



**A Summary of Legislation for the
Joint Standing and Joint Select Committees
of the 122nd Maine Legislature**

First Regular and First Special Session

Volume 1

August 2005

*Prepared for the Maine Legislature
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Maine State Legislature

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122nd Legislature First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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>Bill Carried Over to Second Regular Session</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 BODIES</i>	<i>House & 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</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & 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>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is **June 29, 2005**; and for non-emergency legislation enacted in the First Special Session is **September 17, 2005**.

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122nd LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS
Table of Legislative Activity by Committee

COMMITTEE	Bills/Papers Considered ¹	Carried Over ²	Bills Rept'd. Out ³	Unanimous Reports			Divided Reports	Bills/Papers Enacted
				OTP	OTP-AM	ONTP		
ACF	55	4	51	3	28	11	9	34
% of ACF bills	100%	7%	93%	6%	55%	22%	18%	62%
AFA	90	38	52	3	14	20	15	9
% of AFA bills	100%	42%	58%	6%	27%	38%	29%	10%
BEC	107	6	101	8	40	38	15	55
% of BEC bills	100%	6%	94%	8%	40%	38%	15%	51%
CRJ	96	3	93	4	30	39	20	38
% of CRJ bills	100%	3%	97%	4%	32%	42%	22%	40%
EDU	117	8	109	10	29	56	14	36
% of EDU bills	100%	7%	93%	9%	27%	51%	13%	31%
HHS	145	10	135	8	53	45	28	67
% of HHS bills	100%	7%	93%	6%	39%	33%	21%	46%
IFS	76	1	75	5	26	32	10	33
% of IFS bills	100%	1%	52%	4%	19%	24%	7%	23%
IFW	85	3	82	1	21	52	8	23
% of IFW bills	100%	4%	96%	1%	26%	63%	10%	27%
JUD	135	19	116	8	49	41	18	60
% of JUD bills	100%	14%	86%	7%	42%	35%	16%	44%
LAB	91	9	82	4	24	32	22	32
% of LAB bills	100%	10%	90%	5%	29%	39%	27%	35%
LVA	113	6	107	2	29	58	18	31
% of LVA bills	100%	5%	95%	2%	27%	54%	17%	27%
MAR	30	0	30	1	12	8	8	15
% of MAR bills	100%	0%	100%	3%	40%	27%	27%	50%
NAT	80	10	70	1	29	24	16	38
% of NAT bills	100%	13%	88%	1%	41%	34%	23%	48%
PTR	3	0	3	2	0	0	1	1
% of PTR bills	100%	0%	4%	3%	0%	0%	1%	1%
SLG	101	9	92	10	29	21	32	41
% of SLG bills	100%	9%	91%	11%	32%	23%	35%	41%
TAX	156	14	142	2	23	81	33	13
% of TAX bills	100%	9%	91%	1%	16%	57%	23%	8%
TRA	122	10	112	14	29	50	19	46
% of TRA bills	100%	8%	92%	13%	26%	45%	17%	38%
UTE	76	9	67	4	29	24	10	39
% of UTE bills	100%	12%	88%	6%	43%	36%	15%	51%
Not referred ⁴	14		13					7
% Unref. bills	100%	0%	93%	0%	0%	0%	0%	50%
TOTAL	1692	160	1530	90	494	632	296	618
% of All bills	100%	10%	90%	6%	32%	41%	19%	37%

¹Total considered includes Bills, Joint Orders, Joint Study Orders and Joint Resolutions referred to Committee.

²Includes bills carried over to the Second Regular Session, including one LD referred to the Rules Committee that was carried over. Total does not include 71 bills carried over on the Special Appropriations Table by SP 640.

³Does not include two bills referred to the Taxation Committee that were not reported out or carried over and were indefinitely postponed by the House and Senate.

⁴Total number of committee reports does not include two bills referred to the Taxation Committee that were not reported out or carried over and were indefinitely postponed by the House and Senate or two bills removed from the Insurance and Financial Services Committee without a committee vote.

