transportation and the Executive Director of the Maine Turnpike Authority to lower the speed limit in those areas. Fines are doubled if a person violates this provision of law.

### Committee Amendment "A" (S-398)

This committee amendment, which strikes and replaces the bill, requires an operator of a motor vehicle to proceed at a careful and prudent speed when approaching or passing through an emergency zone. The amendment defines "emergency zone" as any portion of a way where at least one stationary ambulance or emergency medical service, fire department, hazardous material response or police vehicle is located with emergency lights in use for the purposes of rendering medical assistance or responding to an event when the situation presents a risk of harm to a person using the way or an area immediately adjacent to the way.

### Enacted Law Summary

Public Law 2009, chapter 554 requires an operator of a motor vehicle to proceed at a careful and prudent speed when approaching or passing through an emergency zone. The amendment defines "emergency zone" as any portion of a way where at least one stationary ambulance or emergency medical service, fire department, hazardous material response or police vehicle is located with emergency lights in use for the purposes of rendering medical assistance or responding to an event when the situation presents a risk of harm to a person using the way or an area immediately adjacent to the way.

### LD 1555 An Act To Require the Bureau of Motor Vehicles To Accept Certification of Disability from the United States Department of Veterans Affairs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L DAMON	ONTP	

This bill requires the Department of the Secretary of State, Bureau of Motor Vehicles to accept certification of a person's disability from the United States Department of Veterans Affairs for the purpose of obtaining a disability registration plate or disability placard.

## *Joint Standing Committee on Transportation*

**LD 1561    An Act To Regulate the Use of Automated License Plate Recognition Systems**

**PUBLIC 605**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP MIN	S-401 S-432 BLISS S-453 DAMON

This bill prohibits the use of traffic surveillance cameras to collect data that could be used to uniquely identify a vehicle or individual and adds automated license plate recognition systems to the list of regulated surveillance technology.

**Committee Amendment "A" (S-401)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, strikes and replaces the bill. The amendment defines "automated license plate recognition system" as a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. The amendment clarifies that an automated license plate recognition system does not include a photo-monitoring system used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

The amendment prohibits the use of automated license plate recognition systems except by the Department of Transportation for the purposes of protecting public safety and transportation infrastructure, the Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection and any state, county or municipal law enforcement agency for the purposes of providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. A law enforcement agency may use an automated license plate recognition system only in conjunction with information entered by a law enforcement officer or information available in the National Crime Information Center database. The amendment provides that data collected or retained through the use of an automated license plate recognition system are confidential and may be available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information for its intended purpose or a civil or criminal proceeding.

The amendment allows a law enforcement agency to publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm. The amendment also allows a law enforcement agency to share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes. The amendment further provides that data collected through the use an automated license plate recognition system that are not intelligence and investigative information, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

The amendment makes a violation of the automated license plate recognition system provisions a Class E crime.

The amendment directs the Secretary of State to establish a working group to study and assess potential issues relating to the use of automated license plate recognition systems by law enforcement agencies and other authorized agencies. The working group must submit a report including its findings and recommendations to

## *Joint Standing Committee on Transportation*

the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2011. The amendment gives the joint standing committee of the Legislature having jurisdiction over transportation matters authority to submit a bill to the First Regular Session of the 125th Legislature.

### **Senate Amendment "B" To Committee Amendment "A" (S-432)**

This amendment makes specific the factors that must exist when a law enforcement agency is using an automated license plate recognition system.

### **Senate Amendment "C" To Committee Amendment "A" (S-453)**

This amendment removes authority for the joint standing committee of the Legislature having jurisdiction over transportation matters to submit a bill to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Public Law 2009, chapter 605 defines "automated license plate recognition system" as a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. The law further clarifies that an automated license plate recognition system does not include a photo-monitoring system used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

The law prohibits the use of automated license plate recognition systems except by the Department of Transportation for the purposes of protecting public safety and transportation infrastructure, the Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection and any state, county or municipal law enforcement agency for the purposes of providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws.

A law enforcement agency may use an automated license plate recognition system only in conjunction with information entered by a law enforcement officer based on specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order or records from the National Crime Information Center database or an official published law enforcement bulletin.

The law provides that data collected or retained through the use of an automated license plate recognition system are confidential and may be available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information for its intended purpose or a civil or criminal proceeding. It allows a law enforcement agency to publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm. It also allows a law enforcement agency to share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes. It further provides that data collected through the use of an automated license plate recognition system that are not intelligence and investigative information, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

The law makes a violation of the automated license plate recognition system provisions a Class E crime.

It also directs the Secretary of State to establish a working group to study and assess potential issues relating to the use of automated license plate recognition systems by law enforcement agencies and other authorized agencies. The working group must submit a report including its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters no later than January 15, 2011.



## Joint Standing Committee on Transportation

LD 1562 An Act To Amend the Motor Vehicle Laws

PUBLIC 598

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	H-711 MAZUREK S-391 S-433 DAMON

This bill makes several changes to the motor vehicle laws.

1. It repeals the requirement that the prior certificate of registration be returned to the Secretary of State when a registration is transferred or canceled.
2. It permits a disabled veteran who has been issued disabled veterans registration plates to park in a disability parking space without the need to obtain a separate disability placard.
3. It amends various provisions of law by removing references to motor carrier operating authority.
4. It clarifies that a car dealer operating an unattended sales promotion at a charity event is exempt from permit fees when a vehicle is displayed as a prize.
5. It updates motor carrier operating authority requirements by removing motor carrier intrastate operating authority requirements and correcting associated references related to insurance and suspension of authority.
6. It corrects cross-references to provisions of law repealed in the bill.

### **Committee Amendment "A" (S-391)**

This committee amendment allows the sportsman registration plate to be displayed on Department of Inland Fisheries and Wildlife and Department of Conservation vehicles.

The amendment allows a special equipment registration to be issued for 2 years at twice the annual fee, as is currently allowed for most trailers.

The amendment eliminates the section of the bill that proposes to permit a disabled veteran who has been issued a disabled veteran registration to park in a disability parking space without the need to obtain a separate disability placard. Instead, the amendment adds the International Symbol of Access to the disabled veteran registration plate, allowing a person who has been issued the registration plate to park in a disability parking space without the need to obtain a separate disability placard.

The amendment amends the Maine Revised Statutes, Title 29-A, chapter 5, subchapter 2 headnote to more accurately reflect the provisions in the subchapter.

The amendment changes a violation of the Unified Carrier Registration System requirements from a Class E crime to a traffic infraction.

The amendment clarifies that the issuance of rush titles and certain other documents are expedited rather than immediate.

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The amendment also clarifies that certificates of title and salvage are not issued for off-road vehicles.

The amendment allows a vehicle dealer with multiple places of business to keep the original vehicle title at a central location if a copy is available for the customer's inspection.

The amendment clarifies that the Secretary of State may refuse to issue a title to a vehicle declared salvage in another state.

The amendment also clarifies that the Secretary of State may carry forward a title legend issued by another state.

The amendment clarifies that a lienholder must submit a title application to the Secretary of State within 30 days.

The amendment provides that proof of financial responsibility with respect to a nonresident can be provided by insurers authorized to transact business in the state of residence of the insured.

### **House Amendment "A" (H-711)**

This amendment removes the requirement in current law that a driver's license issued to a person convicted for OUI bear a coded notation of the conviction.

### **Senate Amendment "A" (S-433)**

This amendment clarifies that the reinstatement fee for a suspension for failure to appear, answer or pay a fine for a traffic infraction be deposited equally between the Highway Fund and the General Fund.

### **Enacted Law Summary**

Public Law 2009, chapter 598 makes changes to the motor vehicle laws.

1. It repeals the requirement that the prior certificate of registration be returned to the Secretary of State when a registration is transferred or canceled.
2. It amends various provisions of law by removing references to motor carrier operating authority.
3. It clarifies that a car dealer operating an unattended sales promotion at a charity event is exempt from permit fees when a vehicle is displayed as a prize.
4. It updates motor carrier operating authority requirements by removing motor carrier intrastate operating authority requirements and correcting associated references related to insurance and suspension of authority.
5. It allows the sportsman registration plate to be displayed on Department of Inland Fisheries and Wildlife and Department of Conservation vehicles.
6. It allows a special equipment registration to be issued for 2 years at twice the annual fee, as is currently allowed for most trailers.
7. It adds the International Symbol of Access to the disabled veteran registration plate, allowing a person who has been issued the registration plate to park in a disability parking space without the need to obtain a separate disability placard.
8. It changes a violation of the Unified Carrier Registration System requirements from a Class E crime to a traffic infraction.

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9. It clarifies that the issuance of rush titles and certain other documents are expedited rather than immediate.
10. It clarifies that certificates of title and salvage are not issued for off-road vehicles.
11. It allows a vehicle dealer with multiple places of business to keep the original vehicle title at a central location if a copy is available for the customer's inspection.
12. It clarifies that the Secretary of State may refuse to issue a title to a vehicle declared salvage in another state.
13. It clarifies that the Secretary of State may carry forward a title legend issued by another state.
14. It clarifies that a lienholder must submit a title application to the Secretary of State within 30 days.
15. It provides that proof of financial responsibility with respect to a nonresident can be provided by insurers authorized to transact business in the state of residence of the insured.
16. It removes the requirement in current law that a driver's license issued to a person convicted for OUI bear a coded notation of the conviction.
17. It clarifies that the reinstatement fee for a suspension for failure to appear, answer or pay a fine for a traffic infraction be deposited equally between the Highway Fund and the General Fund.

**LD 1570    An Act To Amend the Laws Governing the We Support Our Troops  
Registration Plates**

**PUBLIC 481**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON	OTP-AM	H-606

This bill clarifies where in the Department of Defense, Veterans and Emergency Management proceeds from the sale of We Support Our Troops registration plates are to be deposited and specifies the authority of the We Support Our Troops Advisory Board with respect to the determination of the use of these proceeds.

### **Committee Amendment "A" (H-606)**

The committee amendment strikes and replaces the bill. The amendment directs that proceeds from the sale of We Support Our Troops registration plates be deposited into the Maine Military Family Relief Fund in the Department of Defense, Veterans and Emergency Management. The amendment specifies that the We Support Our Troops Advisory Board determines the use of the revenue deposited in the fund from the We Support Our Troops registration plates.

### **Enacted Law Summary**

Public Law 2009, chapter 481 provides that proceeds from the sale of We Support Our Troops registration plates be deposited into the Maine Military Family Relief Fund in the Department of Defense, Veterans and Emergency Management. It specifies that the We Support Our Troops Advisory Board determines the use of the revenue deposited in the fund from the We Support Our Troops registration plates.

***Joint Standing Committee on Transportation***

**LD 1605      Resolve, Authorizing the Transfer of State Land to the Natural Resource Education Center of Greenville**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	ONTP	

This resolve authorizes the transfer of certain land in the Town of Greenville to the Natural Resource Education Center.

**LD 1606      Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge**

**RESOLVE 144  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES NASS R	OTP	

This resolve directs the Department of Transportation to name the bridge over the Great Works River on State Route 9 in the Town of North Berwick the North Berwick Veterans Memorial Bridge and erect appropriate signs that identify that bridge as the North Berwick Veterans Memorial Bridge.

**Enacted Law Summary**

Resolve 2009, chapter 144 directs the Department of Transportation to name the bridge over the Great Works River on State Route 9 in the Town of North Berwick the North Berwick Veterans Memorial Bridge and erect appropriate signs that identify that bridge as the North Berwick Veterans Memorial Bridge.

Resolve 2009, chapter 144 was finally passed as an emergency measure effective February 10, 2010.

**LD 1638      An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS GERZOFKY	ONTP	

This bill requires that a railroad company that receives funds from the State meet and demonstrate compliance with certain service requirements or pay a penalty.

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**LD 1639     An Act To Stimulate the Maine Economy and Promote the Development  
of Maine's Priority Transportation Infrastructure Needs**

**PUBLIC 648**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD DAMON	OTP-AM	H-699 S-441 DAMON

The purpose of this bill is to stimulate the Maine economy by allowing the Department of Transportation to receive and solicit proposals and enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation projects set forth in Public Law 2007, chapter 470.

**Committee Amendment "A" (H-699)**

This amendment replaces the bill. The purpose of Part A of this amendment is to stimulate the Maine economy by allowing the Department of Transportation to receive and solicit proposals and, with legislative approval, enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation facilities. Part B makes changes to the design-build procurement statutes for the Department of Transportation.

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

This amendment clarifies that the means of securing performance of a contract must meet the requirements of the Public Works Contractors' Surety Bond Law of 1971.

**Enacted Law Summary**

Public Law 2009, chapter 648 allows the Department of Transportation to receive and solicit proposals and, with legislative approval, enter into agreements with private entities for the building, ownership, leasing or financing of certain transportation facilities. The law applies to a proposal or agreement for a private entity to form a public-private partnership when the department estimates that the initial capital cost of a project is \$25,000,000 or more or when the proposal includes placing tolls on existing transportation facilities that were not previously subject to tolls. It also clarifies that the means of securing performance of a contract must meet the requirements of the Public Works Contractors' Surety Bond Law of 1971.

It also makes changes to the design-build procurement statutes for the Department of Transportation.

**LD 1640     An Act To Provide for the Safety of Maine Athletes**

**PUBLIC 484**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY DAMON	OTP-AM MAJ ONTP MIN	H-603

This bill applies rules of the road for bicyclists to roller skiers.

**Committee Amendment "A" (H-603)**

This amendment, which is the majority report of the Joint Standing Committee on Transportation, clarifies that roller skis may be prohibited from divided highways. The amendment provides that a person who is in the business of renting roller skis shall post or make available to a person renting roller skis a written notice explaining the helmet

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requirement in Maine law and shall provide an appropriate helmet to an operator of roller skis who has not attained 16 years of age. Current law provides that a reasonable fee may be charged for the helmet rental. The amendment further provides that a person who is in the business of renting roller skis who complies with the helmet requirement in Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski operator as a result of the operator's failure to use a helmet.

The amendment clarifies that, for a first violation of the helmet requirement for a person under 16 years of age who is an operator of roller skis on a public roadway or public bikeway, a law enforcement officer may provide safety information to the person.

### **Enacted Law Summary**

Public Law 2009, chapter 484 applies rules of the road for bicyclists to roller skiers. It also clarifies that roller skis may be prohibited from divided highways. It provides that a person who is in the business of renting roller skis shall post or make available to a person renting roller skis a written notice explaining the helmet requirement in Maine law and shall provide an appropriate helmet to an operator of roller skis who has not attained 16 years of age. The law provides that a reasonable fee may be charged for the helmet rental. It further provides that a person who is in the business of renting roller skis who complies with the helmet requirement in Maine law is not liable in a civil suit for damages for injuries sustained by a roller ski operator as a result of the operator's failure to use a helmet.

It also clarifies that, for a first violation of the helmet requirement for a person under 16 years of age who is an operator of roller skis on a public roadway or public bikeway, a law enforcement officer may provide safety information to the person.

**LD 1641    An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE ROSEN R	ONTP MAJ OTP-AM MIN	

This bill directs that 7.5% of gross Highway Fund revenues, for each biennium, must be allocated to the Department of Transportation Highway and Bridge Light Capital program for maintenance surface treatment.

### **Committee Amendment "A" (H-610)**

This amendment, which is the minority report of the committee, directs that 3.75%, instead of 7.5% in the bill, of gross Highway Fund revenues for each biennium must be allocated to the Department of Transportation Highway and Bridge Light Capital program for maintenance surface treatment. The amendment repeals this provision June 30, 2014. The amendment removes the emergency preamble and emergency clause of the bill and changes the effective date to July 1, 2011.

**LD 1642    An Act Relating to Road Noise**

**PUBLIC 639**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS DAVIS G	OTP-AM	H-672

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The bill clarifies the law regarding excessive noise as it relates to mufflers and exhaust systems of motor vehicles operated within posted areas designated by the Department of Transportation or the Maine Turnpike Authority.

### Committee Amendment "A" (H-672)

This committee amendment defines "excessive or unusual noise" as it relates to exhaust systems that are improperly installed or maintained or modified in a way that increases the noise emitted by a motor vehicle. The amendment also directs the Department of Public Safety, Bureau of State Police to convene a working group to study issues relating to highway traffic noise, including, but not limited to, unwarranted noise created when an exhaust system is not properly installed or maintained or is altered.

### Enacted Law Summary

Public Law 2009, chapter 639 defines "excessive or unusual noise" as it relates to exhaust systems that are improperly installed or maintained or modified in a way that increases the noise emitted by a motor vehicle. It also directs the Department of Public Safety, Bureau of State Police to convene a working group to study issues relating to highway traffic noise, including, but not limited to, unwarranted noise created when an exhaust system is not properly installed or maintained or is altered.

### LD 1655 An Act To Preserve the "We Support Our Troops" Registration Plate

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	ONTP	

Under current law, the Secretary of State is required to retire specialty license plates when the number of sets of the plate issued falls below 4,000. This bill enacts an exception for the "We Support Our Troops" registration plate and sets the minimum number for that specialty plate at 3,500.

### LD 1663 An Act Relating to the Maine Aeronautical Advisory Board

PUBLIC 485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-358

This bill establishes in the Maine Revised Statutes a committee to aid the Department of Transportation in developing and maintaining general aviation and airports in the State.

### Committee Amendment "A" (S-358)

This committee amendment strikes and replaces the bill. The amendment expands the existing Maine Aeronautical Advisory Board from 5 members to at least 7 members. The amendment strikes a provision requiring that one member of the advisory board not represent an interest in aviation.

### Enacted Law Summary

Public Law 2009, chapter 485 expands the existing Maine Aeronautical Advisory Board from 5 members to at least 7 members. It also strikes a provision requiring that one member of the advisory board not represent an interest in aviation.

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**LD 1669      Resolve, To Name the New Bridge over Gilman Stream in New Portland  
the Joshua Bernard Memorial Bridge**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	LTW	

This resolve directs the Department of Transportation to name the new bridge over Gilman Stream in New Portland on State Route 16 as the Joshua Bernard Memorial Bridge.

**LD 1670      Resolve, To Authorize the Placement of a Sign at Saddleback Mountain**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	ONTP	

This resolve gives the Saddleback Mountain ski resort authorization to erect a 5-foot-by-6-foot directional sign on the access road to the resort, at the corner of State Route 4 and Dallas Hill Road in the Town of Rangeley, if the resort receives approval for the sign from the Town of Rangeley.

**LD 1675      An Act To Reduce Noise Caused by Motorcycles and Improve Public  
Health**

**PUBLIC 624**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-415

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve public health by limiting the amount of noise that may be caused by motorcycles in the State.

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

This committee amendment requires that, effective January 1, 2012, an inspection sticker for a motorcycle be affixed to the rear of the motorcycle either on a mounting plate or on a rear fender or similar frame or body part of the motorcycle. The amendment also directs the Department of Public Safety, Bureau of State Police to convene a working group to study the issue of motorcycle noise, including, but not limited to, industry sound testing standards, United States Environmental Protection Agency labeling guidelines for noise emissions, and motorcycle safety inspection requirements and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2011.

**Enacted Law Summary**

Public Law 2009, chapter 624 requires that, effective January 1, 2012, an inspection sticker for a motorcycle be affixed to the rear of the motorcycle either on a mounting plate or on a rear fender or similar frame or body part of the motorcycle. It also directs the Department of Public Safety, Bureau of State Police to convene a working group



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to study the issue of motorcycle noise, including, but not limited to, industry sound testing standards, United States Environmental Protection Agency labeling guidelines for noise emissions, and motorcycle safety inspection requirements and to report to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2011.

**LD 1678      Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	ONTP	

This resolve directs the Department of Transportation to review the fiscal impact upon the State of the proposed closure of railroad tracks between the Town of Madawaska and the Town of Millinocket and report its findings to the Second Regular Session of the 124th Legislature.

**LD 1719      An Act To Encourage Tourism by Ensuring the Safety, Accessibility and Availability of Highway Rest Stops and Scenic Overlooks** **ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	ONTP MAJ OTP-AM MIN	

The bill prohibits loitering at rest areas maintained by the Department of Transportation and the Maine Turnpike Authority. The bill requires that rest areas on Interstate 95 located in Pittsfield and Sidney be reopened. The bill directs the Department of Transportation to open and maintain the scenic overlook in the Town of Medway on Interstate 95 northbound, which overlooks Mount Katahdin.

**Committee Amendment "A" (H-627)**

This amendment, which is the minority report of the Joint Standing Committee on Transportation, strikes language directing the Department of Transportation to reopen and maintain the previously closed rest area on Interstate 95 southbound in the Town of Sidney. The amendment also adds an appropriations and allocations section to the bill.

**LD 1728      An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011** **PUBLIC 600 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK DAMON	OTP-AM	H-799

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Part A makes allocations of funds for the fiscal years ending June 30, 2010 and June 30, 2011.

Part B provides funding for approved reclassifications and range changes.

Part C amends Public Law 2009, chapter 413, Part I, section 1 to recognize that a consolidated account will be established within each executive branch agency to account for technology-related expenditures.

Part D transfers excess equity reserves for workers' compensation for fiscal year 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. This Part also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for workers' compensation in fiscal year 2010-11.

Part E transfers excess equity reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. This Part also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for retiree health insurance in fiscal year 2010-11.

Part F requires the State Budget Officer to calculate the amount of savings in the Statewide Service Center account in Part A that applies against each Highway Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2010-11.

### **Committee Amendment "A" (H-799)**

Part A makes allocations of funds for the fiscal years ending June 30, 2010 and June 30, 2011.

Part B provides funding for approved reclassifications and range changes.

Part C amends Public Law 2009, chapter 413, Part I, section 1 to recognize that a consolidated account will be established within each executive branch agency to account for technology-related expenditures.

Part D transfers excess equity reserves for workers' compensation for fiscal year 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. The Part also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for workers' compensation in fiscal year 2010-11.

Part E transfers excess equity reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. This Part also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for retiree health insurance in fiscal year 2010-11.

Part F requires the State Budget Officer to calculate the amount of savings in the Statewide Service Center account that applies against each Highway Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2010-11.

Part G restores longevity payments to employees whose compensation is funded by the Highway Fund in fiscal year 2010-11.

Part H provides that up to \$1,000,000 in savings from the Department of Secretary of State, Administration - Motor Vehicles program All Other line category may be carried forward for the eventual acquisition of a document

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management system to replace the department's microfilm system.

### Enacted Law Summary

Public Law 2009, chapter 600 makes allocations of funds for the fiscal years ending June 30, 2010 and June 30, 2011.

It provides funding for approved reclassifications and range changes.

It amends Public Law 2009, chapter 413, Part I, section 1 to recognize that a consolidated account will be established within each executive branch agency to account for technology-related expenditures.

It transfers excess equity reserves for workers' compensation for fiscal year 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. It also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for workers' compensation in fiscal year 2010-11.

It transfers excess equity reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 to the unappropriated surplus of the Highway Fund by the close of fiscal year 2009-10. It also transfers amounts related to savings in the Highway Fund accounts arising from rate reductions for retiree health insurance in fiscal year 2010-11.

It requires the State Budget Officer to calculate the amount of savings in the Statewide Service Center account that applies against each Highway Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2010-11.

It restores longevity payments to employees whose compensation is funded by the Highway Fund in fiscal year 2010-11.

It provides that up to \$1,000,000 in savings from the Department of Secretary of State, Administration - Motor Vehicles program All Other line category may be carried forward for the eventual acquisition of a document management system to replace the department's microfilm system.

Public Law 2009, chapter 600 was enacted as an emergency measure effective April 2, 2010.

**LD 1736 An Act To Improve Safety on Maine's Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine**

**PUBLIC 469  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-366

This bill authorizes 6-axle combination vehicles consisting of 3-axle truck tractors with tri-axle semitrailers of up to 100,000 pounds gross vehicle weight to operate on the Maine Interstate Highway System, for as long as a federal law exempting the State from the 80,000-pound limit is in effect, if otherwise in compliance with all other requirements of the Maine Revised Statutes, Title 29-A. It also specifies that other currently authorized exemptions and exceptions do not apply to those vehicles. The bill would apply retroactively to December 16, 2009, the

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effective date of the federal legislation authorizing the exemption from the federal weight limit.

### **Committee Amendment "A" (S-366)**

This committee amendment clarifies that the 6-axle truck weight pilot project applies to all portions of the interstate system including the Maine Turnpike. The amendment further provides that currently authorized exemptions and exceptions apply to vehicles under this pilot project.

### **Enacted Law Summary**

Public Law 2009, chapter 469 authorizes 6-axle combination vehicles consisting of 3-axle truck tractors with tri-axle semitrailers of up to 100,000 pounds gross vehicle weight to operate on the Maine Interstate Highway System, for as long as a federal law exempting the State from the 80,000-pound limit is in effect, if otherwise in compliance with all other requirements of the Maine Revised Statutes, Title 29-A. It also provides that currently authorized exemptions and exceptions apply to vehicles under this pilot project. It also clarifies that the 6-axle truck weight pilot project applies to all portions of the interstate system including the Maine Turnpike.

Public Law 2009, chapter 469 was enacted as an emergency measure effective February 12, 2010. The law applies retroactively to December 16, 2009, the effective date of the federal legislation authorizing the exemption from the federal weight limit.

**LD 1746     An Act To Make Allocations from Maine Turnpike Authority Funds for  
the Maine Turnpike Authority for the Calendar Year Ending December  
31, 2011**

**P & S 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-371

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, 2011 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

### **Committee Amendment "A" (S-371)**

This committee amendment incorporates a fiscal note.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 34 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, 2011 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**LD 1754     Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou  
Bridge**

**RESOLVE 160  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H SMITH D	OTP	

## *Joint Standing Committee on Transportation*

This resolve directs the Department of Transportation to name the new bridge over the Pattagumpus Stream in the Town of Medway the Nicatou Bridge.

### **Enacted Law Summary**

Resolve 2009, chapter 160 directs the Department of Transportation to name the new bridge over the Pattagumpus Stream in the Town of Medway the Nicatou Bridge.

Resolve 2009, chapter 160 was finally passed as an emergency measure effective March 16, 2010.

**LD 1763      Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute**

**RESOLVE 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS MARRACHE	OTP-AM	H-694

This resolve directs the Department of Transportation to place directional signs on Interstate 95 at the northbound and southbound exits of the highway at Pittsfield to direct motorists to Maine Central Institute in Pittsfield.

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

This amendment adds a preamble to the resolve and provides that Maine Central Institute will assume all costs associated with the directional signs.

### **Enacted Law Summary**

Resolve 2009, chapter 172 directs the Department of Transportation to place directional signs on Interstate 95 at the northbound and southbound exits of the highway at Pittsfield to direct motorists to Maine Central Institute in Pittsfield. It also provides that Maine Central Institute will assume all costs associated with the directional signs.

**LD 1772      An Act To Allow the Secretary of State to Issue a State Commercial Driver's License to the Holder of a Military Commercial Driver's License**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP	

This bill authorizes the Secretary of State to issue a commercial driver's license without an examination to an applicant who holds a valid commercial driver's license issued by the United States Armed Forces. It requires the Secretary of State to adopt rules governing the issuance of a commercial driver's license to an applicant who holds a valid commercial driver's license issued by the United States Armed Forces.

## *Joint Standing Committee on Transportation*

### SUBJECT INDEX

#### *Aeronautics*

##### Enacted

LD 1663      An Act Relating to the Maine Aeronautical Advisory Board      PUBLIC 485

#### *Bridges*

##### Enacted

LD 1606      Resolve, To Name a Bridge in North Berwick the North Berwick Veterans Memorial Bridge      RESOLVE 144  
EMERGENCY

LD 1754      Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou Bridge      RESOLVE 160  
EMERGENCY

##### Not Enacted

LD 1669      Resolve, To Name the New Bridge over Gilman Stream in New Portland the Joshua Bernard Memorial Bridge      LEAVE TO  
WITHDRAW

#### *General Highway Fund*

##### Enacted

LD 1728      An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011      PUBLIC 600  
EMERGENCY

##### Not Enacted

LD 1501      An Act To Dedicate Surplus Transportation Funds to Highway Maintenance and Paving      ACCEPTED ONTP  
REPORT

LD 1641      An Act To Direct Funds from the Highway Fund to the Highway and Bridge Light Capital Program      ACCEPTED ONTP  
REPORT

#### *Miscellaneous - Transportation*

##### Enacted

LD 1561      An Act To Regulate the Use of Automated License Plate Recognition Systems      PUBLIC 605

Not Enacted

LD 1320 An Act To Ensure the Availability of Alcohol-free Motor Fuels ONTP

*Motor Carriers*

Enacted

LD 1736 An Act To Improve Safety on Maine's Primary and Secondary Roads, Reduce Road Maintenance Costs and Improve the Environment and the Economy by Allowing Certain Heavy Commercial Vehicles on the Interstate Highway System in Maine PUBLIC 469 EMERGENCY

*Motor Vehicles*

Enacted

LD 1562 An Act To Amend the Motor Vehicle Laws PUBLIC 598

*Operator's License*

Not Enacted

LD 1772 An Act To Allow the Secretary of State to Issue a State Commercial Driver's License to the Holder of a Military Commercial Driver's License ONTP

*Railroads*

Not Enacted

LD 1638 An Act To Impose Service Requirements on Railroads That Receive Funds from the Department of Transportation ONTP

LD 1678 Resolve, Directing the Department of Transportation To Review the Fiscal Impact on the State of the Closure of the Railroad Track between Madawaska and Millinocket ONTP

*Registration Plates*

Enacted

LD 1570 An Act To Amend the Laws Governing the We Support Our Troops Registration Plates PUBLIC 481

Not Enacted

LD 1555 An Act To Require the Bureau of Motor Vehicles To Accept Certification of Disability from the United States Department of Veterans Affairs ONTP

LD 1655 An Act To Preserve the "We Support Our Troops" Registration Plate ONTP

### *Roads*

#### Enacted

LD 1502	Resolve, To Name Route 16/27 in the Town of Stratton the Caleb Dalton Stevens Memorial Highway	RESOLVE 145
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### *Signs*

#### Enacted

LD 1763	Resolve, Directing the Department of Transportation To Place Signs at the Interstate Exits in Pittsfield Directing Motorists to Maine Central Institute	RESOLVE 172
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#### Not Enacted

LD 1670	Resolve, To Authorize the Placement of a Sign at Saddleback Mountain	ONTP
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### *Traffic Regulations*

#### Enacted

LD 1503	An Act To Establish Emergency Zones on Public Ways To Minimize Accidents	PUBLIC 554
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LD 1640	An Act To Provide for the Safety of Maine Athletes	PUBLIC 484
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LD 1642	An Act Relating to Road Noise	PUBLIC 639
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LD 1675	An Act To Reduce Noise Caused by Motorcycles and Improve Public Health	PUBLIC 624
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### *Transportation Department*

#### Enacted

LD 1639	An Act To Stimulate the Maine Economy and Promote the Development of Maine's Priority Transportation Infrastructure Needs	PUBLIC 648
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#### Not Enacted

LD 1605	Resolve, Authorizing the Transfer of State Land to the Natural Resource Education Center of Greenville	ONTP
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LD 1719	An Act To Encourage Tourism by Ensuring the Safety, Accessibility and Availability of Highway Rest Stops and Scenic Overlooks	ACCEPTED ONTP REPORT
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### *Turnpike Authority*

#### Enacted



**An Act To Make Allocations from Maine Turnpike Authority  
Funds for the Maine Turnpike Authority for the Calendar Year  
Ending December 31, 2011**

STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the Second Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON UTILITIES AND  
ENERGY**

April 2010

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*Joint Standing Committee on Utilities and Energy*

LD 543 An Act Concerning the Allocation of Power Generated by GNE, LLC

P & S 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-803

This bill, which was carried over from the First Regular Session of the 124th Legislature, requires electricity generated by GNE, LLC hydropower facilities to be first allocated to the paper production facilities located in Millinocket and East Millinocket.

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

This amendment replaces the bill. This amendment provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

**Enacted Law Summary**

Private and Special Law 2009, chapter 40 provides that electricity generated by the hydropower facilities identified in Private and Special Law 2001, chapter 45 that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region. The parties to such an offer are required to negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities.

LD 1222 Resolve, To Promote Geothermal Energy

RESOLVE 161

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-369

This bill, which was carried over from the First Regular Session of the 124th Legislature, is a concept draft pursuant to Joint Rule 208. This bill proposes to create a tax incentive program for geothermal energy, similar to the federal Energy Improvement and Extension Act of 2008 and the state solar and wind energy rebate program, to address the needs of residents who live in areas where solar or wind power are not viable options. Under the proposed incentive program, homeowners who install geothermal heating and cooling systems would be eligible for a one-time tax credit of a percentage of the total investment for residential ground loop or ground water geothermal heat pump installations, with a maximum credit for a single residence.

**Committee Amendment "A" (S-369)**

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment directs the Executive

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Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 161 directs the Executive Department, Governor's Office of Energy Independence and Security to examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. It requires the Governor's Office of Energy Independence and Security, by January 15, 2011, to submit a report of its findings and recommendations, including draft legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

**LD 1350     An Act To Establish the Maine Transmission Mitigation Trust Fund**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	ONTP	

This bill, which was carried over from the First Regular Session of the 124th Legislature, imposes a state excise tax per megawatt hour of electricity transmitted over certain high-voltage electric transmission property. The bill also creates the Maine Transmission Mitigation Trust and the Maine Transmission Mitigation Trust Fund. The revenue from the imposition of the state excise tax on certain high-voltage electric transmission property is deposited in the trust fund, which is managed by the trust. The trustees of the trust are required to distribute 20% of the trust fund, up to \$10,000,000, annually to municipalities that have submitted winning bids to the trust for projects to install underground utility infrastructure. The remainder of the trust fund must be paid to electricity customers in proportion to each customer's purchases of electricity transmitted over the State's transmission and distribution utilities transmission lines.

**LD 1430     An Act To Ensure Electric Capacity To Serve Maine Consumers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWMAN	ONTP	

This bill, which was carried over from the First Regular Session of the 124th Legislature, amends the laws governing electric utilities to define "capacity resource" to include distributed generation resource. It specifies that determinations relating to capability responsibility, which is defined in the bill as the amount of electric generation capacity required to meet the needs of electricity users within the State, must be made by the State. It establishes a goal of supporting the integrated use of demand response programs and distributed generation resources in order to fulfill the State's capability responsibility. Finally, it amends the law to require, rather than permit, the Public Utilities Commission to enter into contracts for interruptible, demand response or energy efficiency capacity

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resources.

**LD 1504    An Act To Provide Predictable Benefits to Maine Communities That  
Host Wind Energy Developments**

**PUBLIC 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-829 FITTS S-501

This bill requires that proposals for expedited wind energy development projects must demonstrate to the siting authority that the proposed generating facility will provide a tangible benefit to Maine ratepayers in the form of a reduction in long-term electric rates.

**Committee Amendment "A" (S-501)**

This amendment replaces the bill. Part A of the amendment does the following.

1. It requires an applicant for an expedited wind energy development to establish a community benefits package in an amount of no less than \$4,000 per year per wind turbine. The package is an aggregate collection of tangible benefits resulting from an expedited wind energy development from: payments to the host community or communities; payments that reduce energy costs in the host community or communities; and donations for land or natural resource conservation.
2. It also requires an applicant for an expedited wind energy developments to provide, as part of any permit application, detailed documentation of tangible benefits to be provided.
3. It provides certain exceptions from the community benefits package requirement. Specifically, the requirement is waived for any development that has an installed capacity of less than 20 megawatts or is owned by a nonprofit, public or quasi-public entity, and the requirement does not apply to those turbines included in the development that are located in a host community in which the legislative body has voted to waive or reduce the requirement or located on Passamaquoddy Indian territory or Penobscot Indian territory at the option of the respective tribe or nation. It also allows the Aroostook Band of Micmacs to be treated as a host community with respect to expedited wind energy developments on Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), if the band obtains through appropriate legislation municipal authority that is substantially equivalent to the authority possessed by the Penobscot Nation and the Passamaquoddy Tribe under the Maine Revised Statutes, Title 30, section 6206 within their respective Indian territories.
4. It specifies that community benefit agreement payments to counties acting as host communities may be used for projects and programs of public benefit located anywhere within that county.
5. It requires the Department of Economic and Community Development and the Executive Department, State Planning Office, to the extent practicable within existing resources, to provide assistance to host communities, upon a community's request, in connection with benefits from expedited wind energy developments.
6. It requires the Executive Department, Governor's Office of Energy Independence and Security, in its annual assessment and report on wind energy, to include a summary of tangible benefits provided, including community benefits packages and community benefit agreement payments and to review the community benefits package requirement and actual amounts of negotiated community benefits packages relative to the required minimum.

Part B of the amendment amends the law governing appeals of final actions of the Commissioner of Environmental

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Protection, the Board of Environmental Protection and the Maine Land Use Regulation Commission regarding an application for an expedited wind energy development. The amendment requires that any appeal of final action in these instances be taken to the Supreme Judicial Court and specifies that the Law Court has exclusive jurisdiction over requests for judicial review of final agency action regarding expedited wind energy developments. Part B also requires that any judicial appeal of a municipal decision regarding permitting of an expedited wind energy development be heard and determined by the Superior Court as expeditiously as possible.

### **House Amendment "A" To Committee Amendment "A" (H-829)**

This amendment addresses the costs of and fees for certain applications before the Maine Land Use Regulation Commission and the Department of Environmental Protection. It requires that the director of the Maine Land Use Regulation Commission shall keep billing statements from other state agencies for the actual cost of the application review for a project designated as an extraordinary project. For an application to the Department of Environmental Protection that has been designated by the Commissioner of Environmental Protection as subject to special fees, the amendment requires:

1. Staff of the Department of Environmental Protection, as well as staff of the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources to submit quarterly reports to the Commissioner of Environmental Protection detailing the time spent on that application;
2. That the processing fee for such an application be equal to the actual cost to the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources;
3. That the processing fee be distributed to each department that incurs a cost to be deposited in the account in which the expenses were incurred in that department to reimburse the actual cost to that department; and
4. That any appeal of an application fee must be made to the agency of jurisdiction of the application.

### **Enacted Law Summary**

Public Law 2009, chapter 642 establishes a community benefits package requirement for expedited wind energy developments as follows.

1. It requires an applicant for an expedited wind energy development to establish a community benefits package in an amount of no less than \$4,000 per year per wind turbine. The package is an aggregate collection of tangible benefits resulting from an expedited wind energy development from: payments to the host community or communities; payments that reduce energy costs in the host community or communities; and donations for land or natural resource conservation.
2. It also requires an applicant for an expedited wind energy developments to provide, as part of any permit application, detailed documentation of tangible benefits to be provided.
3. It provides certain exceptions from the community benefits package requirement. Specifically, the requirement is waived for any development that has an installed capacity of less than 20 megawatts or is owned by a nonprofit, public or quasi-public entity, and the requirement does not apply to those turbines included in the development that are located in a host community in which the legislative body has voted to waive or reduce the requirement or located on Passamaquoddy Indian territory or Penobscot Indian territory at the option of the respective tribe or nation. It also allows the Aroostook Band of Micmacs to be treated as a host community with respect to expedited wind energy developments on Band Trust Land, as defined in the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, 105 Stat. 1143 (1991), if the band obtains through appropriate legislation municipal authority that is substantially equivalent to the authority possessed by the Penobscot Nation and the Passamaquoddy Tribe under the Maine Revised Statutes, Title 30, section 6206 within their respective Indian territories.