**122nd LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out</i>	1507	89.1%
<i>Bills Carried Over</i>	<u>160</u>	9.5%
Total Bills referred	1667	98.5%
B. Bills reported out by law or joint order	9	0.5%
C. Bills introduced without reference	14	0.8%
D. Bills referred to a Committee, but not voted out	2 ¹	0.1%
Total Bills considered by Legislature	1692	100.0%
Orders and Resolutions referred to Committees		
<i>Joint Study Orders referred and voted out</i>	1	100.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>2</u>	200.0%
Total Orders and Resolutions Referred	1	100.0%
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	90	6.0%
<i>Ought to Pass as Amended</i>	494	32.7%
<i>Ought to Pass as New Draft</i>	0	0.0%
<i>Ought Not to Pass</i>	<u>632</u>	<u>41.8%</u>
Total unanimous reports	1216	80.4%
B. Divided committee reports		
<i>Two-way reports</i>	286	18.9%
<i>Three-way reports</i>	10	0.7%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>
Total divided reports	296	19.6%
Total Committee reports	1512 ²	90.2%
III. CONFIRMATION HEARINGS	69	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	461	27.2%
<i>Private and Special Laws</i>	28	1.7%
<i>Resolves</i>	128	7.6%
<i>Constitutional Resolutions</i>	<u>1</u>	<u>0.1%</u>
Total Enacted or Finally Passed	618	36.5%
B. Resolves to authorize major substantive rules		
<i>Rules authorized without legislative changes</i>	10	45.5%
<i>Rules authorized with legislative changes</i>	11	50.0%
<i>Rules not authorized by the Legislature</i>	<u>1</u>	<u>4.5%</u>
Total number of rules reviewed	22	100.0%
C. Bills Reviewed by the Judiciary Committee for Confidentiality	7	
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	1	0.1%
<i>Held by the Governor</i>	<u>1</u>	<u>0.1%</u>
Total	2	0.1%

1. Includes LD 1448 and LD 1617, which were referred to the Taxation Committee, but were not reported out or carried over and were indefinitely postponed by the House and Senate.

2. Total does not include two bills referred to the Insurance and Financial Services Committee that were removed from committee without a committee vote and two bills in the Taxation Committee that were referred, but not voted out or carried over.

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Agriculture, Conservation and Forestry*

August 2005

Members:

*Sen. John M. Nutting, Chair
Sen. Bruce S. Bryant
Sen. Kevin L. Raye*

*Rep. John F. Piotti, Chair
Rep. Jacqueline A. Lundeen
Rep. Raymond G. Pineau
Rep. Joanne T. Twomey
Rep. Rodney C. Jennings
Rep. Roderick W. Carr
Rep. Arlan R. Jodrey
Rep. Roger L. Sherman
Rep. Patrick S. A. Flood
Rep. Donald G. Marean*

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**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	50	90.9%	3.0%
<u><i>Bills Carried Over</i></u>	<u>4</u>	<u>7.3%</u>	<u>0.2%</u>
Total Bills referred	54	98.2%	3.2%
B. Bills reported out by law or joint order	1	1.8%	0.1%
Total Bills considered by Committee	55	100.0%	3.3%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	5.9%	0.2%
<i>Ought to Pass as Amended</i>	28	54.9%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>11</u>	<u>21.6%</u>	<u>0.7%</u>
Total unanimous reports	42	82.4%	2.8%
B. Divided committee reports			
<i>Two-way reports</i>	9	17.6%	0.6%
<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>
Total divided reports	9	17.6%	0.6%
Total committee reports	51	92.7%	3.4%
III. CONFIRMATION HEARINGS	4	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	27	49.1%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	12.7%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	34	61.8%	2.0%
B. Major substantive rules			
Authorized without legislative changes	0	0.0%	0.0%
Authorized with legislative changes	0	0.0%	0.0%
<u>Not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 62 **Resolve, To Require the Department of Conservation To Maintain Public Access To the Fire Tower on Rocky Mountain near Allagash** **ONTP**

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

LD 62 proposed directing the Department of Conservation to maintain as an historic site and to open to the public the fire tower on Rocky Mountain in T18 R12 WELS.

LD 95 **An Act To Support the Department of Conservation, Bureau of Forestry's Aerial Fire Suppression Program** **PUBLIC 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J PINEAU	OTP-AM	S-17

LD 95 proposed establishing a dedicated account within the Department of Conservation, Bureau of Forestry to accept reimbursement funds related to the use of the department's aerial fire suppression resources.

Committee Amendment "A" (S-17) proposed specifying that the account be established through the Office of the State Controller and that any money received for the use of the Department of Conservation, Bureau of Forestry's aerial fire suppression resources be deposited into the Aerial Fire Suppression Fund.

Enacted law summary

Public Law 2005, chapter 28 establishes a dedicated account within the Department of Conservation, Bureau of Forestry to accept reimbursement funds related to the use of the department's aerial fire suppression resources. Funds in the account accrue and are used to upgrade, maintain and support the bureau's aerial fire suppression fleet.

LD 117 **An Act To Amend Provisions of the Maine Land Use Regulation Commission Law** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI NUTTING J	OTP-AM	H-156

LD 117 proposed allowing a fee to be assessed by the Maine Land Use Regulation Commission, LURC, for a zoning petition to change an area's designation from a general management subdistrict to a development subdistrict. It also proposed deleting statutory language duplicated in the schedule of fees section of LURC's rules. This bill also proposed a land use service fee assessment for towns which have annexed lands from the

Joint Standing Committee on Agriculture, Conservation and Forestry

unorganized territories based on the state valuation only for the portion of a town or plantation that is within the jurisdiction of LURC.