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4. It specifies that community benefit agreement payments to counties acting as host communities may be used for projects and programs of public benefit located anywhere within that county.
5. It requires the Department of Economic and Community Development and the Executive Department, State Planning Office, to the extent practicable within existing resources, to provide assistance to host communities, upon a community's request, in connection with benefits from expedited wind energy developments.
6. It requires the Executive Department, Governor's Office of Energy Independence and Security, in its annual assessment and report on wind energy, to include a summary of tangible benefits provided, including community benefits packages and community benefit agreement payments and to review the community benefits package requirement and actual amounts of negotiated community benefits packages relative to the required minimum.

The law also includes several provisions regarding appeals of final actions of the Commissioner of Environmental Protection, the Board of Environmental Protection and the Maine Land Use Regulation Commission with respect to applications for expedited wind energy developments. Specifically, it requires that any appeal of final action in these instances be taken to the Supreme Judicial Court and specifies that the Law Court has exclusive jurisdiction over requests for judicial review of final agency action regarding expedited wind energy developments. It also requires that any judicial appeal of a municipal decision regarding permitting of an expedited wind energy development be heard and determined by the Superior Court as expeditiously as possible.

The law also addresses the costs of and fees for certain applications before the Maine Land Use Regulation Commission and the Department of Environmental Protection. It requires that the director of the Maine Land Use Regulation Commission shall keep billing statements from other state agencies for the actual cost of the application review for a project designated as an extraordinary project. For an application to the Department of Environmental Protection that has been designated by the Commissioner of Environmental Protection as subject to special fees, the law requires:

1. Staff of the Department of Environmental Protection, as well as staff of the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources to submit quarterly reports to the Commissioner of Environmental Protection detailing the time spent on that application;
2. That the processing fee for such an application be equal to the actual cost to the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Conservation, the Department of Agriculture, Food and Rural Resources and the Department of Marine Resources;
3. That the processing fee be distributed to each department that incurs a cost to be deposited in the account in which the expenses were incurred in that department to reimburse the actual cost to that department; and
4. That any appeal of an application fee must be made to the agency of jurisdiction of the application.

**LD 1515    An Act To Amend the Charter of the Caribou Utilities District**

**P & S 29  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-614

This bill amends the charter of the Caribou Utilities District by allowing the district to disconnect the water service of a consumer for nonpayment of sewer services and also allows the district to enter into contracts for the disposal of

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sewage with organizations inside and outside the boundaries of the district.

### **Committee Amendment "A" (H-614)**

This amendment adds an emergency preamble and emergency clause to the bill to ensure the Caribou Utilities District has necessary authority immediately to contract with persons inside and outside the district to provide for disposal of sewage and commercial and industrial wastewater.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 29 amends the charter of the Caribou Utilities District by allowing the district to disconnect the water service of a consumer for nonpayment of sewer services and also allows the district to enter into contracts for the disposal of sewage with organizations inside and outside the boundaries of the district.

See also LD 1645 relating to the disconnection of water service of a consumer for nonpayment of sewer services.

Private and Special Law 2009, chapter 29 was enacted as an emergency measure effective March 1, 2010.

### **LD 1516 An Act To Amend the Charter of the Dexter Utility District**

**P & S 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP	

This bill amends the charter of the Dexter Utility District by allowing the district to disconnect a customer's water service if that customer fails to pay for sewer service.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 35 amends the charter of the Dexter Utility District by allowing the district to disconnect a customer's water service if that customer fails to pay for sewer service.

See also LD 1645 relating to the disconnection of water service of a consumer for nonpayment of sewer services.

### **LD 1525 An Act To Create the Buckfield Water District**

**P & S 36**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-649

This bill amends the charter of the Buckfield Village Corporation by amending the corporation's territory, changing how the corporation is managed from a board of assessors to trustees and giving the corporation the authority to operate as a water district. The bill also repeals charters that give the corporation conflicting powers and duties.

### **Committee Amendment "A" (H-649)**

This amendment replaces the bill. This amendment creates the Buckfield Water District, subject to local referendum



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approval. It also requires the Buckfield Village Corporation to transfer all of its assets and liabilities to the district, if the corporation and the district are able to arrange for the existing debt of the corporation to be assumed by the district.

### Enacted Law Summary

Private and Special Law 2009, chapter 36 creates the Buckfield Water District, subject to local referendum approval. It also requires the Buckfield Village Corporation to transfer all of its assets and liabilities to the district, if the corporation and the district are able to arrange for the existing debt of the corporation to be assumed by the district.

LD 1535 An Act To Create a Smart Grid Policy in the State

PUBLIC 539  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-695

This bill establishes a state policy on smart grid infrastructure including employment of a smart grid to improve power reliability as well as the overall efficiency of the power resource and delivery system while reducing energy consumption, greenhouse gas emissions and costs to consumers, in part by offering consumers greater choice and information about their electricity consumption. The state policy ensures that deployment of a smart grid is done in a manner that is consistent with applicable safety, security and reliability standards.

The bill specifies a hierarchy of energy resources to be assessed in the implementation of smart grid policy in the State and it requires the Public Utilities Commission, in proceedings involving the review of a transmission and distribution utility's system investments or upgrades, to ensure that the utility has considered the deployment of technologies that support smart grid functions in accordance with this hierarchy of energy resources. The bill allows transmission and distribution utilities to recover reasonable costs associated with creating a smart grid.

The bill directs the Public Utilities Commission to examine the need for and feasibility of creating or designating a special entity in each transmission and distribution utility service territory to facilitate a rapid increase in the availability and use of smart grid functions.

### Committee Amendment "A" (H-695)

This amendment makes the following changes to the bill.

1. It clarifies the definition of "smart grid," adds a definition of "smart grid coordinator" and amends the definition of "public utility" to include a smart grid coordinator.
2. It amends the bill regarding the State's smart grid policy to focus on the smart grid as a means of improving reliability and efficiency and reducing ratepayer costs.
3. It authorizes the Public Utilities Commission to adopt rules regarding the implementation of smart grid functions in the State and specifies those rules as routine technical rules.
4. It removes the provision of the bill that specifies a hierarchy of energy resources to be assessed in the implementation of smart grid policy in the State. It also removes the provision in the bill that requires the commission, in proceedings involving the review of a transmission and distribution utility's system investments or upgrades, to ensure that the utility has considered the deployment of technologies that support smart grid functions in accordance with the above-mentioned hierarchy of energy resources.

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5. It removes the provision of the bill that requires the commission to examine the need for and feasibility of creating or designating a smart grid company in each transmission and distribution utility service territory. Instead, the amendment includes a provision that requires the commission, upon petition, to open an adjudicatory proceeding to determine whether it is in the public interest of the State to authorize a smart grid coordinator to manage access to smart grid functions and associated infrastructure, technology and applications within a service territory of a utility. Upon a finding that it is in the public interest, the amendment authorizes the commission to adopt, by rule or as part of the adjudicatory proceeding, standards regarding smart grid coordinators. Pursuant to such standards, the commission is permitted to authorize no more than one smart grid coordinator within each transmission and distribution utility service territory.
6. It adds a provision to require a transmission and distribution utility to file and have approved by the commission a transition plan for displaced employees when an investment in smart grid infrastructure by a transmission and distribution utility will lead to the displacement of 20 or more employees within a 3-year period.
7. It adds a provision requiring transmission and distribution utilities to provide customer education regarding smart grid functions and how they can benefit customers.
8. It adds a provision to clarify that this law does not limit any other authority of the commission with respect to smart grid implementation.

### **Enacted Law Summary**

Public Law 2009, chapter 539 establishes a state policy on smart grid infrastructure including the promotion of development, implementation, availability and use of smart grid functions to improve the overall reliability and efficiency of the electric system, reduce ratepayers' costs, reduce and better manage energy consumption and reduce greenhouse gas emissions. The state policy ensures that deployment of a smart grid functions is done in a manner that is consistent with applicable reliability, safety, security and privacy standards.

This law also does the following:

1. It authorizes the Public Utilities Commission to adopt rules regarding the implementation of smart grid functions in the State and specifies those rules as routine technical rules.
2. It requires the Public Utilities Commission, upon petition, to open an adjudicatory proceeding to determine whether it is in the public interest of the State to authorize a smart grid coordinator to manage access to smart grid functions and associated infrastructure, technology and applications within a service territory of a utility. Upon a finding that it is in the public interest, the commission is authorized to adopt, by rule or as part of the adjudicatory proceeding, standards regarding smart grid coordinators. Pursuant to such standards, the commission is permitted to authorize no more than one smart grid coordinator within each transmission and distribution utility service territory.
3. It requires a transmission and distribution utility to file and have approved by the commission a transition plan for displaced employees when an investment in smart grid infrastructure by a transmission and distribution utility will lead to the displacement of 20 or more employees within a 3-year period.
4. It permits transmission and distribution utilities to recover prudently incurred incremental costs associated with implementing smart grid functions and associated infrastructure, technology or applications.
5. It requires transmission and distribution utilities to provide customer education regarding smart grid functions and how they can benefit customers.

Public Law 2009, chapter 539 was enacted as an emergency measure effective March 23, 2010.

*Joint Standing Committee on Utilities and Energy*

**LD 1556      Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems**

**RESOLVE 152  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON	OTP-AM	H-609

This resolve directs the Public Utilities Commission, energy programs division to review the qualifications required for a rebate for installation of solar energy systems under the Maine Revised Statutes, Title 35-A, section 3211-C, subsection 2 and report to the Joint Standing Committee on Utilities and Energy with recommendations on whether those requirements are appropriate for ensuring proper installation of solar energy systems. The report is due within 30 days of the effective date of this resolve, and the committee is authorized to introduce a bill on this matter to the Second Regular Session of the 124th Legislature.

**Committee Amendment "A" (H-609)**

This amendment limits the scope of the review by the Public Utilities Commission of installation requirements for solar rebates to a review of the installation requirements for solar photovoltaic systems. The amendment also requires the Public Utilities Commission, in conducting the review, to give particular attention to the requirement of certification by a North American board of certified energy practitioners and to consider a requirement that is based, instead, on an entry-level exam for solar photovoltaic installations.

**Enacted Law Summary**

Resolve 2009, chapter 152 directs the Public Utilities Commission, energy programs division to review the installation qualifications required for a rebate for installation of solar photovoltaic systems under the solar and wind energy rebate program and to evaluate whether those requirements are necessary and appropriate for ensuring safe and proper installation of such systems. The resolve requires the Public Utilities Commission, in conducting the review, to give particular attention to the requirement that an installer is certified by a North American board of certified energy practitioners and consider a requirement that is based, instead, on an entry-level exam for solar photovoltaic installations. The resolve requires that the commission report its findings and recommendations within 30 days of the effective date of the resolve to the Joint Standing Committee on Utilities and Energy and authorizes the committee to introduce a bill to implement the recommendations to the Second Regular Session of the 124th Legislature.

Resolve 2009, chapter 152 was finally passed as an emergency measure effective March 1, 2010.

**LD 1557      An Act To Raise the Indebtedness Limit of the Eagle Lake Water and Sewer District**

**P & S 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP	

This bill raises the indebtedness limit of the Eagle Lake Water and Sewer District from \$2,500,000 to \$3,500,000.

**Enacted Law Summary**

Private and Special Law 2009, chapter 28 raises the indebtedness limit of the Eagle Lake Water and Sewer District

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from \$2,500,000 to \$3,500,000.

**LD 1571 An Act To Ensure That Maine's Energy Corridor Policy Does Not Harm Maine's Renewable Power Development**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	ONTP	

This bill amends the laws that establish the Commission to Study Energy Infrastructure, which is charged with developing a plan for agreements for leasing or otherwise allowing the use of state-owned lands or assets for the installation of lines, cables, pipelines or other structures for the transmission of energy resources, communication transmission systems or related facilities. The bill requires the commission to make specific findings regarding the potential for the development of renewable and other energy projects in this State before final adoption of an energy corridor plan and requires the commission, in the development of the plan, to consider and give preference to energy project development in this State. The bill directs the commission to make findings of fact based on economic models developed by the Executive Department, State Planning Office to assess employment, taxation and other economic effects of power production in this State and the development of different types of corridors in this State and to assess and quantify the effect of the various options on consumers in this State in the short term and the long term. This bill also extends the commission's report deadline to May 1, 2010.

**LD 1578 Resolve, To Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures**

RESOLVE 190

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BARTLETT	OTP-AM	H-697

Under current law, the Public Utilities Commission and the Office of Public Advocate assess utilities to fund the legislatively approved budgets for these agencies. This bill directs that the assessment be applied to communications service providers, which will broaden the pool of entities sharing the cost.

**Committee Amendment "A" (H-697)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission and the Public Advocate, beginning no later than July 1, 2010, to separately account for and track resources devoted to matters related to providers of communications services that are not subject to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116. The Public Utilities Commission and the Public Advocate are required to report the accounting to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 together with any recommendations regarding the practicality of subjecting any communications service providers to assessments pursuant to Title 35-A, section 116.

**Enacted Law Summary**

Resolve 2009, chapter 190 directs the Public Utilities Commission and the Public Advocate, beginning no later than July 1, 2010, to separately account for and track resources devoted to matters related to providers of communications services that are not subject to assessments pursuant to the Maine Revised Statutes, Title 35-A, section 116. The Public Utilities Commission and the Public Advocate are required to report the accounting to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 together with any recommendations regarding the practicality of subjecting any communications service providers to assessments

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pursuant to Title 35-A, section 116.

**LD 1581      Resolve, Regarding Commercial Electricity Customers Whose Bills  
Increased after a Decrease in Electricity Use**

**RESOLVE 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS HOBBINS	OTP-AM	H-700 H-739 FITTS

This bill requires the Public Utilities Commission to ensure that there is no increase in an electricity customer's bill as a result of that customer's reduction in demand or consumption of electricity attributable to the implementation of energy conservation or energy efficiency measures.

**Committee Amendment "A" (H-700)**

This amendment replaces the bill with a resolve. The amendment addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The amendment requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period.

**House Amendment "A" To Committee Amendment "A" (H-739)**

This amendment ensures that the cost of customer credits required by this resolve are recoverable by the utility.

**Enacted Law Summary**

Resolve 2009, chapter 179 addresses those commercial electricity customers that experienced higher electricity bills after a decrease in electricity use and that have been found to be eligible for the best rate option in the Public Utilities Commission's investigation into rate class changes applicable to transmission and distribution general service customers due to energy efficiency or demand reduction, Public Utilities Commission Docket # 2009-397. The resolve requires that those particular commercial customers receive credits for the difference between what the customers were actually charged for delivery service during the 12-month period preceding the commission's final order in Public Utilities Commission Docket # 2009-397 and what the customers would have been charged under the best rate option during that period. The cost of customer credits required by this resolve are recoverable by the utility.

**LD 1589      An Act To Authorize Sanitary Districts, Water Utilities and Sewer  
Districts To Waive an Automatic Lien Foreclosure**

**PUBLIC 490**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE NASS R	OTP-AM	H-600 H-630 HINCK

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This bill authorizes sanitary districts to waive automatic foreclosure of a sanitary district lien mortgage.

### **Committee Amendment "A" (H-600)**

This amendment makes it clear that a notice of waiver of automatic foreclosure must be dated.

### **House Amendment "A" (H-630)**

This amendment authorizes sewer districts and water utilities to waive automatic foreclosure of lien mortgages.

### **Enacted Law Summary**

Public Law 2009, chapter 490 authorizes sanitary and sewer districts as well as water utilities to waive automatic foreclosure of lien mortgages.

### **LD 1601 An Act To Create the Lincolnville Sewer District**

**P & S 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-360

This bill creates the Lincolnville Sewer District.

### **Committee Amendment "A" (S-360)**

This amendment makes certain technical changes to the bill to clarify that the Lincolnville Sewer District's purposes include providing water service in addition to sewer services, that the trustees of the new district have staggered terms as specified in the Maine Revised Statutes, Title 35-A, section 6410 and that after the first board is appointed by the municipal officers of the Town of Lincolnville trustees are elected and vacancies filled in accordance with the Title 35-A, section 6410. This amendment also provides that the trustees must be residents and voters of the district.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 32 creates the Lincolnville Sewer District.

### **LD 1643 An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case**

**P & S 30  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK HOBBINS	OTP-AM	H-618

This bill authorizes an allocation of \$100,000 to cover costs to be incurred through a contract for legal services to be provided by bankruptcy counsel for the FairPoint Communications bankruptcy proceedings in New York. This bill authorizes the Office of the Public Advocate to impose a special assessment to cover the cost of those legal services only on those telecommunications providers already subject to assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.

### **Committee Amendment "A" (H-618)**

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This amendment adds an appropriations and allocations section.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 30 authorizes an allocation of \$100,000 to cover costs to be incurred through a contract for legal services to be provided by bankruptcy counsel for the FairPoint Communications bankruptcy proceedings in New York. It authorizes the Office of the Public Advocate to impose a special assessment to cover the cost of those legal services only on those telecommunications providers already subject to assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8.

Private and Special Law 2009, chapter 30 was enacted as an emergency measure effective March 1, 2010.

**LD 1644     An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON BLISS	ONTP	

This bill requires the Public Utilities Commission to adopt rules requiring a utility to notify a landlord when residential utility service of a tenant is to be terminated or disconnected.

See also LD 1695.

**LD 1645     An Act To Streamline Collections for Consumer-owned Consolidated Water and Wastewater Utilities**

**PUBLIC 541  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-698

This bill allows a consumer-owned water utility that also provides sewer services to disconnect water service to a user for nonpayment by that user of the utility's sewer service charges.

**Committee Amendment "A" (H-698)**

This amendment imposes specific terms and conditions on any consumer-owned water utility authorized to provide sewer services that chooses to exercise the authority granted in the bill to disconnect water service for nonpayment of sewer service. The terms and conditions include requiring annual reports to the Public Utilities Commission regarding disconnections, requiring that the utility provide to the customer certain information about available assistance programs, prohibiting disconnection based on bills for estimated sewer usage and prohibiting disconnection of multiunit rental facilities greater than two units unless the owner occupies one of the units. A utility that has the disconnection authority under a charter provision enacted prior to August 1, 2010 is exempted from the prohibition relating to disconnection of multiunit rental facilities. The amendment requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 on disconnection actions taken by utilities as well as any commission recommendations for changes to the law. The amendment clarifies that its provisions apply to all combined water and sewer entities, including those that may already have similar authority in their charters. The amendment also adds an emergency preamble and emergency clause to the bill.

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### Enacted Law Summary

Public Law 2009, chapter 541 allows a consumer-owned water utility that also provides sewer services to disconnect water service to a user for nonpayment by that user of the utility's sewer service charges. This law imposes specific terms and conditions on any consumer-owned water utility authorized to provide sewer services that chooses to exercise this authority, including requiring annual reports to the Public Utilities Commission regarding disconnections, requiring that the utility provide to the customer certain information about available assistance programs, prohibiting disconnection based on bills for estimated sewer usage and prohibiting disconnection of multiunit rental facilities greater than two units unless the owner occupies one of the units. A utility that has the disconnection authority under a charter provision enacted prior to August 1, 2010 is exempted from the prohibition relating to disconnection of multiunit rental facilities. The law requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2012 on disconnection actions taken by utilities as well as any commission recommendations for changes to the law. The law applies to all combined water and sewer entities, including those that may already have similar authority in their charters.

Public Law 2009, chapter 541 was enacted as an emergency measure effective March 24, 2010.

### LD 1646 An Act To Establish a Broadband Policy for Maine

**PUBLIC 586  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BARTLETT	OTP-AM	H-685

This bill:

1. Provides a definition of "broadband," using as a model the broadband baseline used by the United States Federal Communications Commission;
2. Establishes a goal of 100% deployment of baseline broadband service by the end of 2012 and establishes a policy of promoting sustainable private investment to increase broadband service that exceeds the minimum levels throughout the State;
3. Requires state agencies to assist in promoting private investment in broadband infrastructure to stimulate rapid and sustainable deployment of broadband services; and
4. Requires the ConnectME Authority to develop target prices for broadband services and establish competitively neutral discounts to customers in areas where services are more expensive than the average metropolitan rates.

### Committee Amendment "A" (H-685)

This amendment replaces the bill. The amendment establishes certain broadband goals and policies to promote broadband infrastructure deployment and availability in this State.

### Enacted Law Summary

Public Law 2009, chapter 586 establishes certain broadband goals and policies to promote broadband infrastructure deployment and availability in this State.

Public Law 2009, chapter 586 was enacted as an emergency measure effective April 1, 2010.



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LD 1647    **An Act To Enhance Maine's Clean Energy Opportunities**

**PUBLIC 518  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY BARTLETT	OTP-AM	H-675

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and any available energy associated with such resources to the extent necessary to meet the energy efficiency targets articulated in the Efficiency Maine Trust's triennial plan. It specifies when the commission need not conduct a competitive solicitation for contracts for energy efficiency capacity resources and amends the laws governing contracts for capacity resources and related energy. It defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan. It includes in the Efficiency Maine Trust's triennial plan an examination of the national and regional carbon markets and the appropriate participation of the State in these markets. It allows the trust to consult with or retain independent legal counsel. It provides that the commission may not charge any assessment under the triennial plan until the plan has been reviewed by the joint standing committee of the Legislature having jurisdiction over energy matters and approved by the commission. It specifies when electricity customers receiving service at transmission and subtransmission voltage levels are eligible for new conservation programs. It amends the laws governing the administration by the trust of certain federally funded energy programs.

**Committee Amendment "A" (H-675)**

This amendment makes the following changes to the bill:

1. It adds a provision to the bill to allow long-term contracts for renewable energy credits associated with capacity resources.
2. It removes the requirement contained in the bill that the Public Utilities Commission direct investor-owned transmission and distribution utilities to enter into long-term contracts for capacity resources and associated energy. It replaces it with permissive language that authorizes the commission to direct utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It also clarifies that energy efficiency capacity resources contracted under this provision may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan. The amendment also adds language to clarify that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
3. It changes the provision of the bill regarding competitive solicitation for contracts for energy efficiency capacity resources to require the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
4. It changes the provision of the bill that exempts contracts for energy efficiency capacity resources from the requirement that payment be made only after contracted amounts of capacity and energy are provided. The amendment allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

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5. It removes the requirement in the bill that the triennial plan include an examination of national and regional carbon markets and instead requires that the plan specify the appropriate participation of the State in those carbon markets.
6. It removes the provision of the bill that eliminated the \$3 to \$1 savings target for cost-effective heating and cooling measures in the triennial plan of the Efficiency Maine Trust.
7. It removes the provision of the bill that authorizes the Efficiency Maine Trust to consult with or retain independent legal counsel.
8. It amends the provision of the bill regarding the imposition and review of additional assessments on transmission and distribution utilities to realize energy efficiency and demand response resources. The amendment specifies that the commission may not increase these assessments until the Legislature has approved the budget of the Efficiency Maine Trust and requires the commission to present any recommended increases in the assessment after its approval of the triennial plan or any annual update plan.
9. It replaces the provision of the bill regarding participation of electricity customers receiving service at transmission and subtransmission voltage levels in new conservation programs with a directive to the Efficiency Maine Trust to convene a working group to examine options regarding the participation of such customers in conservation programs and to submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011 on this subject. The committee is authorized to submit a bill.
10. It adds a provision that requires the Public Utilities Commission to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, on long-term contracts for capacity resources, including the number, types and lengths of contracts.

### **Enacted Law Summary**

Public Law 2009, chapter 518 includes the following provisions related to long-term contracting for energy efficiency capacity resources and associated energy.

1. It authorizes the Public Utilities Commission to direct transmission and distribution utilities to enter into long-term contracts for energy efficiency capacity resources and associated energy if, after July 1, 2011, the commission determines that the assessments on transmission and distribution utilities for conservation and energy efficiency will not provide sufficient funds to meet the energy efficiency program budget allocations in the triennial plan of the Efficiency Maine Trust or an annual update to the triennial plan. It provides that energy efficiency capacity resources contracted under this provision of law may not exceed what is necessary to implement the energy efficiency program budget allocations in the triennial plan, and it clarifies that the commission may direct utilities to enter into long-term contracts only when such contracts are in the best interest of customers.
2. It requires the commission to conduct a competitive solicitation for energy efficiency capacity resources and related energy or to contract with the Efficiency Maine Trust to deliver those resources through a competitive solicitation process.
3. It allows contracts with the Efficiency Maine Trust for energy efficiency capacity resources and related energy to provide a 20% up-front payment at the start of the contract, but otherwise requires payments only after contracted amounts of capacity and energy have been substantiated.

With respect to long-term contracts for capacity resources more generally, this law permits the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts for any available renewable energy credits associated with capacity resources under long-term contracts to the extent the cost of the renewable energy credits is below market value or the purchase of renewable energy credits adds value to the transaction. It also requires the Public Utilities Commission to report to the joint standing committee of the

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Legislature having jurisdiction over utilities and energy matters, by January 15, 2012, regarding long-term contracts for capacity resources that have been implemented, including the number, types and lengths of contracts.

This law defines "heating fuel" and "liquid fossil fuel" for purposes of the targets of the triennial plan of the Efficiency Maine Trust and requires that the plan specify the appropriate participation of the State in national and regional carbon markets. It also amends the laws governing the administration by the trust of certain federally funded energy programs.

This law specifies that the Public Utilities Commission may not increase assessments on transmission and distribution utilities to realize energy efficiency and demand response resources until the Legislature has approved the budget of the Efficiency Maine Trust, and it requires the commission to present to the joint standing committee of the Legislature having jurisdiction over public utilities matters any recommended increases in the assessment following the approval of the Efficiency Maine Trust's triennial plan or any annual update plan.

It directs the Efficiency Maine Trust to convene a working group to examine options regarding the participation of electricity customers receiving service at transmission and subtransmission levels in the energy efficiency programs of the trust, particularly those programs funded by assessments on transmission and distribution utilities. It requires the trust to submit a report of the findings and recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 31, 2011.

Public Law 2009, chapter 518 was enacted as an emergency measure effective March 17, 2010.

### LD 1652 An Act To Provide More Information to the Public Advocate

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP	

This bill authorizes the Public Advocate to make written information requests of utilities subject to the jurisdiction of the Public Utilities Commission on any matter related to the rates, charges, tariffs, books or service quality of the utility. The utility has a reasonable period of time, not to exceed 30 days, in which to respond to the inquiries. If the utility refuses to respond, the Public Advocate may request enforcement by the Public Utilities Commission.

### LD 1660 An Act To Reallocate Funds for a Position at the Public Utilities Commission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	ONTP	

This bill reallocates funds for a Staff Accountant position at the Public Utilities Commission. Funds for this position are allocated from the Public Utilities - Administrative Division program and the Emergency Services Communication Bureau program. The reallocations proposed by this bill were included in the Supplemental Budget, LD 1671.

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**LD 1661 An Act To Create a Position at the Public Utilities Commission**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	ONTP	

This bill adds one Utility Analyst - Public Service Coordinator III position at the Public Utilities Commission as required by the policy of the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration. The Public Utilities Commission partners with the United States Department of Transportation with respect to the federal gas pipeline safety program and has assumed certain gas pipeline inspection and enforcement responsibilities from the Pipeline and Hazardous Materials Safety Administration. The new position is created to carry out these gas pipeline safety inspection and enforcement responsibilities. Funds for this position are allocated from the Public Utilities Commission Regulatory Fund and are partially reimbursed by the United States Department of Transportation.

**LD 1680 An Act To Assist in Reviewing Wind Energy Applications**

**PUBLIC 492  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-370

This bill amends the laws governing the siting of wind energy developments. It makes certain provisions of the laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The bill clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

**Committee Amendment "A" (S-370)**

This amendment clarifies the provision of the bill regarding the consideration by the Maine Land Use Regulation Commission of the effects of a wind energy development on scenic character and existing uses relating to scenic character for a wind energy development with a generating capacity of 100 kilowatts or greater but less than grid-scale.

**Enacted Law Summary**

Public Law 2009, chapter 492 amends the laws governing the siting of wind energy developments. It makes certain provisions of these laws governing the Maine Land Use Regulation Commission consistent with the corresponding provisions applicable to the Department of Environmental Protection. These provisions allow the commission to require a preapplication notice of filing; allow the commission to require an applicant to attend a public meeting

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during the review of a wind energy development; allow the commission to extend the processing time with the consent of the applicant; and clarify that, in certain circumstances, associated facilities are not subject to the same time limits. The law clarifies that the provisions of law regarding a development's effects on scenic character apply to all wind energy developments, as defined in the Maine Revised Statutes, Title 35-A, of 100 kilowatts or greater in the expedited areas of the commission's jurisdiction, including wind energy developments that do not qualify as grid-scale. It specifies that in the jurisdiction of the commission, all wind energy developments are subject to fee provisions as extraordinary projects, allowing the commission to recover costs associated with processing of the applications, including the cost of noise or other studies.

Public Law 2009, chapter 492 was enacted as an emergency measure effective March 5, 2010.

### LD 1682 An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources

PUBLIC 542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-372 S-414 HOBBS

This bill amends various definitions in the Maine Revised Statutes, Title 35-A relating to renewable resources. Specifically, this bill amends the law in the following ways.

1. The bill amends definitions of "eligible resource," "new renewable capacity resources," "renewable energy credit" and "renewable resource" in the law governing electrical generation portfolio requirements. These changes:
  - a. Limit all eligible resources qualifying under the basic 30% portfolio requirement, including cogeneration facilities, to those resources not exceeding 100 megawatts;
  - b. Add a new 100-megawatt limit on all new renewable resources that can qualify for the new renewable resource portfolio requirement above 30%;
  - c. Add a requirement that hydroelectric generators, other than those that qualify as small power production facilities under federal regulations, must meet state and federal fish passage requirements in order to qualify for the basic 30% portfolio requirement; and
  - d. Specify that biomass generators that qualify as renewable resources under the basic 30% portfolio requirement include those fueled by anaerobic digestion of agricultural products, by-products and wastes.
2. The bill clarifies the definition of "renewable capacity resource" in the law governing capacity resource adequacy and removes from the definition facilities that qualify as small power production facilities that do not otherwise qualify as renewable resources under Title 35-A, section 3210, subsection 2, paragraph C.
3. The bill modifies the law governing green power options to clarify that 100-megawatt capacity limits do not apply to resources that qualify as "green power supply" or for "renewable energy credit." Under current law, because of certain cross-references, it is unclear whether the 100-megawatt capacity limits apply to qualifying resources other than wind power or to all qualifying resources.
4. The bill amends the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make it consistent with the changes to the definition of "renewable resource" in

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the law relating to electrical generation portfolio requirements.

5. The bill, by changing the definition of "renewable resource" in the law governing electrical generation portfolio requirements, also affects the definition of that term as it is used in Title 5, section 1766-A relating to renewable energy usage requirements for state buildings and in Title 35-A, section 3201, subsection 8-A and section 3210-A giving transmission and distribution utilities authority to administer purchase and sale agreements between competitive electricity providers and small generators, including those relying on renewable resources. In each case the changes result from these laws cross-referencing the definition of "renewable resource" in the law governing electrical generation portfolio requirements. The changes in each case:

- a. Remove from qualifying as a renewable resource federally qualified small power production facilities that do not otherwise qualify as a renewable resource and generators fueled by municipal solid waste in conjunction with recycling;
- b. Add landfill gas as qualifying as a renewable resource;
- c. Require hydroelectric generators to meet federal and state fish passage requirements in order to qualify as a renewable resource; and
- d. Provide that biomass generators fueled by anaerobic digestion of agricultural products, by-products and wastes qualify as a renewable resource.

The changes also allow renewable resources over 100 megawatts to be used to meet the renewable energy usage required for state buildings under Title 5, section 1766-A.

### **Committee Amendment "A" (S-372)**

This amendment replaces the bill. The amendment:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program; and
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements.

### **Senate Amendment "A" To Committee Amendment "A" (S-414)**

This amendment provides that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

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### Enacted Law Summary

Public Law 2009, chapter 542 amends the laws governing renewable resources. This law:

1. Clarifies which resources are subject to the 100-megawatt capacity limit on new renewable capacity resources in order to qualify for the new renewable resource portfolio requirement above 30% and related renewable energy credits under that law and the law governing green power options. Specifically, the amendment clarifies that all new renewable capacity resources except for wind power installations are subject to the 100-megawatt limit;
2. Adds definitions of "new" and "renewable capacity resources" to the law governing renewable resources portfolio requirements rather than relying on cross-references to those terms as used in the capacity resource adequacy laws;
3. Specifies types of biomass generators included within the definitions of "renewable resource" and "renewable capacity resource." This clarifies that generators fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes qualify under the basic portfolio requirement, the new renewable resource portfolio requirement, the law governing green power options and the community-based renewable energy pilot program;
4. Amends the definition of "renewable capacity resource" in the law governing capacity resource adequacy, the definitions of "green power supply" and "renewable energy credit" in the law governing green power options and the definition of "eligible renewable resource" in the law governing the community-based renewable energy pilot program to make them consistent with the definition of "renewable capacity resource" now provided in the law governing renewable resource portfolio requirements; and
5. Clarifies that "renewable energy credit" includes a tradable instrument that represents an amount of electricity generated from eligible resources.

**LD 1695      Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities**

**RESOLVE 168  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS CRAVEN	OTP-AM	H-680

This bill requires the Public Utilities Commission to adopt rules that require the notification of the owner of multiunit residential rental property when utilities are disconnected or terminated and provide the tenant whose service is being disconnected or terminated with information about utility payment assistance programs.

#### **Committee Amendment "A" (H-680)**

This amendment replaces the bill with a resolve that directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established. The amendment also adds an emergency preamble and an emergency clause.

### Enacted Law Summary

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Resolve 2009, chapter 168 directs the Public Utilities Commission, in consultation with representatives of transmission and distribution utilities, gas utilities and water utilities as well as representatives of owners of rental units and representatives of tenants and other interested persons, to seek to develop appropriate and reasonable procedures to allow owners of rental units to receive notice of disconnection of electric, gas or water service to a tenant. The commission is directed to examine a variety of issues related to this matter and is authorized to take action pursuant to existing laws and rules or to adopt rules as necessary to achieve the goals of the resolve. The commission is required to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 15, 2011 the results of its examination as well as any procedures established.

See also LD 1644.

Resolve 2009, chapter 168 was finally passed as an emergency measure effective March 24, 2010.

### **LD 1696    An Act Regarding Community-based Renewable Energy**

**PUBLIC 565  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-730

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to revise recently enacted legislation on feed-in tariffs and community-based energy generation facilities to correct some issues that have arisen.

#### **Committee Amendment "A" (H-730)**

This amendment replaces the bill, which was a concept draft. The amendment makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects. The amendment also transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The amendment specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.

The amendment clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

The amendment also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

#### **Enacted Law Summary**

Public Law 2009, chapter 565 makes community-based renewable energy projects eligible for funds from the voluntary Renewable Resource Fund for community demonstration projects and transfers all duties regarding the administration of the Renewable Resource Fund to the Efficiency Maine Trust as of July 1, 2010, instead of having responsibilities for that fund divided between the trust and the Public Utilities Commission. The law also specifies that, under the community-based renewable energy pilot program, the municipal legislative body can delegate to its municipal officers the authority to pass the required resolution of support for a community-based renewable energy project.



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This law clarifies that, as of July 1, 2010, community-based renewable energy projects continue to be eligible to apply for funding from the Regional Greenhouse Gas Initiative Trust Fund as nonelectric savings programs. Until July 1, 2010, current law provides that these projects are eligible to apply for funding from the Energy and Carbon Savings Trust Fund, which becomes the Regional Greenhouse Gas Initiative Trust Fund on that date.

This law also prohibits a state agency or instrumentality that is administering American Reinvestment and Recovery Act of 2009 funds from prohibiting a community-based renewable energy project that is eligible to receive such funds under federal guidelines from applying to the state agency or instrumentality for such funds.

Public Law 2009, chapter 565 was enacted as an emergency measure effective March 29, 2010.

**LD 1697     An Act To Protect Universal Service**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	ONTP	

This bill prohibits instrumentalities, institutions or agencies of the State from providing telecommunications service or information service to any person other than itself or its tenants. The bill also prohibits instrumentalities, institutions or agencies of the State from procuring such services in a manner that constrains or limits alternative proposals to meet instrumentalities', institutions' or agencies' needs. The bill establishes a right of action for injunctive relief and damages for violation of these requirements. The bill also repeals authority for the University of Maine to install lines on existing utility facilities within or along a right of way for the purpose of transmitting data and communications.

**LD 1717     An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses**

**PUBLIC 591  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT P BLISS	OTP-AM	H-745

This bill allows a municipality, on its own or through agreement with other municipalities, counties, nonprofit organizations, private lenders or other entities, to establish a clean energy improvement financing program under which financing for a clean energy improvement located on a qualifying real property is secured, with the written agreement of all owners of record of the property, by a municipal lien on the property that takes precedence over all other claims on the property, excepting only claims for property taxes and liens for nonpayment of sewer or water utility services, and that is enforced by the municipality in the same manner as is a municipal property tax lien. It defines "clean energy improvement" as an energy efficiency improvement or energy generation system that relies on solar arrays and installations, geothermal installations or wind power installations as authorized by the municipality.

**Committee Amendment "A" (H-745)**

This amendment replaces the bill. The amendment does the following.

1. It enacts the Property Assessed Clean Energy Act, or PACE Act, which authorizes the Efficiency Maine Trust and municipalities to establish property assessed clean energy programs, referred to as PACE programs, under which

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property owners may voluntarily finance energy savings improvements on qualifying property through a specific mortgage, called a PACE mortgage, and repay that mortgage through an assessment on the property, called a PACE assessment. The terms of the mortgage and assessment would be spelled out in an agreement, called a PACE agreement.

2. It specifies that funding for the PACE programs may be provided from the federal Energy Efficiency and Conservation Block Grant Program or any other funds available to the trust for this purpose.
3. It permits a municipality that has adopted a PACE ordinance to administer a PACE program, including, but not limited to, entering into PACE agreements with property owners and collecting PACE assessments. It also permits a municipality that has adopted a PACE ordinance to enter into a contract with the trust to administer some or all functions of the PACE program for the municipality and authorizes the trust to enter into contracts with municipalities for that purpose.
4. It requires the trust to establish a comprehensive quality assurance system within nine months of establishing a PACE program and to develop model documents and educational materials for use by municipalities in the implementation of PACE programs. The amendment permits the trust to establish terms and conditions under which municipalities and property owners may participate in a PACE program.
5. It requires any PACE agreement entered into pursuant to a PACE program to comply with underwriting requirements established by rule by the trust and to provide consumer disclosure that is consistent with the principles of truth in lending as specified by rule. In developing these rules, the trust is required to seek advice from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and consumer credit industry stakeholders and specifies certain minimum underwriting requirements that must be included. It also specifies that the privacy provisions of the federal Gramm-Leach-Bliley Act apply to all consumer financial information obtained by the trust or municipalities in implementing PACE programs.
6. It specifies that a PACE assessment is not a tax but may be assessed and collected by the trust, a municipality or a designated agent.
7. It requires that notice of a PACE agreement be filed in the appropriate registry of deeds and specifies that filing of this notice creates a PACE mortgage against the property. It also specifies minimum requirements for the notice.
8. It specifies that the priority of a PACE mortgage is determined by the date of filing of the notice and that a PACE mortgage is not entitled to any special or senior priority.
9. It requires the trust to create a reserve fund to protect the trust in the event of a judicial sale or foreclosure on property subject to a PACE mortgage.
10. It requires the trust to report annually on the implementation of PACE programs and related provisions of law.
11. It specifies that until the trust has sufficient staffing resources to undertake its responsibilities under the PACE Act, the Public Utilities Commission, at the request of the trust, shall provide assistance to the trust in administering the PACE Act within the limits of the commission's resources.
12. It requires the trust to convene a stakeholder group to review and make recommendations regarding the implementation of PACE programs pursuant to the PACE Act and the development of and sources of funding for municipally funded PACE programs, including but not limited to municipal bonding and private capital markets. The review must consider program features to ensure long-term energy savings, promote quality workmanship and otherwise contribute to achieving the state policy goal of weatherizing 100% of homes and 50% of businesses by 2030. It requires the trust to submit an interim report on the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later March 1, 2011 and a final report no later than January 30, 2012.