Committee Amendment "A" (H-156) proposed retaining the permitting fee ranges in statute proposed for repeal in the bill and designating any revised rules establishing new fees as major substantive rules.

The provisions of LD 117 as amended by Committee Amendment "A" were incorporated in the Appropriations and Financial Affairs Committee Amendment to LD 1677, the Supplemental Budget Bill and enacted as P.L. 2005, Chapter 386, Part I.

LD 133 Resolve, To Support Long-term Forest Management and Sound RESOLVE 28
Silviculture

<u>Sponsor(s)</u> PIOTTI NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-253
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LD 133 proposed directing the Commissioner of Conservation to conduct research on economic incentives to support long-term forest management and sound silviculture, and to recommend legislation to the Second Regular Session of the 122nd Legislature.

Committee Amendment "A" (H-253) proposed establishing an interim report date of February 1, 2006 and including farmers among the groups to be represented when the Commissioner of Conservation is soliciting input.

Enacted law summary

Resolve 2005, chapter 28 directs the Commissioner of Conservation to develop recommendations and an implementation plan for economic incentives to support long-term forest management and sound silviculture. The Commissioner is directed to review options specified in the resolve and to solicit input from interested parties. The Resolve directs the commissioner to provide a progress report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 1, 2006. The committee is authorized to submit a bill to encourage long-term forest management and sound silviculture to the Second Regular Session of the 122nd Legislature.

LD 139 An Act To Make a Record of Dog Licenses Available On-line ONTP

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 139 proposed requiring the Commissioner of Agriculture, Food and Rural Resources to create and maintain a publicly accessible database on the Internet of all dog licenses in the State including the name and contact information of the owner for each dog listed.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 143

An Act To Improve Access to Public Lands

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J SAVIELLO	OTP-AM	S-146

LD 143 proposed amending the law enacted as a Citizen's Initiative in 1975 that created the Bigelow Preserve. It proposed language that would specifically authorize management for cross-country skiing and use of motorized vehicles for maintaining cross-country ski trails.

Committee Amendment "A" (S-146) proposed replacing the bill. It proposed alternate language to clearly authorize the Department of Conservation, Bureau of Parks and Lands to construct and maintain a segment of trail within the preserve. It proposed a general location for the trail and authorized use of motorized equipment and vehicles for construction and maintenance of the trail.

Enacted law summary

Public Law 2005, chapter 205 provides clear authorization to the Department of Conservation, Bureau of Parks and Lands, to construct and maintain a trail in the southeast corner of the Bigelow Preserve for cross-country skiing and other nonmotorized uses. It limits the length and general location of the trail and allows motorized equipment to be used for trail construction and maintenance.

LD 178

An Act To Support Animal Welfare

PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-329 H-444 PIOTTI

LD 178 proposed requiring that the registration fees to distribute commercial feed be deposited entirely in the Animal Welfare Fund, instead of half being deposited in the Animal Welfare Fund and half in the General Fund.

Committee Amendment "A" (H-329) proposed replacing the bill with alternative approaches to increasing funding to the Animal Welfare Fund and the Companion Animal Sterilization Fund. It also proposed correcting an omission of the designation for aggravated cruelty to animals as a Class C crime. This omission occurred in Public Law 2003, chapter 452, An Act to Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended. The committee amendment proposed a retroactivity clause for this correction with an effective date of July 1, 2004, the date that P.L. 2003, chapter 452 became effective.

House Amendment "A" to Committee Amendment "A" (H-444) proposed removing the retroactivity clause relating to the Maine Revised Statutes, Title 17, section 1031, subsection 1-B.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted law summary

Public Law 2005, chapter 281 imposes a surcharge of \$20 for each brand of pet food registered in the State, to be deposited in the Animal Welfare Fund. It imposes a surcharge of \$4 for each sample submitted to the Department of Agriculture, Food and Rural Resources for testing for equine infectious anemia. The testing surcharge is to be deposited in the animal welfare auxiliary fund and used for investigations and enforcement of the animal welfare laws pertaining to equines. It imposes a surcharge of \$25 on each unneutered cat or dog sold by a breeding kennel or a pet shop. This surcharge is deposited in the Companion Animal Sterilization Fund.

It corrects an omission of the designation of criminal class for aggravated cruelty to animals. This omission occurred in Public Law 2003, chapter 452, An Act to Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as amended. This carries out the intent of chapter 452 with regard to the provision for aggravated cruelty to animals, which was to make technical changes only. Aggravated cruelty to animals is a Class C crime.

The correction to the aggravated cruelty statute, Maine Revised Statutes, Title 17, section 1031, subsection 1-B, was also incorporated in the Judiciary Committee Amendment to LD 1622, An Act to Correct Errors and Inconsistencies in the Laws of Maine. LD 1622 was enacted as P.L. 2005, Chapter 397, an emergency measure effective June 17, 2005.

LD 188 **An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas** **PUBLIC 226**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO PERRY J	OTP-AM	H-371

LD 188 proposed changing the effective date of January 1, 2006 for rules regulating timber harvesting activities in shoreland areas within the jurisdiction of the Maine Land Use Regulation Commission (LURC). It proposed making implementation of the rules within LURC jurisdiction contingent on acceptance of the standards by more than half of the State's municipalities.

Committee Amendment "A" (H-371) proposed replacing the bill, making the effective date for rules regulating timber harvesting activities in shoreland areas contingent on acceptance of the statewide standards by 252 municipalities on a list of 336 municipalities.

Enacted law summary

Public Law 2005, chapter 226 makes the effective date for rules regulating timber harvesting activities in shoreland areas contingent on acceptance of the statewide standards by 252 municipalities on a list of 336 municipalities. It requires the Commissioner of Conservation to notify the Secretary of State when the 252-municipality threshold has been reached and to submit legislation to make any necessary statutory revisions prior to the effective date for the statewide standards. Beginning on the effective date the standards will apply within the jurisdiction of the Maine Land Use Regulation Commission.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 204

An Act To Protect Dogs That Are Left Outside

PUBLIC 340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN NUTTING J	OTP-AM	H-484 S-309 NUTTING J

LD 204 proposed additional statutory requirements for the type of shelter that must be available for a dog to protect it from inclement weather and for the type of chaining device that confines an animal.

Committee Amendment "A" (H-484) proposed replacing the bill. It proposed tethering and shelter standards specific to dogs that are confined outside on tethers for long periods and modification of those standards that are appropriate for arctic breeds.

House Amendment "A" to Committee Amendment "A" (H-546) proposed reducing the required chain or tether length for arctic breeds to 1.5 times the length of the dog if the anchor is a pivot point allowing a 360° area of movement.

Senate Amendment "A" to Committee Amendment "A" (S-309) proposed changes to the criminal provision for animal cruelty consistent with the changes for civil violations made in House Amendment "A" to Committee Amendment "A."

Enacted law summary

Public Law 2005, chapter 340 establishes tethering and shelter standards specific to dogs that are confined outside on tethers for long periods. It establishes standards that are appropriately different for arctic breeds.

LD 216

An Act To Make Revisions to the Laws Governing Agriculture

PUBLIC 382

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI NUTTING J	OTP-AM	H-671

LD 216 proposed several changes to the law that were identified as necessary during the preliminary work on the recodification of the Maine Revised Statutes, Title 7. Part A of this bill proposed eliminating unnecessary findings and purposes sections. Part B proposed correcting an obsolete reference and eliminates a duplicative provision.

Committee Amendment "A" (H-671) proposed several additional parts to the bill, including revisions to statutory provisions relating to institutional food purchasing and several clarifications to the Maine milk laws.

Enacted law summary

Public Law 2005, chapter 382 eliminates unnecessary findings and purposes sections in the Maine Revised Statutes, Title 7. It makes revisions to statutory provisions relating to institutional food purchasing. It directs the Commissioner of Agriculture, Food and Rural Resources to establish an advisory committee to discuss expanding

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the purchase of food that is locally produced, to convene a working group to discuss issues relating to food policy and to submit a report with recommendations to the Second Regular Session of the 122nd Legislature. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation that session pertaining to food policy and the promotion of locally produced foods.

It clarifies the definition and use of the word "cervids." It removes a time restriction on foals resulting from insemination being registered as Maine standardbreds. It revises the board memberships for the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council and makes several clarifications to the Maine milk laws.

Chapter 382 also directs the Department of Agriculture, Food and Rural Resources to submit legislation to implement its recommendations to address legal ambiguities in the Maine Revised Statutes, Title 7. It directs the department to seek drafting assistance from the Office of Policy and Legal Analysis.

LD 429 An Act To Require Veterinarians To Provide Vaccine Disclosure Forms ONTP

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

LD 429 proposed requiring a veterinarian to provide information regarding the advantages and disadvantages of vaccines to the owner of a dog or cat before vaccinating the dog or cat.

Committee Amendment "A" (H-254) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry to add a penalty provision to the bill. The minority report was not accepted.

LD 433 An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations PUBLIC 57 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-81
BRYANT B		

LD 433 proposed allowing the Commissioner of Conservation to create dedicated accounts for the deposit of money received from the sale of general merchandise products such as t-shirts, audio and video recordings, coffee mugs, tote bags and calendars.