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### **Enacted Law Summary**

Public Law 2009, chapter 591 does the following.

1. It enacts the Property Assessed Clean Energy Act, or PACE Act, which authorizes the Efficiency Maine Trust and municipalities to establish property assessed clean energy programs, referred to as PACE programs, under which property owners may voluntarily finance energy savings improvements on qualifying property through a specific mortgage, called a PACE mortgage, and repay that mortgage through an assessment on the property, called a PACE assessment. The terms of the mortgage and assessment would be spelled out in an agreement, called a PACE agreement.
2. It specifies that funding for the PACE programs may be provided from the federal Energy Efficiency and Conservation Block Grant Program or any other funds available to the trust for this purpose.
3. It permits a municipality that has adopted a PACE ordinance to administer a PACE program, including, but not limited to, entering into PACE agreements with property owners and collecting PACE assessments. It also permits a municipality that has adopted a PACE ordinance to enter into a contract with the trust to administer some or all functions of the PACE program for the municipality and authorizes the trust to enter into contracts with municipalities for that purpose.
4. It requires the trust to establish a comprehensive quality assurance system within nine months of establishing a PACE program and to develop model documents and educational materials for use by municipalities in the implementation of PACE programs. The amendment permits the trust to establish terms and conditions under which municipalities and property owners may participate in a PACE program.
5. It requires any PACE agreement entered into pursuant to a PACE program to comply with underwriting requirements established by rule by the trust and to provide consumer disclosure that is consistent with the principles of truth in lending as specified by rule. In developing these rules, the trust is required to seek advice from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection and consumer credit industry stakeholders and specifies certain minimum underwriting requirements that must be included. It also specifies that the privacy provisions of the federal Gramm-Leach-Bliley Act apply to all consumer financial information obtained by the trust or municipalities in implementing PACE programs.
6. It specifies that a PACE assessment is not a tax but may be assessed and collected by the trust, a municipality or a designated agent.
7. It requires that notice of a PACE agreement be filed in the appropriate registry of deeds and specifies that filing of this notice creates a PACE mortgage against the property. It also specifies minimum requirements for the notice.
8. It specifies that the priority of a PACE mortgage is determined by the date of filing of the notice and that a PACE mortgage is not entitled to any special or senior priority.
9. It requires the trust to create a reserve fund to protect the trust in the event of a judicial sale or foreclosure on property subject to a PACE mortgage.
10. It requires the trust to report annually on the implementation of PACE programs and related provisions of law.
11. It specifies that until the trust has sufficient staffing resources to undertake its responsibilities under the PACE Act, the Public Utilities Commission, at the request of the trust, shall provide assistance to the trust in administering the PACE Act within the limits of the commission's resources.
12. It requires the trust to convene a stakeholder group to review and make recommendations regarding the

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implementation of PACE programs pursuant to the PACE Act and the development of and sources of funding for municipally funded PACE programs, including but not limited to municipal bonding and private capital markets. The review must consider program features to ensure long-term energy savings, promote quality workmanship and otherwise contribute to achieving the state policy goal of weatherizing 100% of homes and 50% of businesses by 2030. It requires the trust to submit an interim report on the findings and recommendations of the stakeholder group to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later March 1, 2011 and a final report no later than January 30, 2012.

Public Law 2009, chapter 591 was enacted as an emergency measure effective April 1, 2010.

LD 1720      **Resolve, Regarding Waste-to-energy Power**

**RESOLVE 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-650

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend current law to adapt the State's energy policy and laws as they relate to the Passamaquoddy Tribe to accommodate federal waste-to-energy developments currently before the United States Congress in the American Clean Energy and Security Act of 2009.

### **Committee Amendment "A" (H-650)**

This amendment replaces the bill, which was a concept draft, with a resolve. The amendment directs the Executive Department, Governor's Office of Energy Independence and Security to examine the issue of qualifying certain waste-to-energy power for renewable energy credits and renewable resource portfolio requirements, with consideration of relevant policy developments, technologies, potential implications and current laws. In conducting the examination, the office is required to consult with the Passamaquoddy Tribe, the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust. This amendment requires the office to submit a report of its findings and recommendations by February 15, 2011 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 163 directs the Executive Department, Governor's Office of Energy Independence and Security to examine the issue of qualifying certain waste-to-energy power for renewable energy credits and renewable resource portfolio requirements, with consideration of relevant policy developments, technologies, potential implications and current laws. In conducting the examination, the office is required to consult with the Passamaquoddy Tribe, the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust. This resolve requires the office to submit a report of its findings and recommendations by February 15, 2011 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and authorizes the committee to submit a bill relating to the report to the First Regular Session of the 125th Legislature.

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LD 1756    **An Act To Amend the Charter of the Gardiner Water District**

P & S 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY MCCORMICK	OTP-AM	H-661

This bill allows the Gardiner Water District to purchase water from the Hallowell Water District. The bill also requires the Gardiner Water District to inform its customers that the district will be providing nonfluoridated water and that the customers should contact their dentists or health care providers if they wish to continue receiving the benefits of fluoride.

**Committee Amendment "A" (H-661)**

This amendment clarifies a cross-reference in the bill.

**Enacted Law Summary**

Private and Special Law 2009, chapter 37 allows the Gardiner Water District to purchase water from the Hallowell Water District. The law also requires the Gardiner Water District to inform its customers that the district will be providing nonfluoridated water and that the customers should contact their dentists or health care providers if they wish to continue receiving the benefits of fluoride.

LD 1762    **Resolve, Regarding Energy Conservation through Voltage Regulation**

RESOLVE 169

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-416

This bill provides that an electric utility may recover from ratepayers the costs of and earn a 15% rate of return on investments and installations of voltage regulation technologies that reduce energy consumption, improve grid efficiency, raise or lower voltage as needed and are 99% or more efficient across at least 90% of the load curve.

**Committee Amendment "A" (S-416)**

This amendment replaces the bill with a resolve. The resolve directs the Efficiency Maine Trust, in the development and implementation of conservation programs, to examine voltage regulation technologies and evaluate the potential for and cost-effectiveness of the application of these technologies as an energy conservation tool for industrial, commercial and residential electricity customers of the State. It requires the trust to seek input from the Public Utilities Commission and transmission and distribution utilities with respect to utility incentive issues and voltage regulation technologies in the context of smart grid implementation. It requires the trust to report on its examination and evaluation as part of the annual report of the trust that is due by December 1, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 169 directs the Efficiency Maine Trust, in the development and implementation of conservation programs, to examine voltage regulation technologies and evaluate the potential for and cost-effectiveness of the application of these technologies as an energy conservation tool for the industrial, commercial and residential electricity customers of the State. It requires the trust to seek input from the Public

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Utilities Commission and transmission and distribution utilities with respect to utility incentive issues and voltage regulation technologies in the context of smart grid implementation. It requires the trust to report on its examination and evaluation as part of the annual report of the trust that is due by December 1, 2010.

LD 1778 An Act To Enable the Installation of Broadband Infrastructure

PUBLIC 612  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL BARTLETT	OTP-AM	H-784 H-807 HINCK

This bill establishes a new entity known as a "dark fiber provider." A dark fiber provider is an entity providing fiber-optic cable without equipment for transmitting communications and that provides dark fiber to all carriers and end users on an open-access basis and without unreasonable discrimination and is subject to grant-related requirements, restrictions and conditions imposed by the Federal Government and secured by security interests granted to the Federal Government. Dark fiber providers must file informational rate schedules with the Public Utilities Commission and adhere to those rate schedules and must post their rates on publicly accessible websites. A dark fiber provider may use the public right-of-way for its facilities and may enter into joint use agreements with respect to the facilities of public utilities and cable television providers and may opt to carry out any required make-ready engineering and make-ready work at its own expense.

### Committee Amendment "A" (H-784)

This amendment replaces the bill and also modifies the emergency preamble. This amendment:

1. Defines a dark fiber provider as an entity that owns, controls, operates or manages federally supported dark fiber and that meets other qualifications and establishes that a dark fiber provider is a telephone utility under the public utility laws of the Maine Revised Statutes, Title 35-A;
2. Authorizes a dark fiber provider to construct lines and to place facilities along public roads in the same manner as other telephone utilities for the purposes of constructing and maintaining its federally supported dark fiber and authorizes the Public Utilities Commission to resolve pole attachment disputes involving a dark fiber provider with respect to the construction and maintenance of federally supported dark fiber;
3. Requires that a dark fiber provider apply for approval from the Public Utilities Commission to offer federally supported dark fiber and requires that the commission approve or deny the application and make its decision on any waivers or exemptions requested by the dark fiber provider within 60 days of its receipt of the application. The commission may extend its review if it determines that it requires additional time, but must issue its order no later than 90 days after receipt of the application; and
4. Establishes a broadband sustainability fee that a dark fiber provider must collect from entities that obtain federally supported dark fiber from the dark fiber provider. For the first five years the fee is \$3 per month multiplied by the number of miles of strand purchased, leased or used; the fee then drops to \$2 per month. The fee ends on December 31, 2017. The funds are administered by the ConnectME Authority. Five percent of the funds is deposited in the ConnectME Fund and is available to support the authority's administrative expenses and for use in accordance with the authority's current statutory purposes. The remaining funds are deposited in a separate broadband sustainability fund administered by the authority. These funds may be disbursed to an incumbent local exchange carrier to fund deployment of broadband infrastructure in unserved areas within the carrier's service territory or, if there are no unserved areas, to increase available broadband speeds for customers within the carrier's service territory. The portion of the funds within the broadband sustainability fund available to each incumbent

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local exchange carrier is calculated based on that portion of the total miles of leased, sold or used federally supported dark fiber in the State that is leased, sold or used within the carrier's service territory. The funds remain available in the broadband sustainability fund for one year and, if not disbursed to carriers, are transferred to the ConnectME Fund, unless the authority for good cause shown extends this period. To receive funds the carrier must provide a request and a certification relating to the use of the funds for deployment of broadband infrastructure in unserved areas or to increase available broadband speeds. The carrier is required to use the funds in accordance with that certification. All funds remaining in the broadband sustainability fund at the end of the third year after the broadband sustainability fee ceases are transferred to the ConnectME Fund.

### **House Amendment "B" To Committee Amendment "A" (H-807)**

This amendment modifies Committee Amendment "A" as follows.

1. It clarifies that incumbent local exchange carriers have a limited right of first refusal to access the broadband sustainability fund.
2. Committee Amendment "A" provides that funds not requested by incumbent local exchange carriers within one year are transferred to the ConnectME Fund but allows the ConnectME Authority to extend this time period. This amendment removes the ability of the ConnectME Authority to extend the one-year time frame. This amendment also provides that all funds remaining in the broadband sustainability fund one year after the broadband sustainability fee ceases are transferred to the ConnectME Fund.
3. It limits the use by an incumbent local exchange carrier of disbursements from the broadband sustainability fund to the deployment of broadband infrastructure in unserved areas within the carrier's service territory.

### **Enacted Law Summary**

Public Law 2009, chapter 612:

1. Defines a dark fiber provider as an entity that owns, controls, operates or manages federally supported dark fiber and that meets other qualifications and establishes that a dark fiber provider is a telephone utility under the public utility laws of the Maine Revised Statutes, Title 35-A;
2. Authorizes a dark fiber provider to construct lines and to place facilities along public roads in the same manner as other telephone utilities for the purposes of constructing and maintaining its federally supported dark fiber and authorizes the Public Utilities Commission to resolve pole attachment disputes involving a dark fiber provider with respect to the construction and maintenance of federally supported dark fiber;
3. Requires that a dark fiber provider apply for approval from the Public Utilities Commission to offer federally supported dark fiber and requires that the commission approve or deny the application and make its decision on any waivers or exemptions requested by the dark fiber provider within 60 days of its receipt of the application. The commission may extend its review if it determines that it requires additional time, but must issue its order no later than 90 days after receipt of the application; and
4. Establishes a broadband sustainability fee that a dark fiber provider must collect from entities that obtain federally supported dark fiber from the dark fiber provider. For the first five years the fee is \$3 per month multiplied by the number of miles of strand purchased, leased or used; the fee then drops to \$2 per month. The fee ends on December 31, 2017. The funds are administered by the ConnectME Authority. Five percent of the funds is deposited in the ConnectME Fund and is available to support the authority's administrative expenses and for use in accordance with the authority's current statutory purposes. The remaining funds are deposited in a separate broadband sustainability fund administered by the authority; incumbent local exchange carriers have a limited right of first refusal to access these funds to fund deployment of broadband infrastructure in unserved areas within the carrier's service territory. The portion of the funds within the broadband sustainability fund available to each incumbent local exchange carrier is calculated based on that portion of the total miles of leased, sold or used

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federally supported dark fiber in the State that is leased, sold or used within the carrier's service territory. The funds remain available in the broadband sustainability fund for one year and, if not disbursed to carriers, are transferred to the ConnectME Fund. To receive funds the carrier must provide a request and a certification relating to the use of the funds for deployment of broadband infrastructure in unserved areas. The carrier is required to use the funds in accordance with that certification. All funds remaining in the broadband sustainability fund on December 31, 2018 are transferred to the ConnectME Fund.

Public Law 2009, chapter 612 was enacted as an emergency measure effective April 6, 2010.

LD 1783      **An Act To Amend the Charter of the Kennebec Water District**

P & S 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	OTP-AM	S-413

This bill amends the charter of the Kennebec Water District as follows.

1. It removes the language indicating that the records of the water district are public and that the meetings are open.
2. It defines how the trustees are to establish the amount of compensation that they are entitled to receive.
3. It incorporates into the charter language enacted in Private and Special Law 1905, chapter 152 regarding the authority of the district to refund its indebtedness, exercise the right of eminent domain, mark boundaries and commence proceedings for condemnation.
4. It removes archaic language that authorizes the water district to acquire the Maine Water Company because the Maine Water Company was purchased by the Kennebec Water District pursuant to Private and Special Law 1899, chapter 200, section 6.
5. It removes archaic language that conditions the effect of the initial charter on the approval by the City of Waterville and the Fairfield Village Corporation because the City of Waterville and the Fairfield Village Corporation approved the charter at meetings held for that purpose pursuant to Private and Special Law 1899, chapter 200, section 14, first paragraph.

This bill also repeals language contained in Private and Special Law 1927, chapter 79 that conditioned a change to the Kennebec Water District charter regarding the appointment and terms of trustees on the repeal of the charters of the Kendalls Mills Village Corporation and the Fairfield Village Corporation because the charters of the Kendalls Mills Village Corporation and the Fairfield Village Corporation were repealed by Private and Special Law 1927, chapter 12.

### **Committee Amendment "A" (S-413)**

This amendment makes various technical changes to the bill and removes certain obsolete language from the Kennebec Water District charter. It also removes from the bill the provision allowing the district trustees to establish their compensation, clarifies that the district's business must be conducted in accordance with the freedom of access laws and provides that an appeal from a decision of the district regarding a determination of damages for a taking of land must be made within 30 days of notice of the decision.

### **Enacted Law Summary**

Private and Special Law 2009, chapter 38 amends the charter of the Kennebec Water District as follows.



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1. It removes the language indicating that the records of the water district are public and that the meetings are open but clarifies that the district's business must be conducted in accordance with the freedom of access laws.
2. It incorporates into the charter language enacted in Private and Special Law 1905, chapter 152 regarding the authority of the district to refund its indebtedness, exercise the right of eminent domain, mark boundaries and commence proceedings for condemnation.
3. It provides that an appeal from a decision of the district regarding a determination of damages for a taking of land must be made within 30 days of notice of the decision.
4. It removes certain archaic and obsolete language from the charter.

LD 1786    **An Act Regarding Energy Infrastructure Development**

**PUBLIC 655**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-809

### PART A

This bill amends the laws governing energy infrastructure corridors to designate the Interstate 95 corridor, the Interstate 295 corridor and the Searsport-Loring Corridor as "statutory corridors" and to continue a process for the designation of "petitioned corridors" by petition to the Public Utilities Commission. It establishes an interagency review panel to oversee the use of the statutory corridors including soliciting, accepting and evaluating proposals for the use of the corridors and it establishes standards for approval of proposals to ensure that they are in the long-term best interests of the State. For energy infrastructure projects within a statutory corridor, the bill requires projects to obtain a long-term occupancy agreement with the Interagency Review Panel, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the Public Utilities Commission. For energy infrastructure projects within a petitioned corridor, the bill requires projects to obtain a corridor use certificate from the Public Utilities Commission, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the commission. The bill requires the Interagency Review Panel to deny approval of and the Public Utilities Commission to deny a corridor use certificate for any energy infrastructure project that does not enhance opportunities for energy generation in the State and significantly and measurably reduce electric rates or other relevant energy costs for residents and businesses within the State. The bill also moves the repeal date for the energy infrastructure corridor laws from July 30, 2011 to July 30, 2015.

The bill requires that, except when prohibited by law, all revenues generated from the use of state-owned land and assets within energy infrastructure corridors be deposited in an energy infrastructure benefits fund. The bill requires the Maine Turnpike Authority to grant an easement to the Department of Transportation along the portion of Interstate 95 designated as the Maine Turnpike to allow its use as part of the Interstate 95 statutory corridor and requires revenues generated from the use of the easement as part of the Interstate 95 statutory corridor be deposited in the energy infrastructure benefits fund.

### PART B

The bill requires all revenues collected in the energy infrastructure benefits fund be transferred to the Efficiency Maine Trust and used on a competitive basis to ensure a steady transition to energy independence and security for

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the State. It requires the Efficiency Maine Trust, in the expenditure of these funds, to give preference to proposals in three specific categories related to energy efficiency for manufacturing entities; efficiency in heating and transportation; and the development of renewable resources. The director of the Trust is required to report annually on the use of the revenues from the fund.

### PART C

The bill requires the director of the Governor's Office of Energy Independence and Security, within the comprehensive state energy plan, to identify transmission capacity and infrastructure needs and recommend actions to support the new renewable energy generation. It also requires the director to advise state agencies regarding energy-related principles to be considered in conjunction with the sale, lease or allowance of use of state-owned land or assets for energy infrastructure development.

The bill requires the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to review the implementation of the provisions of this bill during the First Regular Session of the 125th Legislature. In addition, it requires the Department of Transportation to report to the committee by January 15, 2011 regarding current and potential uses of abandoned railroad corridors for energy infrastructure development.

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

This amendment makes the following changes to Part A of the bill.

1. It clarifies the definition of "energy infrastructure." It preserves the exclusion of generation interconnection transmission facilities and energy generation facilities from the definition, as in current law, and adds an exclusion for electric transmission and distribution facilities and energy transport pipelines that cross an energy infrastructure corridor or are within a corridor for less than five miles.
2. It modifies the composition of the Interagency Review Panel to incorporate four members of the public: one with expertise in energy and utilities, one with expertise in real estate or finance, one representing industrial or commercial energy consumers and one representing residential energy consumers.
3. It modifies the provision in the bill regarding the participation of the Maine Turnpike Authority in the Interstate 95 statutory corridor. The amendment requires the Maine Turnpike Authority to negotiate and enter into a memorandum of agreement with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of the authority's property as part of the corridor and it specifies requirements regarding the terms of that memorandum of agreement.
4. It clarifies and consolidates in one section of law the decision criteria to be used by the Interagency Review Panel and the Public Utilities Commission in evaluating and making decisions on energy infrastructure proposals.
5. It adds language to prohibit the commission from designating a petitioned corridor in the Maine Turnpike.
6. It clarifies the provisions governing the consolidated environmental permit issued by the Department of Environmental Protection for development within an energy infrastructure corridor.
7. It adds language in the eminent domain provisions to treat energy transport pipelines consistently with transmission and distribution utilities.
8. It adds a provision to designate certain transmission lines as "high-impact electric transmission lines" and to require the Public Utilities Commission to review petitions for those lines using the same decision criteria that govern approval of energy infrastructure proposals in statutory corridors and petitioned corridors.
9. It adds a provision to explicitly repeal the provisions regarding legislative review of corridor plans under Public

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Law 2009, chapter 372, Part F, section 5.