Committee Amendment "A" (H-81) proposed directing the Commissioner of Conservation to register for copyright protection original artwork used on products for sale, to contract with Maine businesses for the production of merchandise whenever possible and to limit sales to products of high quality and appropriate for sale by the department.

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Enacted law summary

Public Law 2005, chapter 57 allows the Commissioner of Conservation to create dedicated accounts to receive money from the sale of general merchandise products such as t-shirts, audio and video recordings, coffee mugs, tote bags and calendars. Money donated to the Department of Conservation to support specific programs may also be deposited in these dedicated accounts. Chapter 57 authorizes the department to accept donations of goods and services to support specific programs. It also directs the Commissioner of Conservation to register for copyright protection original artwork used on products, to contract with Maine businesses for the production of merchandise whenever possible and to limit sales to products of high quality and appropriate for sale by the department. Public Law 2005, chapter 57 was enacted as an emergency measure effective April 21, 2005.

LD 438 Resolve, To Improve Access to Emergency Services in State Parks, RESOLVE 26
Historic Sites and the Maine Wildlife Park

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VAUGHAN SNOWE-MELLO	OTP-AM	H-186

LD 438 proposed directing the Commissioner of Conservation and the Commissioner of Inland Fisheries and Wildlife to take certain actions to improve the public's access to emergency services when visiting state parks and the Maine Wildlife Park.

Committee Amendment "A" (H-186) proposed requiring the Department of Conservation and the Department of Inland Fisheries and Wildlife to review their policies and procedures relating to emergency service providers and to report back to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2006.

Enacted law summary

Resolve 2005, chapter 26 requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to review their policies and procedures for contacting emergency service providers and allowing emergency service providers access to facilities and to review and implement staff training in emergency response. It requires the departments to develop written emergency operating plans for all staffed facilities and to report back to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 31, 2006.

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LD 457 **An Act To Remove an Access Gate from State-owned Land in Pittston Academy Grant, T2 R4 NBKP** **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 457 proposed prohibiting the operation of an access gate and the charging of camping or day use fees on certain lands recently acquired and managed by the Department of Conservation, Bureau of Parks and Lands. It proposed defining these lands as the Seboomook Lake purchase.

LD 486 **Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3 Years** **RESOLVE 21 EMERGENCY**

<u>Sponsor(s)</u> CARR MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-178
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LD 486 proposed providing for a 2-year rabies vaccination certificate to be valid for an additional year for providing proof that a dog has been immunized against rabies under the dog licensing requirements.

Committee Amendment "A" (H-178) proposed extending the validity of a rabies vaccination certificate for licensing purposes for calendar years 2005 and 2006 only.

Enacted law summary

Resolve 2005, chapter 21 provides that a 2-year rabies vaccination certificate is valid for an additional year for calendar years 2005 and 2006 for purposes of providing proof that a dog has been immunized against rabies pursuant to the Maine Revised Statutes, Title 7, section 3922, subsection 3. Resolve 2005, chapter 21 was finally passed as an emergency measure effective May 13, 2005.

LD 503 **An Act To Make Changes to the Laws Governing the Maine Potato Board** **PUBLIC 176 EMERGENCY**

<u>Sponsor(s)</u> LUNDEEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-330
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LD 503 proposed several changes to the laws governing the Maine Potato Board.

Committee Amendment "A" (H-330) proposed incorporating a fiscal note.

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Enacted law summary

Public Law 2005, chapter 176 makes several changes to the laws governing the Maine Potato Board. It amends the definition of "potato" to include potatoes sold for processing into starch, and potatoes sold for processing into animal feed. It changes the minimum number of executive council meetings from 4 to 2 times a year. It authorizes the Maine Potato Board to undertake development and investment in infrastructure. It prohibits using revenue from the potato tax to undertake promotional activities of the Maine Potato Board and eliminates the requirement that the State Auditor conduct an annual audit of the Maine Potato Board. It specifies that the board must pay to the State Tax Assessor a sum representing the actual cost incurred by the State in collecting the taxes, except that the sum may not exceed 5% of the total tax collected annually. Public Law 2005, chapter 176 was enacted as an emergency measure effective May 20, 2005.

LD 538 **An Act Requiring Dog Owners To Obtain Dog License Vouchers
at the Time of Obtaining Rabies and Other Immunizations** **ONTP**

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

LD 538 proposed requiring a dog owner to pay the dog license fee to a veterinarian who immunizes the dog against rabies. It proposed a system by which the veterinarian would issue the owner a voucher to be presented to the municipal clerk or unorganized territory dog recorder to obtain a dog license.

LD 574 **An Act To Amend Provisions of the Submerged Lands Laws** **PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER BRAUTIGAM	OTP-AM	S-96

LD 574 proposed excluding large-scale projects from the \$1,200 cap on annual rents under the submerged lands leasing program. It also proposed amending the definition of "submerged lands" to clarify that the State's submerged lands extend 3 nautical miles seaward to the boundary of "territorial waters."