It makes the following changes to Part B of the bill.

1. It amends the provisions regarding the disposition of revenues in the energy infrastructure benefits fund. In the bill, all such revenues are directed to the Efficiency Maine Trust. Under the amendment, 20% of the revenues are directed to a new Transportation Efficiency Fund to be administered by the Department of Transportation and used by the department to increase the energy efficiency of or reduce reliance on fossil fuels within the transportation system. The other 80% of the revenues is directed to the Efficiency Maine Trust for expenditure on energy efficiency initiatives and alternative energy resources initiatives.
2. It adds a new provision that directs the Executive Department, Governor's Office of Energy Independence and Security to convene two working groups to examine and make recommendations regarding the use of revenues generated by energy infrastructure development in energy infrastructure corridors. One working group is designed to focus on the use of these funds for transportation efficiency initiatives and the other is designed to focus on the use of these funds for alternative energy resources initiatives. Each group is required to submit a report by March 1, 2011.
3. It adds an appropriations and allocations section.

It makes the following changes to Part C of the bill.

1. It amends the provision regarding advice to be provided to state agencies by the Director of the Governor's Office of Energy Independence and Security to ensure consistency with the amendments to Part A of the bill regarding the decision criteria for energy infrastructure development and the Maine Turnpike Authority.
2. It clarifies that the required report from the Department of Transportation regarding current and potential uses of abandoned railroad corridors owned or controlled by the department for energy infrastructure development must be submitted to the joint standing committee of the Legislature having jurisdiction over transportation matters in addition to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

### **Enacted Law Summary**

Public Law 2009, chapter 655 addresses energy infrastructure development and the establishment of energy infrastructure corridors within the State.

#### **PART A**

Part A of the law designates the Interstate 95 corridor, the Interstate 295 corridor and the Searsport-Loring Corridor as "statutory corridors" and continues a process in current law for the designation of "petitioned corridors" by petition to the Public Utilities Commission. It establishes an interagency review panel to oversee the use of the statutory corridors including soliciting, accepting and evaluating proposals for the use of the corridors and it establishes standards for approval of proposals to ensure that they are in the long-term best interests of the State. For energy infrastructure projects within a statutory corridor, it requires projects to obtain a long-term occupancy agreement with the Interagency Review Panel, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the Public Utilities Commission. For energy infrastructure projects within a petitioned corridor, it requires projects to obtain a corridor use certificate from the Public Utilities Commission, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the commission. It specifies that an energy infrastructure proposal may be approved by the Interagency Review Panel or the Public Utilities Commission, as appropriate, only if the proposal meets certain criteria related to transmission opportunities for in-state energy generation, impacts on electric rates or other energy costs and the long-term public interest of the State. It also amends the laws governing the approval of

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electric transmission lines by the Public Utilities Commission to designate certain lines as "high-impact electric transmission lines" and to require the commission to review petitions for such lines using the same decision criteria that govern approval of proposals to development energy infrastructure within statutory corridors and petitioned corridors.

Part A of the law requires the Maine Turnpike Authority to negotiate and enter into a memorandum of agreement with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of the authority's property as part of the Interstate 95 corridor and it specifies requirements regarding the terms of that memorandum of agreement. It also prohibits the Public Utilities Commission from designating a petitioned corridor in the Maine Turnpike.

It also moves the repeal date for the energy infrastructure corridor laws forward from July 30, 2011 to July 30, 2015.

### **PART B**

Part B of the law establishes an energy infrastructure benefits fund, which consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development. It provides that each fiscal year, 20% of the revenues collected in the energy infrastructure benefits fund be transferred to the Transportation Efficiency Fund to be administered by the Department of Transportation and used by the department to increase the energy efficiency of or reduce reliance on fossil fuels within the transportation system. The other 80% of the revenues are transferred to the Efficiency Maine Trust for expenditure on energy efficiency initiatives and alternative energy resources initiatives. The director of the Trust is required to report annually on the use of the revenues from the fund as part of the annual report of the Trust.

Part B of the law also directs the Executive Department, Governor's Office of Energy Independence and Security to convene two working groups to examine and make recommendations regarding the use of revenues generated by energy infrastructure development in energy infrastructure corridors. One working group is designed to focus on the use of these funds for transportation efficiency initiatives and the other is designed to focus on the use of these funds for alternative energy resources initiatives. Each working group is required to submit a report by March 1, 2011.

### **PART C**

Part C of the law requires the director of the Governor's Office of Energy Independence and Security as part of the comprehensive state energy plan to identify transmission capacity and infrastructure needs and recommend actions to support the new renewable energy generation. It also requires the director to advise state agencies regarding energy-related principles, consistent with the decision criteria for energy infrastructure development, to be considered in conjunction with the sale, lease or allowance of use of state-owned land or assets for energy infrastructure development.

It requires the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to review the implementation of the provisions of this bill during the First Regular Session of the 125th Legislature. In addition, it requires the Department of Transportation to report to the joint standing committees having jurisdiction over transportation matters and over utilities and energy matters by January 15, 2011 regarding current and potential uses of abandoned railroad corridors for energy infrastructure development.

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LD 1810 **An Act To Implement the Recommendations of the Governor's Ocean Energy Task Force**

**PUBLIC 615  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBSINS	OTP-AM	S-500

This bill implements the recommendations of the Governor's Ocean Energy Task Force.

PART A

Part A amends the Maine Wind Energy Act to articulate state policy regarding transition to electric power to meet Maine's heating and transportation needs and recognize the key role of ocean wind and other renewable energy resources in accomplishing that transition over time; clarify that state policy encouraging siting of wind energy includes support for new transmission infrastructure needed to transport additional onshore and offshore wind energy to market; and establish the state goal of 8,000 megawatts of installed wind energy capacity, including 5,000 megawatts of offshore wind power, by 2030.

It authorizes the Public Utilities Commission, in issuing a certificate of public convenience and necessity for a transmission line that it has designated as an energy infrastructure corridor under the Maine Revised Statutes, Title 35-A, section 122, subsection 2, to consider anticipated future growth in electric power demand in determining if such a line is needed to attain state wind energy goals for generating facilities located in coastal waters, to allow a transmission and distribution utility to construct and own such a line under specified circumstances and to allow the recovery of the reasonable costs of construction of such a line through electric rates under specified circumstances.

It amends the Maine Waterway Development and Conservation Act to articulate that it is the policy of the State to support and encourage tidal power development at appropriate locations.

It directs the Department of Environmental Protection, in consultation with the Public Utilities Commission, the Finance Authority of Maine and the Efficiency Maine Trust, if adequate funding is received, to develop a program that provides incentives for Maine homeowners and business owners to convert their fossil fuel-powered home heating systems to more efficient, less polluting electric-powered systems.

It directs the Finance Authority of Maine, in consultation with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust, to work to establish a moral obligation credit enhancement program to reduce financing costs of electric ratepayer-backed renewable ocean energy projects and projects for conversion to electric heating that do not pose a significant risk of financial loss to the State and that will support the goals of assisting in the development of commercial-scale renewable ocean energy projects or the conversion of energy demand away from the use of oil and gas as a primary energy source.

It directs the Public Utilities Commission to conduct a competitive solicitation for proposals for offshore wind, tidal and wave energy produced by one or more projects employing generating facilities located in the State's coastal waters or adjoining federal waters and authorizes the commission to negotiate a long-term contract with a technically competent generator for such energy if the contract terms would not have an unreasonable rate impact.

It directs the Executive Department, Governor's Office of Energy Independence and Security to amend the state energy plan to acknowledge the need for new transmission capacity to support attainment of state offshore wind energy generation goals.

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It directs the Maine Port Authority to assess and make a recommendation regarding acquisition of real estate near existing port facilities in the State needed to facilitate renewable ocean energy development opportunities.

### PART B

Part B amends the State's submerged lands leasing law to enact special provisions regarding renewable ocean energy projects, including clarification of the compatibility of such projects with public trust-related stewardship of submerged lands, fees for demonstration projects and further coordination of lease approval criteria and procedures with related state permitting requirements.

It establishes the Renewable Ocean Energy Trust to protect and enhance the integrity of public trust-related resources and related human uses of the State's submerged lands. Eighty percent of rental fees charged for leasing state submerged lands for renewable ocean energy projects, in addition to the State's share of federal revenues from leasing areas in federal waters for such projects, is deposited in the trust. Twenty percent of the rental fees is deposited in the existing Shore and Harbor Management Fund. Funds from the trust would be provided to the Department of Marine Resources for specified resource enhancement and compensation purposes.

It directs the Department of Conservation, Bureau of Parks and Lands to amend its submerged lands leasing rules to establish a rental fee schedule for leasing submerged lands for commercial-scale offshore wind and other renewable ocean energy projects.

It specifies that such fees must be commercially reasonable and balance state goals of assurance of fair compensation for use and mitigation of potential adverse effects on or conflict with existing uses of state-owned submerged lands with state wind and other renewable ocean energy-related goals. It specifies criteria that the bureau must consider in establishing these fees.

It specifies that the rules must allow a developer of a renewable ocean energy project to enter into a power sales contract that, through reduced rates or otherwise, provides the electric consumers a portion of the rental fee and obligates the developer to provide monetary payment to the State for the remaining portion of the fee.

### PART C

Part C clarifies that a municipality may tax renewable ocean energy-generating machinery, equipment or related components located on state submerged lands that are installed within the boundaries of the municipality, as established by its legislative charter, prior to the effective date of this provision. The bill provides that, for purposes of this provision, there is a rebuttable presumption that the boundaries of a municipality in the coastal area do not extend below the mean low-water line on waters subject to tidal influence.

It also clarifies that renewable ocean energy-generating machinery, equipment and related components that are in transit to be located in, on or above state submerged lands and are within the State on the first day of April of the applicable tax year are exempt from taxation.

It also specifies that renewable ocean energy-generating machinery, equipment and related components that are located in, on or above state submerged lands in the unorganized territory are exempt from taxation and provides that the unorganized territory is not entitled to reimbursement for the tax exemption.

### PART D

Part D amends the definition of "unorganized and deorganized areas" in the laws governing land use regulation to include, for the limited purpose of permitting community-based offshore wind energy projects and structures associated with resource analysis activities necessary for such intended projects, the siting of such projects and resource analysis structures. It defines "community-based offshore wind energy project," which is the type of

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small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission. It provides for permit processing timelines and procedures for a community-based offshore wind energy project that are the same as for an expedited wind energy development.

It applies specific scenic character review criteria for a community-based offshore wind energy project consistent with the criteria for an expedited wind energy development and provides that an application for a community-based offshore wind energy project is exempt from review under the Maine Revised Statutes, Title 12, section 685-B, subsection 4 to the extent the Maine Land Use Regulation Commission determines that review and findings are required under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6). It provides for specific review criteria regarding noise control, shadow flicker and safety setbacks for a community-based offshore wind energy project.

It requires the Maine Land Use Regulation Commission to adopt routine technical rules to allow an offshore wind power project and a community-based offshore wind energy project as uses requiring a permit, but not a special exception, in all applicable subdistricts and establishes the same on an interim basis.

### PART E

Part E makes several changes in the law regarding the issuance of permits for offshore wind power projects under the Natural Resources Protection Act and the site location of development law, and of permits for tidal power projects under the Maine Waterway Development and Conservation Act. The bill:

1. Provides that the Board of Environmental Protection may not assume jurisdiction over an application for any of those permits;
2. Provides that, in reviewing an appeal of a permit decision by the Commissioner of Environmental Protection on an application for any of those permits, the Board of Environmental Protection base its decision on the administrative record;
3. Provides that the Commissioner of Environmental Protection may not request that the Board of Environmental Protection assume jurisdiction over an application for any of those permits;
4. Provides that a person aggrieved by an order or decision of the Commissioner of Environmental Protection or Board of Environmental Protection regarding an application for any of those permits may appeal to the Supreme Judicial Court sitting as the law court; and
5. Requires the commissioner to issue a decision on an application for an offshore wind power project or tidal power project within 185 days, or 270 days if the commissioner holds a hearing. This review period does not apply to a project's associated facilities if the commissioner determines that such a review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development.

It adds offshore wind power projects subject to the Natural Resources Protection Act or the site location of development law and tidal power projects subject to the Maine Waterway Development and Conservation Act to the category of projects for which the Commissioner of Environmental Protection may contract for outside review services, at the applicant's expense, without the applicant's consent.

It amends the Natural Resources Protection Act to address offshore wind power projects as follows.

1. It adds a definition of "offshore wind power project" to the Natural Resources Protection Act.
2. It provides that in making a determination under Title 38, section 480-D, subsection 1 concerning an offshore wind power project, the Department of Environmental Protection shall consider the project's effects on scenic

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character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

3. It adds a provision to the standards of the Natural Resources Protection Act that addresses certain issues related to an offshore wind power project that does not also require a permit under the site location of development law.

4. It amends a notification provision to provide that the Department of Environmental Protection may not review an application for an offshore wind power project without providing notice to the Maine Land Use Regulation Commission when the proposed development is within one mile of an area of land within the jurisdiction of the commission and notice to any municipality with land located within one mile of the proposed development. The Maine Land Use Regulation Commission and any municipality notified may provide comments within a reasonable period established by the Commissioner of Environmental Protection and the commissioner shall consider these comments.

5. It provides that the Department of Environmental Protection shall issue all permits under the Natural Resources Protection Act for offshore wind power projects except for community-based offshore wind energy projects as defined in Title 12, section 682, subsection 19.

It amends the site location of development law to address offshore wind power projects as follows:

1. It provides that a permit is required pursuant to the site location of development law for an offshore wind energy project with an aggregate generating capacity of 3 megawatts or more.

2. It adds a definition of "offshore wind power project" to the site location of development law.

3. It provides that in making a determination regarding an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

4. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more must avoid unreasonable shadow flicker effects, provide safety-related setbacks and provide significant tangible benefits, as required for a grid-scale wind energy development.

5. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more that is located entirely within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development law unless it is a community-based offshore wind energy project.

6. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more is exempt from review under the existing use standard in Title 38, section 484, subsection 3 insofar as review is also required by the Department of Conservation under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6), as determined by the Department of Environmental Protection.

It provides that the Department of Environmental Protection shall develop a permit by rule for offshore wind power project-related meteorological towers in coastal wetlands.

### PART F

Part F amends the Maine Waterway Development and Conservation Act to provide that the Department of Environmental Protection has statewide jurisdiction over wave power projects under that law.

### PART G

Part G expands the Public Utilities Commission's existing authority to exempt real estate of an entity to which the



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commission has issued a certificate of public convenience and necessity wholly or in part from a local ordinance to include real estate used for a renewable ocean energy project if, following public notice and comment, the commission determines the exemption reasonably necessary for public welfare and convenience. It also clarifies and limits the scope of a municipality's land use and zoning authority to promote consistency with pertinent state standards and requirements regarding offshore wind energy development.

### **Committee Amendment "A" (S-500)**

The amendment makes the following changes to Part A:

1. It removes the provision in the bill that permits the Public Utilities Commission to determine there is a public need for a transmission line that is sized to serve anticipated future growth needed to attain state wind energy goals for generating facilities located in coastal waters;
2. It removes the provision in the bill that requires a generator interconnection transmission facility that the Public Utilities Commission has designated as an energy infrastructure corridor under the Maine Revised Statutes, Title 35-A, section 122, subsection 2 to obtain a certificate of public convenience and necessity from the Public Utilities Commission and the provision that authorizes the commission to direct a transmission and distribution utility to construct and own such a line under certain circumstances and to allow the recovery of the reasonable costs of construction of such a line through electric rates;
3. It amends a provision in the bill to clarify the legislative finding regarding the potential contribution of wind resources in the State and the Gulf of Maine over time to be used to reduce the State's reliance on petroleum-based heating and transportation fuels;
4. It removes the provision of the bill that articulates a state policy regarding transition to electric power to meet the State's heating and transportation needs;
5. It amends the provision in the bill regarding the encouragement of tidal power development to clarify that policy and adds language regarding the encouragement of wave power development;
6. It removes the provision in the bill that directs the Department of Environmental Protection, in consultation with the Public Utilities Commission, the Finance Authority of Maine and the Efficiency Maine Trust, if adequate funding is received, to develop a program that provides incentives for Maine homeowners and business owners to convert their fossil fuel-powered heating systems to more efficient, less polluting electric-powered systems;
7. It removes the provision in the bill that directs the Finance Authority of Maine, in consultation with the Department of Environmental Protection, the Public Utilities Commission and the Efficiency Maine Trust, to develop a moral obligation credit enhancement program to reduce the financing costs of electric ratepayer-backed renewable ocean energy projects and projects for conversion to electric heating;
8. It amends the provision in the bill regarding long-term contracts for offshore wind and tidal energy projects. It directs the Public Utilities Commission to conduct a competitive solicitation for long-term contracts to supply capacity, energy and renewable energy credits from deep-water offshore wind energy pilot projects and tidal energy demonstration projects and authorizes the commission to direct a transmission and distribution utility to enter such a long-term contract if certain requirements are met by the supplier and the commission takes certain actions to mitigate the risks to ratepayers, including the development of an ocean wind green power offer; and
9. It amends the provision in the bill that requires the Executive Department, Governor's Office of Energy Independence and Security to examine and make recommendations related to long-term contracts for energy produced by other renewable ocean energy projects.

The amendment makes the following changes to Part B:

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1. It amends the provision regarding an application for a renewable ocean energy project under the submerged lands leasing program to require that the Department of Marine Resources be included in joint interagency preapplication meetings for a lease or easement and to require that the Director of the Bureau of Parks and Lands within the Department of Conservation provide notice to the Marine Resources Advisory Council and any lobster management policy council in whose or within three miles of whose designated lobster management zone the proposed renewable ocean energy project is located; and
2. It amends the provision regarding the Renewable Ocean Energy Trust to clarify that 80% of rental payments for wind energy demonstration projects and tidal energy demonstration projects are deposited in the trust.

The amendment removes all provisions contained in Part C of the bill regarding the taxation of renewable ocean energy-generating machinery, equipment or related components located in, on or above state submerged lands or in transit to be located in, on or above state submerged lands and, instead, replaces those provisions with a requirement that the Department of Administrative and Financial Services, Bureau of Revenue Services by November 1, 2011 provide an analysis of the tax treatment and exemption of such renewable ocean energy-generating machinery, equipment or related components to the joint standing committees of the Legislature having jurisdiction over taxation matters and over utilities and energy matters.

The amendment makes the following changes to Part D:

1. It amends the definition of "community-based offshore wind energy project," which is the type of small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission, to establish an absolute capacity limit of 3 megawatts;
2. It clarifies the provision regarding the decision criteria for the Maine Land Use Regulation Commission and the Department of Conservation, Bureau of Parks and Lands in making decisions regarding community-based offshore wind energy projects;
3. It clarifies that a community-based offshore wind energy project does not have to meet the "significant tangible benefits" requirement that is applicable to grid-scale wind energy projects.