Committee Amendment "A" (S-96) proposed amending the definition of "large-scale project" in the bill. It proposed requiring the Director of the Bureau of Parks and Lands within the Department of Conservation to adopt rules relating to "large-scale project."

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Enacted law summary

Public Law 2005, chapter 134 defines a "large-scale project" under the submerged lands leasing program and excludes such projects from the \$1,200 cap on annual rents. It requires the Director of the Bureau of Parks and Lands within the Department of Conservation to adopt rules establishing criteria for determining when a project is a "large-scale project" and criteria for establishing rent for those projects. It allows the director to make determinations until the rules are adopted and in effect. It amends the statutory definition of "submerged lands" and provides that the State's submerged lands extend 3 nautical miles seaward to the boundary of "territorial waters."

LD 640

An Act To Recognize the Importance of Forestry

CARRIED OVER

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

LD 640 proposes statutory language stating that forest industry is of significant economic and social importance to the State. This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 649

An Act To Provide Access to Maine's Resources to Certain Veterans

**PUBLIC 268
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B BRYANT M	OTP-AM MAJ ONTP MIN	S-197

LD 649 proposed recognizing Maine veterans of the Iraq War who have served a minimum of 90 days by giving them a free one-year pass to state parks and free hunting and fishing licenses.

Committee Amendment "A" (S-197) proposed replacing the bill with directives to the Department of Defense, Veterans and Emergency Management and authorization for the issuance of free day use passes and free hunting licenses and fishing licenses to certain veterans.

Enacted law summary

Public Law 2005, chapter 268 directs the Department of Defense, Veterans and Emergency Management to enter into a memorandum of agreement with the Department of Conservation for the issuance of free day use passes to certain veterans and to enter into a memorandum of agreement with the Department of Inland Fisheries and Wildlife for the issuance of free hunting licenses and fishing licenses to certain veterans. It establishes criteria for eligibility to receive the free pass and licenses. The provisions for the complimentary pass and licenses are repealed June 30, 2010. Public Law 2005, chapter 268 was enacted as an emergency measure with an effective date of June 2, 2005.

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LD 654 **An Act To Provide for Independent Testing of Unpasteurized Milk Products** **PUBLIC 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J PIOTTI	OTP-AM MAJ ONTP MIN	S-142

LD 654 proposed requiring the Commissioner of Agriculture, Food and Rural Resources to review departmental procedures for testing food products for bacteria and revise the procedures to distinguish between types of bacteria that are harmful to human health and those that are not. It proposed prohibiting restrictions on sales of food products based on the presence of a bacterium unless the bacterium has been identified as harmful to human health.

Committee Amendment "A" (S-142) proposed changing the title and requiring the Department of Agriculture, Food and Rural Resources to establish a process for samples of certain unpasteurized milk products to be tested by an independent laboratory.

Enacted law summary

Public Law 2005, chapter 172 requires the Department of Agriculture, Food and Rural Resources to adopt rules establishing a process for samples of unpasteurized milk products to be tested by an independent laboratory. The owner of a milk plant may request independent testing when the milk laboratory operated by the department has tested samples from that plant and determined that state standards for unpasteurized milk products have not been met.

LD 781 **Resolve, To Create Sebago Lake Village State Park** **ONTP**

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

LD 781 proposed directing the Department of Conservation, Bureau of Parks and Lands to purchase the boat ramp on Sebago Lake in the Town of Standish and 20 acres of Portland Water District property surrounding the boat ramp to establish Sebago Lake Village State Park. It proposed requiring the State to pay fair market value for the property acquired from the town and purchase the property from Portland Water District for the value of the property as determined by the tax assessed under the Maine Tree Growth Tax Law. This resolve proposed requiring the Bureau of Parks and Lands to improve the boat ramp in its existing location, create parking for 100 cars or boat trailers and create a memorial in the park for the British pilots who crashed their planes into Sebago Lake during World War II. The resolve proposed requiring that a proposal to move the boat ramp from the park receive approval by a 2/3 majority of Standish voters at a regularly scheduled election.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 803 **Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Study the Management and Fee Structure of Scarborough Beach State Park** **RESOLVE 20 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY BARTLETT	OTP-AM MAJ ONTP MIN	H-167

LD 803 proposed allowing the use of Maine State Park Passes issued by the Department of Conservation, Bureau of Parks and Lands to gain admission to Scarborough Beach State Park.

Committee Amendment "A" (H-167) proposed replacing the bill with a resolve. The resolve proposed requiring the Director of the Bureau of Parks and Lands within the Department of Conservation to study the management of Scarborough Beach State Park.