The amendment makes the following changes to Part E:

1. It amends the provisions in the bill regarding permits for offshore wind power projects under the Natural Resources Protection Act and the site location of development laws and permits for tidal power projects under the Maine Waterway Development and Conservation Act. The bill proposes to extend to all such permits the provisions of law governing expedited wind energy developments relative to the Board of Environmental Protection's jurisdiction and appeal procedures, including the ability to appeal directly to the law court, decision timeline and outside reviewers. The amendment, instead, extends those provisions of law governing expedited wind energy projects only to offshore wind energy demonstration projects and tidal energy demonstration projects;
2. It clarifies the provision regarding the decision criteria of the Department of Environmental Protection and the Department of Conservation, Bureau of Parks and Lands in making decisions regarding offshore wind power projects; and
3. It amends the provision regarding notice to be provided by the Department of Environmental Protection prior to review of an application for an offshore wind energy development to require notice to the Maine Land Use Regulation Commission when the proposed development is within three miles, rather than one mile, of an area of land within the jurisdiction of the commission and notice to any municipality with land located within three miles, rather than one mile, of the proposed development and to add a requirement for notice to any municipality in which associated facilities of the development are proposed.

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In Part G of the bill, the amendment removes the provision that establishes certain requirements regarding the scope and application of municipal land use standards in relation to state standards and requirements for offshore wind energy development.

The amendment amends the bill to add Part H, which includes an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 615 implements recommendations of the Governor's Ocean Energy Task Force.

#### **PART A**

Part A amends the Maine Wind Energy Act to articulate the potential, over time, for renewable energy resources in the State and in the Gulf of Maine to provide enough energy to reduce the State's reliance on oil and liquid-petroleum heating systems and petroleum-fueled motor vehicles; to clarify that state policy encouraging siting of wind energy includes support for new transmission infrastructure needed to transport additional onshore and offshore wind energy to market; and establish the state goal of 8,000 megawatts of installed wind energy capacity, including 5,000 megawatts of offshore wind power, by 2030. It also amends the Maine Waterway Development and Conservation Act to articulate that it is the policy of the State to support and encourage tidal and wave power development at appropriate locations.

It requires the Public Utilities Commission in determining public need with respect to issuance of a certificate of public convenience and necessity for a transmission line to consider, among other things, renewable energy generation goals.

It directs the Public Utilities Commission to conduct a competitive solicitation for long-term contracts to supply capacity, energy and renewable energy credits from deep-water offshore wind energy pilot projects and tidal energy demonstration projects and authorizes the commission to direct a transmission and distribution utility to enter such a long-term contract if certain requirements are met by the supplier and the commission takes certain actions to mitigate the risks to ratepayers, including the development of an ocean wind green power offer.

It directs the Executive Department, Governor's Office of Energy Independence and Security to make a recommendation to the joint standing committee of the Legislature having jurisdiction over utility and energy matters regarding terms and conditions for long-term contracts with renewable ocean energy projects other than deep-water offshore wind energy pilot projects and tidal energy demonstration projects. It also directs the Governor's Office of Energy Independence and Security to amend the State energy plan to acknowledge the need for new transmission capacity to support attainment of the State's offshore wind energy generation goals.

It directs the Maine Port Authority to assess and make a recommendation regarding acquisition of real estate near existing port facilities in the State needed to facilitate renewable ocean energy development opportunities.

#### **PART B**

Part B amends the State's submerged lands leasing law to enact special provisions regarding renewable ocean energy projects, including clarification of the compatibility of such projects with public trust-related stewardship of submerged lands, fees for demonstration projects and further coordination of lease approval criteria and procedures with related state permitting requirements. It requires that the Department of Marine Resources be included in joint interagency preapplication meetings for a lease or easement for a renewable ocean energy project and requires that the Director of the Bureau of Parks and Lands within the Department of Conservation provide notice to the Marine Resources Advisory Council and any lobster management policy council in whose or within three miles of whose designated lobster management zone the proposed renewable ocean energy project is located.

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It establishes the Renewable Ocean Energy Trust to protect and enhance the integrity of public trust-related resources and related human uses of the State's submerged lands. Eighty percent of rental fees charged for leasing state submerged lands for renewable ocean energy projects, including wind energy demonstration projects and tidal energy demonstration projects, in addition to the State's share of federal revenues from leasing areas in federal waters for such projects, is deposited in the trust. Twenty percent of the rental fees is deposited in the existing Shore and Harbor Management Fund. Funds from the trust would be provided to the Department of Marine Resources for specified resource enhancement and compensation purposes.

It directs the Department of Conservation, Bureau of Parks and Lands to amend its submerged lands leasing rules to establish a rental fee schedule for leasing submerged lands for commercial-scale offshore wind and other renewable ocean energy projects. It specifies that such fees must be commercially reasonable and balance state goals of assurance of fair compensation for use and mitigation of potential adverse effects on or conflict with existing uses of state-owned submerged lands with state wind and other renewable ocean energy-related goals. It specifies criteria that the bureau must consider in establishing these fees.

It specifies that the rules must allow a developer of a renewable ocean energy project to enter into a power sales contract that, through reduced rates or otherwise, provides the electric consumers a portion of the rental fee and obligates the developer to provide monetary payment to the State for the remaining portion of the fee.

### PART C

Part C requires that the Department of Administrative and Financial Services, Bureau of Revenue Services by November 1, 2011 provide an analysis of the tax treatment and exemption of such renewable ocean energy-generating machinery, equipment or related components to the joint standing committees of the Legislature having jurisdiction over taxation matters and over utilities and energy matters.

### PART D

Part D amends the definition of "unorganized and deorganized areas" in the laws governing land use regulation to include, for the limited purpose of permitting community-based offshore wind energy projects and structures associated with resource analysis activities necessary for such intended projects, the siting of such projects and resource analysis structures. It defines "community-based offshore wind energy project," which is the type of small-scale offshore wind energy project subject to permitting by the Maine Land Use Regulation Commission. It provides for permit processing timelines and procedures for a community-based offshore wind energy project that are the same as for an expedited wind energy development.

It applies specific scenic character review criteria for a community-based offshore wind energy project consistent with the criteria for an expedited wind energy development and provides that an application for a community-based offshore wind energy project is exempt from review under the Maine Revised Statutes, Title 12, section 685-B, subsection 4 to the extent the Maine Land Use Regulation Commission determines that review and findings are required under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6). It provides for specific review criteria regarding noise control, shadow flicker and safety setbacks for a community-based offshore wind energy project.

It requires the Maine Land Use Regulation Commission to adopt routine technical rules to allow an offshore wind power project and a community-based offshore wind energy project as uses requiring a permit, but not a special exception, in all applicable subdistricts and establishes the same on an interim basis.

### PART E

Part E makes several changes in the laws regarding the issuance of a general permit for offshore wind energy demonstration projects under the Natural Resources Protection Act and the site location of development law, and the

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issuance of a general permit for tidal energy demonstration projects under the Maine Waterway Development and Conservation Act. The law:

1. Provides that the Board of Environmental Protection may not assume jurisdiction over an application for those general permits;
2. Provides that, in reviewing an appeal of a permit decision by the Commissioner of Environmental Protection on an application for those general permits, the Board of Environmental Protection base its decision on the administrative record.
3. Provides that the Commissioner of Environmental Protection may not request that the Board of Environmental Protection assume jurisdiction over an application for those general permits.
4. Provides that a person aggrieved by an order or decision of the Commissioner of Environmental Protection or Board of Environmental Protection regarding an application for those general permits may appeal to the Supreme Judicial Court sitting as the law court.

It requires the commissioner to issue a decision on an application for an offshore wind power project or tidal power project within 185 days or, if the commission holds a hearing, within 270 days. This review period does not apply to a project's associated facilities if the commissioner determines that such a review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development.

It adds offshore wind power projects subject to the Natural Resources Protection Act or the site location of development law and tidal power projects subject to the Maine Waterway Development and Conservation Act to the category of projects for which the Commissioner of Environmental Protection may contract for outside review services, at the applicant's expense, without the applicant's consent.

It amends the Natural Resources Protection Act to address offshore wind power projects as follows.

1. It adds a definition of "offshore wind power project."
2. It provides that in making a determination under Title 38, section 480-D, subsection 1 concerning an offshore wind power project, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.
3. It adds a provision to the standards of the Natural Resources Protection Act that addresses certain issues related to an offshore wind power project that does not also require a permit under the site location of development law.
4. It amends a notification provision to provide that the Department of Environmental Protection may not review an application for an offshore wind power project without providing notice to the Maine Land Use Regulation Commission when the proposed development is within three miles of an area of land within the jurisdiction of the commission and notice to any municipality with land located within three miles of the proposed development and to any municipality in which associated facilities are located. The Maine Land Use Regulation Commission and any municipality notified may provide comments within a reasonable period established by the Commissioner of Environmental Protection and the commissioner shall consider these comments.
5. It provides that the Department of Environmental Protection shall issue all permits under the Natural Resources Protection Act for offshore wind power projects except for community-based offshore wind energy projects as defined in Title 12, section 682, subsection 19.

It amends the site location of development law to address offshore wind power projects as follows.

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1. It provides that a permit is required pursuant to the site location of development law for an offshore wind energy project with an aggregate generating capacity of 3 megawatts or more and adds a definition of "offshore wind power project" to the site location of development law.
2. It provides that in making a determination regarding an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the Department of Environmental Protection shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.
3. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more must avoid unreasonable shadow flicker effects, provide safety-related setbacks and provide significant tangible benefits, as required for a grid-scale wind energy development.
4. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more that is located entirely within an area subject to the jurisdiction of the Maine Land Use Regulation Commission is not exempt from the site location of development law unless it is a community-based offshore wind energy project.
5. It provides that an offshore wind power project with an aggregate generating capacity of 3 megawatts or more is exempt from review under the existing use standard in Title 38, section 484, subsection 3 insofar as review is also required by the Department of Conservation under criteria specified in Title 12, section 1862, subsection 2, paragraph A, subparagraph (6), as determined by the Department of Environmental Protection.

It provides that the Department of Environmental Protection shall develop a permit by rule for offshore wind power project-related meteorological towers in coastal wetlands.

### **PART F**

Part F amends the Maine Waterway Development and Conservation Act to provide that the Department of Environmental Protection has statewide jurisdiction over wave power projects under that law.

### **PART G**

Part G expands the Public Utilities Commission's existing authority to exempt real estate of an entity to which the commission has issued a certificate of public convenience and necessity wholly or in part from a local ordinance to include real estate used for a renewable ocean energy project if, following public notice and comment, the commission determines the exemption reasonably necessary for public welfare and convenience. It also clarifies and limits the scope of a municipality's land use standards to promote consistency with pertinent state standards and requirements regarding offshore wind energy development.

### **PART H**

Part H establishes the Ocean Energy Fund within the Department of Marine Resources for the expenditure of funds from the Renewable Ocean Energy Trust.

Public Law 2009, chapter 615, was enacted as an emergency measure effective April 7, 2010.

*Joint Standing Committee on Utilities and Energy*

**LD 1813    An Act Relating to the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services**

**PUBLIC 617  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-806

This bill implements the recommendations for legislative action found in the report on emergency communications in Kennebec County submitted by the Office of Program Evaluation and Government Accountability.

Part A requires the Public Utilities Commission, Emergency Services Communications Board (ESCB), with respect to public service answering points (PSAPs) to develop uniform standards and protocols for emergency dispatching; develop compliance and quality assurance and improvement programs; monitor PSAP compliance with standards and protocols; fund training programs and provide materials relating to the adoption of fire and law enforcement dispatch standards and protocols as well as continuing education programs related to standards and protocols, quality assurance practices, supervisory and management practices and other topics as appropriate for achieving compliance with ESCB rules or recertification requirements. It also requires the ESCB to make training offered to the public safety answering points available to entities providing only dispatch services on a fee basis; it allows the bureau to defray training costs for those entities if there are sufficient funds available in the E-911 Fund to do so.

Part B transfers the responsibility for establishing rates paid by political subdivisions for PSAP and dispatch services provided by the Department of Public Safety to political subdivisions from the Public Utilities Commission to the Maine Communications System Policy Board within the Department of Public Safety. It requires the Maine Communications System Policy Board to examine various methodologies for setting those fees and to make recommendations on any changes in methodologies to the Joint Standing Committee on Utilities and Energy by January 31, 2011. It authorizes the Joint Standing Committee on Utilities and Energy to submit a bill to implement the recommendations.

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

This amendment replaces the bill. The amendment:

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the 3 municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;
2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;
3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;
4. Authorizes the use of the E-9-1-1 fund to support legislatively authorized supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services provided by the Department of Public Safety until June 30, 2011;

## *Joint Standing Committee on Utilities and Energy*

5. Modifies the E-9-1-1 surcharge that is currently scheduled to increase to 52 cents on July 1, 2010 to provide that it increases to 45 cents instead;
6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and enacted related provisions in Title 25, section 2927, subsections 1-E and 1-F, and chapter 416 amended Title 25, section 2927, subsection 1-B. The conflict is corrected by repealing Title 25, section 2927, subsection 1-B and incorporating the changes to rates made by Public Law 2009, chapter 416 in Title 25, section 2927, subsections 1-E and 1-F. The corrections are applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter 400. The modification of the surcharge on prepaid wireless telecommunications service that will take effect on July 1, 2010 is exempted from a provision of law that provides that a change in that surcharge does not take effect until 60 days after enactment of the change; and
7. Adds an appropriations and allocations section.

### **Enacted Law Summary**

#### **Public Law 2009, chapter 617:**

1. Modifies the makeup of the Maine Communications System Policy Board to provide that the three municipal members are nominated by a statewide municipal association. It removes the requirements that these members must represent towns of specific sizes and be participants in the cooperative use of the Department of Public Safety's communications systems;
2. Removes the authority of the Public Utilities Commission to establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the Department of Public Safety. It gives this authority to the Maine Communications System Policy Board and directs the board to set fees based on the department's incremental costs of providing such services to political subdivisions;
3. Directs the Public Utilities Commission, Emergency Services Communications Bureau to develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points;
4. Authorizes the use of the E-9-1-1 fund to support legislatively authorized supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services provided by the Department of Public Safety until June 30, 2011;
5. Modifies the E-9-1-1 surcharge that is currently scheduled to increase to 52 cents on July 1, 2010 to provide that it increases to 45 cents instead;
6. Corrects a conflict created when Public Law 2009, chapter 400 repealed the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and enacted related provisions in Title 25, section 2927, subsections 1-E and 1-F, and chapter 416 amended Title 25, section 2927, subsection 1-B. The conflict is corrected by repealing Title 25, section 2927, subsection 1-B and incorporating the changes to rates made by Public Law 2009, chapter 416 in Title 25, section 2927, subsections 1-E and 1-F. The corrections are applied retroactively to January 1, 2010, the effective date of Public Law 2009, chapter 400. The modification of the surcharge on prepaid wireless telecommunications service that will take effect on July 1, 2010 is exempted from a provision of law that provides that a change in that surcharge does not take effect until 60 days after enactment of the change.

Public Law 2009, chapter 617 was enacted as an emergency measure effective April 7, 2010.



*Joint Standing Committee on Utilities and Energy*

LD 1828    Resolve, Regarding Emergency Communications Services

RESOLVE 196  
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

This resolve is reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 2009, chapter 219. This resolve:

1. Establishes a legislative finding that the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, known as "the Kimball report," are reasonable and that a plan for implementing those recommendations should be developed;
2. Directs the Public Utilities Commission, Emergency Services Communication Bureau to establish a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report and directs the bureau to examine the various issues raised in the Kimball report as it develops the plan; and
3. Directs the Public Utilities Commission, Emergency Service Communication Bureau to submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint Standing Committee on Utilities and Energy by November 1, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 196:

1. Establishes a legislative finding that the recommendations contained in the January 2010 Report for Optimum PSAP Reconfiguration Assessment, known as "the Kimball report," are reasonable and that a plan for implementing those recommendations should be developed;
2. Directs the Public Utilities Commission, Emergency Services Communication Bureau to establish a plan for achieving the 15 to 17 public safety answering point configuration proposed in the Kimball report and directs the bureau to examine the various issues raised in the Kimball report as it develops the plan; and
3. Directs the Public Utilities Commission, Emergency Service Communication Bureau to submit its plan, together with any recommendations relating to the plan, including draft legislation to implement any recommendations for changes to law, to the Joint Standing Committee on Utilities and Energy by November 1, 2010.

Resolve 2009, chapter 196 was finally passed as an emergency measure effective April 1, 2010.



*Joint Standing Committee on Utilities and Energy*

SUBJECT INDEX

*E911*

Enacted

LD 1813	An Act Relating to the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services	PUBLIC 617 EMERGENCY
LD 1828	Resolve, Regarding Emergency Communications Services	RESOLVE 196 EMERGENCY

*Electricity*

Enacted

LD 543	An Act Concerning the Allocation of Power Generated by GNE, LLC	P & S 40
LD 1535	An Act To Create a Smart Grid Policy in the State	PUBLIC 539 EMERGENCY
LD 1581	Resolve, Regarding Commercial Electricity Customers Whose Bills Increased after a Decrease in Electricity Use	RESOLVE 179

Not Enacted

LD 1350	An Act To Establish the Maine Transmission Mitigation Trust Fund	ONTP
LD 1430	An Act To Ensure Electric Capacity To Serve Maine Consumers	ONTP

*Energy*

Enacted

LD 1647	An Act To Enhance Maine's Clean Energy Opportunities	PUBLIC 518 EMERGENCY
LD 1786	An Act Regarding Energy Infrastructure Development	PUBLIC 655

Not Enacted

LD 1571	An Act To Ensure That Maine's Energy Corridor Policy Does Not Harm Maine's Renewable Power Development	ONTP
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*Energy Conservation*

Enacted

LD 1717	An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses	PUBLIC 591 EMERGENCY
LD 1762	Resolve, Regarding Energy Conservation through Voltage Regulation	RESOLVE 169

*Miscellaneous - Utilities and Energy*

Enacted

LD 1695	Resolve, Directing the Public Utilities Commission To Address Public Safety Issues Relating to Disconnection of Certain Utilities	RESOLVE 168 EMERGENCY
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Not Enacted

LD 1644	An Act To Require That a Utility Company Notify the Owner of Property prior to Disconnecting Services	ONTP
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*Public Utilities Commission/Office of Public Advocate*

Enacted

LD 1578	Resolve, To Direct the Public Utilities Commission and the Public Advocate To Account for Certain Resource Expenditures	RESOLVE 190
LD 1643	An Act To Facilitate the Involvement of the Office of the Public Advocate in the FairPoint Communications Bankruptcy Case	P & S 30 EMERGENCY

Not Enacted

LD 1652	An Act To Provide More Information to the Public Advocate	ONTP
LD 1660	An Act To Reallocate Funds for a Position at the Public Utilities Commission	ONTP
LD 1661	An Act To Create a Position at the Public Utilities Commission	ONTP

*Renewable Resources*

Enacted

LD 1222	Resolve, To Promote Geothermal Energy	RESOLVE 161
LD 1504	An Act To Provide Predictable Benefits to Maine Communities That Host Wind Energy Developments	PUBLIC 642
LD 1556	Resolve, To Review Certification Requirements for Installation of Solar Photovoltaic Systems	RESOLVE 152 EMERGENCY
LD 1680	An Act To Assist in Reviewing Wind Energy Applications	PUBLIC 492 EMERGENCY
LD 1682	An Act To Amend the Electric Utility Industry Laws as They Relate to Renewable Resources	PUBLIC 542
LD 1696	An Act Regarding Community-based Renewable Energy	PUBLIC 565 EMERGENCY

LD 1720      **Resolve, Regarding Waste-to-energy Power**      **RESOLVE 163**

LD 1810      **An Act To Implement the Recommendations of the Governor's  
Ocean Energy Task Force**      **PUBLIC 615  
EMERGENCY**

*Telecommunications*

Enacted

LD 1646      **An Act To Establish a Broadband Policy for Maine**      **PUBLIC 586  
EMERGENCY**

LD 1778      **An Act To Enable the Installation of Broadband Infrastructure**      **PUBLIC 612  
EMERGENCY**

Not Enacted

LD 1697      **An Act To Protect Universal Service**      **ONTTP**

*Water/Sewer - Charters*

Enacted

LD 1515      **An Act To Amend the Charter of the Caribou Utilities District**      **P & S 29  
EMERGENCY**

LD 1516      **An Act To Amend the Charter of the Dexter Utility District**      **P & S 35**

LD 1525      **An Act To Create the Buckfield Water District**      **P & S 36**

LD 1557      **An Act To Raise the Indebtedness Limit of the Eagle Lake Water  
and Sewer District**      **P & S 28**

LD 1601      **An Act To Create the Lincolnville Sewer District**      **P & S 32**

LD 1756      **An Act To Amend the Charter of the Gardiner Water District**      **P & S 37**

LD 1783      **An Act To Amend the Charter of the Kennebec Water District**      **P & S 38**

*Water/Sewer - General*

Enacted

LD 1589      **An Act To Authorize Sanitary Districts, Water Utilities and  
Sewer Districts To Waive an Automatic Lien Foreclosure**      **PUBLIC 490**

LD 1645      **An Act To Streamline Collections for Consumer-owned  
Consolidated Water and Wastewater Utilities**      **PUBLIC 541  
EMERGENCY**

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**APPENDIX A**

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**SESSION STATISTICS**

**OVERALL AND**

**BY INDIVIDUAL COMMITTEE**

**124th LEGISLATURE  
SECOND REGULAR SESSION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	322	76.1%
<u><i>Bills Carried Over from previous session</i></u>	<u>87</u>	<u>20.6%</u>
<b>Total Bills referred</b>	<b>409</b>	<b>96.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>11</b>	<b>2.6%</b>
<b>C. Bills introduced without reference</b>	<b>3</b>	<b>0.7%</b>
<b>D. <u>Bills referred, but not reported out</u></b>	<b><u>0</u></b>	
<b>Total Bills and Orders considered by Legislature</b>	<b>423</b>	<b>100.0%</b>
<b>E. Orders and Resolutions referred to Committee</b>		
<i>Joint Study Orders referred and voted out</i>	0	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>1</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>0.0%</b>
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	48	11.4%
<i>Ought to Pass as Amended</i>	190	45.2%
<i>Leave to Withdraw</i>	8	1.9%
<u><i>Ought Not to Pass</i></u>	<u>87</u>	<u>20.7%</u>
<b>Total unanimous reports</b>	<b>333</b>	<b>79.3%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	84	20.0%
<i>Three-way reports</i>	3	0.7%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>87</b>	<b>20.7%</b>
<b>Total Committee reports</b>	<b>420</b>	<b>100.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>93</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
<b>A. Bills and Papers enacted or finally passed</b>		
<i>Joint Study Orders</i>	1	0.0%
<i>Public laws</i>	194	45.9%
<i>Private and Special Laws</i>	18	4.3%
<i>Resolves</i>	71	16.8%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>284</b>	<b>67.1%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Rules authorized without legislative changes	11	50.0%
Rules authorized with legislative changes	9	40.9%
<u>Rules not authorized by the Legislature</u>	<u>2</u>	<u>9.1%</u>
<b>Total number of rules reviewed</b>	<b>22</b>	<b>100.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>13</b>	<b>100.0%</b>
<b>D. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	0	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>

**JOINT STANDING COMMITTEE ON  
AGRICULTURE, CONSERVATION AND FORESTRY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	15	62.5%	3.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>5</u>	<u>20.8%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>20</b>	<b>83.3%</b>	<b>4.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>4</b>	<b>16.7%</b>	<b>0.9%</b>
<b>Total Bills considered by Committee</b>	<b>24</b>	<b>100.0%</b>	<b>5.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<b>Number</b>	<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	5	20.8%	1.2%
<i>Ought to Pass as Amended</i>	13	54.2%	3.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	4	16.7%	1.0%
<b>Total unanimous reports</b>	<b>22</b>	<b>91.7%</b>	<b>5.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	4.2%	0.2%
<i>Three-way reports</i>	1	4.2%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>8.3%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>24</b>	<b>100.0%</b>	<b>5.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>13</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<b>Number</b>	<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	45.8%	2.6%
<i>Private and Special Laws</i>	1	4.2%	0.2%
<i>Resolves</i>	8	33.3%	1.9%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>20</b>	<b>83.3%</b>	<b>4.7%</b>
<b>B. Major substantive rules</b>			
<i>Authorized without legislative changes</i>	0	0.0%	0.0%
<i>Authorized with legislative changes</i>	2	50.0%	9.1%
<i><u>Not authorized by the Legislature</u></i>	<u>2</u>	<u>50.0%</u>	<u>9.1%</u>
<b>Total number of rules reviewed</b>	<b>4</b>	<b>100.0%</b>	<b>18.2%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
124th Legislature, Second Regular Session



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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	9	75.0%	2.1%
<u><i>Bills Carried Over from previous session</i></u>	<u>3</u>	<u>25.0%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	3	25.0%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>6</u>	<u>50.0%</u>	<u>1.4%</u>
<b>Total unanimous reports</b>	<b>9</b>	<b>75.0%</b>	<b>2.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	3	25.0%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>3</b>	<b>25.0%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>12</b>	<b>100.0%</b>	<b>2.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	25.0%	0.7%
<i>Private and Special Laws</i>	1	8.3%	0.2%
<i>Resolves</i>	1	8.3%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>5</b>	<b>41.7%</b>	<b>1.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	18	72.0%	4.3%
<i><u>Bills Carried Over from previous session</u></i>	<u>7</u> <sup>1</sup>	<u>28.0%</u>	<u>1.7%</u>
<b>Total Bills referred</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over from previous session</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	16.0%	1.0%
<i>Ought to Pass as Amended</i>	12	48.0%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>12.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>19</b>	<b>76.0%</b>	<b>4.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	24.0%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>24.0%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>25</b>	<b>100.0%</b>	<b>6.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>22</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	15	60.0%	3.5%
<i>Private and Special Laws</i>	2	8.0%	0.5%
<i>Resolves</i>	2	8.0%	0.5%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>19</b>	<b>76.0%</b>	<b>4.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> The total number of carry overs does not include LD 1320, which was re-referred to the TRA 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.

**JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	19	79.2%	4.5%
<u><i>Bills Carried Over from previous session</i></u>	<u>3</u>	<u>12.5%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>22</b>	<b>91.7%</b>	<b>5.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>2</b>	<b>8.3%</b>	<b>0.5%</b>
<b>Total Bills considered by Committee</b>	<b>24</b>	<b>100.0%</b>	<b>5.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	25.0%	1.4%
<i>Ought to Pass as Amended</i>	10	41.7%	2.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>4</u>	<u>16.7%</u>	<u>1.0%</u>
<b>Total unanimous reports</b>	<b>20</b>	<b>83.3%</b>	<b>4.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	3	12.5%	0.7%
<i>Three-way reports</i>	1	4.2%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>16.7%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>24</b>	<b>100.0%</b>	<b>5.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	45.8%	2.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	16.7%	0.9%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>	<b>62.5%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	2	100.0%	9.1%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>9.1%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
124th Legislature, Second Regular Session

**JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	31	81.6%	7.3%
<u><i>Bills Carried Over from previous session</i></u>	6 <sup>1</sup>	<u>15.8%</u>	<u>1.4%</u>
<b>Total Bills referred</b>	<b>37</b>	<b>97.4%</b>	<b>8.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>2.6%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>38</b>	<b>100.0%</b>	<b>9.0%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	10.5%	1.0%
<i>Ought to Pass as Amended</i>	13	34.2%	3.1%
<i>Leave to Withdraw</i>	1	2.6%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>9</u>	<u>23.7%</u>	<u>2.1%</u>
<b>Total unanimous reports</b>	<b>27</b>	<b>71.1%</b>	<b>6.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	11	28.9%	2.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>11</b>	<b>28.9%</b>	<b>2.6%</b>
<b>Total committee reports</b>	<b>38</b>	<b>100.0%</b>	<b>9.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>19</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	36.8%	3.3%
<i>Private and Special Laws</i>	1	2.6%	0.2%
<i>Resolves</i>	8	21.1%	1.9%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>23</b>	<b>60.5%</b>	<b>5.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	2	66.7%	9.1%
Rules authorized with legislative changes	1	33.3%	4.5%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>3</b>	<b>100.0%</b>	<b>13.6%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Total number of carry overs includes LD 1296, which was carried over by the TAX Committee and re-referred to the EDU Committee.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or re-committed and carried over.

**JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	23	63.9%	5.4%
<i><u>Bills Carried Over from previous session</u></i>	<u>13</u>	<u>36.1%</u>	<u>3.1%</u>
<b>Total Bills referred</b>	<b>36</b>	<b>100.0%</b>	<b>8.5%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>36</b>	<b>100.0%</b>	<b>8.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	8.3%	0.7%
<i>Ought to Pass as Amended</i>	14	38.9%	3.3%
<i>Leave to Withdraw</i>	1	2.8%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>6</u>	<u>16.7%</u>	<u>1.4%</u>
<b>Total unanimous reports</b>	<b>24</b>	<b>66.7%</b>	<b>5.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	12	33.3%	2.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>12</b>	<b>33.3%</b>	<b>2.9%</b>
<b>Total committee reports</b>	<b>36</b>	<b>100.0%</b>	<b>8.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	44.4%	3.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	16.7%	1.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>22</b>	<b>61.1%</b>	<b>5.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	2	50.0%	9.1%
<i>Rules authorized with legislative changes</i>	2	50.0%	9.1%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>4</b>	<b>100.0%</b>	<b>18.2%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
INSURANCE AND FINANCIAL SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	19	76.0%	4.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>6</u>	<u>24.0%</u>	<u>1.4%</u>
<b>Total Bills referred</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>25</b>	<b>100.0%</b>	<b>5.9%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over from previous session</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	8.0%	0.5%
<i>Ought to Pass as Amended</i>	10	40.0%	2.4%
<i>Leave to Withdraw</i>	2	8.0%	0.5%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>12.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>17</b>	<b>68.0%</b>	<b>4.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	28.0%	1.7%
<i>Three-way reports</i>	1	4.0%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>8</b>	<b>32.0%</b>	<b>1.9%</b>
<b>Total committee reports</b>	<b>25</b>	<b>100.0%</b>	<b>6.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>9</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	17	68.0%	4.0%
<i>Private and Special Laws</i>	1	4.0%	0.2%
<i>Resolves</i>	2	8.0%	0.5%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>20</b>	<b>80.0%</b>	<b>4.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	1	100.0%	4.5%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>4.5%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	11	91.7%	2.6%
<i><u>Bills Carried Over previous session</u></i>	<u>1</u>	<u>8.3%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>12</b>	<b>100.0%</b>	<b>2.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	3	25.0%	0.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>25.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>6</b>	<b>50.0%</b>	<b>1.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	50.0%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>50.0%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>12</b>	<b>100.0%</b>	<b>2.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	2	16.7%	0.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	8.3%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>3</b>	<b>25.0%</b>	<b>0.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
JUDICIARY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	21	80.8%	5.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>5</u>	<u>19.2%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>26</b>	<b>100.0%</b>	<b>6.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>26</b>	<b>100.0%</b>	<b>6.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>	<b><u>% of this Committee's Reports</u></b>	<b><u>% of All Committee Reports</u></b>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	15.4%	1.0%
<i>Ought to Pass as Amended</i>	12	46.2%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>7</u>	<u>26.9%</u>	<u>1.7%</u>
<b>Total unanimous reports</b>	<b>23</b>	<b>88.5%</b>	<b>5.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	3	11.5%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>3</b>	<b>11.5%</b>	<b>0.7%</b>
<b>Total committee reports</b>	<b>26</b>	<b>100.0%</b>	<b>6.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>9</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>	<b><u>% of Comm Bills/Papers</u></b>	<b><u>% of All Bills/Papers</u></b>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	13	50.0%	3.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	19.2%	1.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>18</b>	<b>69.2%</b>	<b>4.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	100.0%	4.5%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>4.5%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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  
124th Legislature, Second Regular Session



**JOINT STANDING COMMITTEE ON  
LABOR**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	18	78.3%	4.3%
<i>Bills Carried Over from previous session</i>	<u>4</u>	<u>17.4%</u>	<u>0.9%</u>
<b>Total Bills referred</b>	<b>22</b>	<b>95.7%</b>	<b>5.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>4.3%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>23</b>	<b>100.0%</b>	<b>5.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	8.7%	0.5%
<i>Ought to Pass as Amended</i>	9	39.1%	2.1%
<i>Leave to Withdraw</i>	2	8.7%	0.5%
<i>Ought Not to Pass</i>	<u>3</u>	<u>13.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>16</b>	<b>69.6%</b>	<b>3.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	7	30.4%	1.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>7</b>	<b>30.4%</b>	<b>1.7%</b>
<b>Total committee reports</b>	<b>23</b>	<b>100.0%</b>	<b>5.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	60.9%	3.3%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	4.3%	0.2%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>15</b>	<b>65.2%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
LEGAL AND VETERANS AFFAIRS**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	21	75.0%	5.0%
<u><i>Bills Carried Over from previous session</i></u>	<u>7</u>	<u>25.0%</u>	<u>1.7%</u>
<b>Total Bills referred</b>	<b>28</b>	<b>100.0%</b>	<b>6.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>28</b>	<b>100.0%</b>	<b>6.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>1</u>	<u>100.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>100.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>	<b><u>% of this Committee's Reports</u></b>	<b><u>% of All Committee Reports</u></b>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	13	46.4%	3.1%
<i>Leave to Withdraw</i>	1	3.6%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>5</u>	<u>17.9%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>19</b>	<b>67.9%</b>	<b>4.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	9	32.1%	2.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>9</b>	<b>32.1%</b>	<b>2.1%</b>
<b>Total committee reports</b>	<b>28</b>	<b>96.6%</b>	<b>6.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>	<b><u>% of Comm Bills/Papers</u></b>	<b><u>% of All Bills/Papers</u></b>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	15	53.6%	3.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	7.1%	0.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>17</b>	<b>60.7%</b>	<b>4.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>15.4%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	6	66.7%	1.4%
<i>Bills Carried Over from previous session</i>	3	33.3%	0.7%
<b>Total Bills referred</b>	9	100.0%	2.1%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	9	100.0%	2.1%
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	0	0.0%	0.0%
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	11.1%	0.2%
<i>Ought to Pass as Amended</i>	5	55.6%	1.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	2	22.2%	0.5%
<b>Total unanimous reports</b>	8	88.9%	1.9%
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	11.1%	0.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	1	11.1%	0.2%
<b>Total committee reports</b>	9	100.0%	2.1%
<b>III. CONFIRMATION HEARINGS</b>	1	N/A	N/A
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	77.8%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	7	77.8%	1.7%
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
<b>Total number of rules reviewed</b>	0	0.0%	0.0%
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	0	0.0%	0.0%
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	0	0.0%	0.0%
<b>Total</b>	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.

**JOINT STANDING COMMITTEE ON  
NATURAL RESOURCES**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	27	87.1%	6.4%
<i><u>Bills Carried Over from previous session</u></i>	<u>3</u>	<u>9.7%</u>	<u>0.7%</u>
<b>Total Bills referred</b>	<b>30</b>	<b>96.8%</b>	<b>7.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.2%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>31</b>	<b>100.0%</b>	<b>7.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over from previous session</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	5	16.1%	1.2%
<i>Ought to Pass as Amended</i>	19	61.3%	4.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>5</u>	<u>16.1%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>29</b>	<b>93.5%</b>	<b>6.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	2	6.5%	0.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>6.5%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>31</b>	<b>100.0%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	13	41.9%	3.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	12	38.7%	2.8%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>25</b>	<b>80.6%</b>	<b>5.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	3	50.0%	13.6%
<i>Rules authorized with legislative changes</i>	3	50.0%	13.6%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>6</b>	<b>100.0%</b>	<b>27.3%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>15.4%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	6	85.7%	1.4%
<i><u>Bills Carried Over from previous session</u></i>	<u>1</u>	<u>14.3%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>7</b>	<b>100.0%</b>	<b>1.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>7</b>	<b>100.0%</b>	<b>1.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	4	57.1%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>1</u>	<u>14.3%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>5</b>	<b>71.4%</b>	<b>1.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	2	28.6%	0.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>2</b>	<b>28.6%</b>	<b>0.5%</b>
<b>Total committee reports</b>	<b>7</b>	<b>100.0%</b>	<b>1.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	6	85.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>6</b>	<b>85.7%</b>	<b>1.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Total does not include LD 1480, which was reported out of the SLG committee pursuant to law without a recorded vote.  
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.

**JOINT STANDING COMMITTEE ON  
TAXATION**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	17	51.5%	4.0%
<i><u>Bills Carried Over from previous session</u></i>	15 <sup>1</sup>	45.5%	3.5%
<b>Total Bills referred</b>	<b>32</b>	<b>97.0%</b>	<b>7.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.0%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>33</b>	<b>100.0%</b>	<b>7.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	18.2%	1.4%
<i>Ought to Pass as Amended</i>	11	33.3%	2.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>10</u>	<u>30.3%</u>	<u>2.4%</u>
<b>Total unanimous reports</b>	<b>27</b>	<b>81.8%</b>	<b>6.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	18.2%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>18.2%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>33</b>	<b>100.0%</b>	<b>7.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	10	30.3%	2.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	21.2%	1.7%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>17</b>	<b>51.5%</b>	<b>4.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	1	100.0%	4.5%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>4.5%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>1</b>	<b>100.0%</b>	<b>7.7%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> The total number of carry overs does not include LD 1296, which was re-referred to the EDU 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.

**JOINT STANDING COMMITTEE ON  
TRANSPORTATION**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	27	96.4%	6.4%
<u><i>Bills Carried Over from previous session</i></u>	<u>1</u> <sup>1</sup>	<u>3.6%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>28</b>	<b>100.0%</b>	<b>6.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>			
	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>	<b>28</b>	<b>100.0%</b>	<b>6.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over from previous session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	10.7%	0.7%
<i>Ought to Pass as Amended</i>	11	39.3%	2.6%
<i>Leave to Withdraw</i>	1	3.6%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>8</u>	<u>28.6%</u>	<u>1.9%</u>
<b>Total unanimous reports</b>	<b>23</b>	<b>82.1%</b>	<b>5.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	5	17.9%	1.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>5</b>	<b>17.9%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>28</b>	<b>100.0%</b>	<b>6.7%</b>
<b>III. CONFIRMATION HEARINGS</b>			
	3	N/A	N/A
<b>IV. FINAL DISPOSITION</b>			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	39.3%	2.6%
<i>Private and Special Laws</i>	1	3.6%	0.2%
<i>Resolves</i>	4	14.3%	0.9%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>16</b>	<b>57.1%</b>	<b>3.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>			
	1	100.0%	7.7%
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

<sup>1</sup> Includes LD 1320, which was carried over by the BRED Committee and re-referred to the TRA 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.

**JOINT STANDING COMMITTEE ON  
UTILITIES AND ENERGY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	34	87.2%	8.0%
<i><u>Bills Carried Over from previous session</u></i>	<u>4</u>	<u>10.3%</u>	<u>0.9%</u>
<b>Total Bills referred</b>	<b>38</b>	<b>97.4%</b>	<b>9.0%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>2.6%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>39</b>	<b>100.0%</b>	<b>9.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	7.7%	0.7%
<i>Ought to Pass as Amended</i>	28	71.8%	6.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>8</u>	<u>20.5%</u>	<u>1.9%</u>
<b>Total unanimous reports</b>	<b>39</b>	<b>100.0%</b>	<b>9.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>39</b>	<b>100.0%</b>	<b>9.3%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	35.9%	3.3%
<i>Private and Special Laws</i>	9	23.1%	2.1%
<i>Resolves</i>	8	20.5%	1.9%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>31</b>	<b>79.5%</b>	<b>7.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>2</b>	<b>100.0%</b>	<b>15.4%</b>
<b>D. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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.



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**APPENDIX B**  
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