Enacted law summary

Resolve 2005, chapter 20 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a study committee to study the management of Scarborough Beach State Park and report back to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than January 2, 2006. Resolve 2005, chapter 20 was finally passed as an emergency measure effective May 13, 2005.

LD 813 **An Act To Make Technical Changes in Laws Relating to Conservation** **PUBLIC 133**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM	H-200

LD 813 proposed several amendments to the laws relating to conservation. It proposed repealing obsolete language and redundant provisions. It also proposed making falsification of information on a timber harvesting notification equivalent to forgery.

Committee Amendment "A" (H-200) proposed removing that section of the bill that proposed making false information on a timber harvesting notification equivalent to forgery.

Enacted law summary

Public Law 2005, chapter 133 repeals obsolete language regarding the Department of Conservation, Bureau of Forestry's natural resource educator and the bureau's tree nursery. It repeals a redundant provision and amends statutory provisions regarding the Bureau of Forestry's collection of information on log imports and exports. It repeals provisions for the Bureau of Forestry's to collect information on mill-delivered prices.

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LD 815

**An Act To Require That Directors within the Department of
Agriculture, Food and Rural Resources Be Unclassified**

PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ ONTP MIN	S-249

LD 815 proposed requiring the division heads within the Department of Agriculture, Food and Rural Resources to be appointed by the Commissioner of Agriculture, Food and Rural Resources and designated as unclassified employees.

Committee Amendment "A" (S-249) proposed in statute the directors' positions within the Department of Agriculture, Food and Rural Resources, which are being designated as unclassified. It proposed transition language to the bill.

Enacted law summary

Public Law 2005, chapter 337 requires the division directors positions within the Department of Agriculture, Food and Rural Resources to be appointed by the Commissioner of Agriculture, Food and Rural Resources and designates them as unclassified employees. It allows persons serving as directors on the effective date of the Act to continue to serve as classified employees until the beginning of the next gubernatorial term of office.

LD 842

**An Act To Prevent Price Gouging and To Stabilize Prices in the
Sale of Milk**

ONTP

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

LD 842 proposed prohibiting a person from selling fluid milk for an unconscionably excessive price and allowing the Maine Milk Commission to investigate to determine if a price is unconscionably excessive. The bill also proposed a provision for calculating a subsidy for Maine's dairy farmers and directing the Maine Milk Pool administrator to distribute the dairy stabilization subsidy on a monthly basis.

LD 861

An Act To Amend Arborist Licensing Law

ONTP

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

LD 861 proposed amending the arborist licensing law by eliminating the licensing exemptions for persons working on their employer's property and for general contractors who remove shade or ornamental trees in the conduct of their regular business. The bill proposed limiting the requirement that the Department of Agriculture, Food and Rural Resources investigate all complaints relating to arborists. It proposed requiring investigation of formally made complaints only.

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LD 934 **Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash** **CARRIED OVER**

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

LD 934 proposed the transfer of certain public lands to the Town of Allagash.

Committee Amendment "A" (H-504) proposed replacing the resolve. It proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to provide information on the disposition of the public lots in towns and plantations that have incorporated since January 1, 1973. The amendment also proposed requiring the director to review contract provisions for the sale of wood and to develop model provisions that give preference to local markets. It required the Director to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on these tasks by January 15, 2006. The Minority Report was accepted in the Senate. The House accepted the Majority Report of Ought Not to Pass.

After a conference committee, both bodies voted to recommit LD 934 to the Joint Standing Committee on Agriculture, Conservation and Forestry. This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 959 **Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Develop a Plan To Create a Regional Recreation Center in the Town of Blue Hill** **ONTP**

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

LD 959 proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to work with several communities in western Hancock County to develop a plan to create a regional recreation center in the Town of Blue Hill. The bill proposed requiring the director to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2006 and authorizing the committee to report out legislation to the Second Regular Session of the 122nd Legislature regarding the development of a regional recreation center.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 961

An Act To Establish the Agricultural Water Management Fund

PUBLIC 150
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN	OTP-AM	H-284

LD 961 proposed establishing a fund in the Department of Agriculture, Food and Rural Resources that would accept money from any source for the purpose of improving the adoption of irrigation for agricultural businesses.

Committee Amendment "A" (H-284) proposed changing the name of the fund to the Agricultural Water Management and Irrigation Fund and clarifying that the fund might be used for irrigation and providing water for livestock operations.

Enacted law summary

Public Law 2005, chapter 150 establishes the Agricultural Water Management and Irrigation Fund in the Department of Agriculture, Food and Rural Resources. The department is authorized to accept money from any source for deposit in the fund. The fund may be used for irrigation and providing water for livestock operations. Public Law 2005, chapter 150 was enacted as an emergency measure effective May 20, 2005.

LD 967

An Act To Amend the Laws Governing Dogs at Large

ONTP

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

LD 967 proposed requiring a dog to be quarantined at a boarding kennel or a veterinary clinic if the dog has bitten a person or a domesticated animal or the dog is the subject of a complaint under Maine laws regarding dangerous dogs and the dog's owner or keeper does not provide an animal control officer with a valid certificate of rabies vaccination for the dog.

Committee Amendment "A" (H-430) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed allowing an animal control officer to determine the place of quarantine for a dog that has bitten a person or domesticated animal. It increases the fine for failure to abide by quarantine provisions and other rules adopted to control rabies. The minority report was not adopted.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1002

An Act To Transfer Responsibility from the Potato Marketing Improvement Committee to the Maine Potato Board

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN LUNDEEN	OTP-AM	S-276

LD 1002 proposed transferring the responsibilities of the Commissioner of Agriculture, Food and Rural Resources as they pertain to potato marketing, the Potato Marketing Improvement Committee and the Potato Marketing Improvement Fund to the Maine Potato Board. It also proposed expanding uses of the Potato Marketing Improvement Fund.

Committee Amendment "A" (S-276) proposed repealing statutory provisions relating to the Potato Marketing Improvement Committee and designating the Maine Potato Board to serve in an advisory capacity to the Commissioner of Agriculture, Food and Rural Resources on matters relating to the Potato Marketing Improvement Fund.

Enacted law summary

Public Law 2005, chapter 335 repeals statutory provisions relating to the Potato Marketing Improvement Committee and designates the Maine Potato Board to serve in an advisory capacity to the Commissioner of Agriculture, Food and Rural Resources on matters relating to uses of the Potato Marketing Improvement Fund. It expands use of the fund to include programs and activities that improve the economic viability of the potato industry.

LD 1017

An Act To Monitor the Distribution of Land Acquisitions

PUBLIC 215

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-252

LD 1017 proposed requiring the Land for Maine's Future Board to report annually to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on the expenditures made and acreage acquired and leased on a county-by-county basis. The bill also proposed requiring that the majority of expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund during a 2-year period must be used for land acquisition in the 8 counties that are below the state median in percentage of public land.

Committee Amendment "A" (H-252) proposed replacing the bill. It proposed requiring the Land for Maine's Future Board to report information on expenditures and acquisitions on a county-by-county basis.

Enacted law summary

Public Law 2005, chapter 215 requires the Land for Maine's Future Board to include in its biennial report information on expenditures and acquisitions on a county-by-county basis for the report period and a cumulative report on acreages acquired by county.

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LD 1064 **An Act To Clarify the Laws Governing Agricultural Composting Operations** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK CARR	OTP-AM	S-256

LD 1064 proposed enacting a definition of "agricultural composting" and clarifying that agricultural composting operations qualify for certain sales tax exemptions. It also proposed specifically including work in connection with "agricultural composting" in the definition of "agricultural labor" as that term is used in Maine's unemployment compensation statutes.

Committee Amendment "A" (S-256) proposes replacing the definition of "agricultural composting" found in the bill with definitions of "agricultural composting operation" and "composting." It proposes removing the provision that proposed amending Maine's unemployment compensation statute.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1070 **An Act To Amend the Law Regarding State Milk Payments** **PUBLIC 230**

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

LD 1070 proposed allowing a milk producer to choose which month that producer would begin receiving payments under the Maine milk income loss contract.

Enacted law summary

Public Law 2005, chapter 230 allows a milk producer to choose which month that producer begins receiving payments under the Maine milk income loss contract. Production during the months that payments are delayed does not count towards the cap of 5,000,000 pounds under the Maine milk income loss contract.

LD 1089 **Resolve, To Establish a North Woods Park Feasibility Study** **ONTP**

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

LD 1089 proposed requiring the Department of Economic and Community Development, Office of Tourism to study the feasibility of establishing the North Woods Park, a state park located adjacent to Baxter State Park.

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Committee Amendment "A" (H-255) proposed the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It changes an incorrect reference from "state park" to "national park." The minority report was not adopted.

LD 1106

An Act To Amend Certain Animal Health Laws

PUBLIC 146

<u>Sponsor(s)</u> TWOMEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-305
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LD 1106 proposed establishing the State of Maine Animal Response Team and the State of Maine Animal Response Team Fund. It proposed a confidentiality clause to protect records and test results relating to diagnostic tests for livestock or poultry diseases performed on samples submitted to or obtained by the Commissioner of Agriculture, Food and Rural Resources and any information reported to the department pertaining to diseases among livestock and poultry within the State.

Committee Amendment "A" (H-305) proposed removing the section in the bill that proposed making confidential certain records relating to animal testing and disease. It proposed clarifying that the Commissioner of Agriculture, Food and Rural Resources can accept private and public funds for deposit into the State of Maine Animal Response Team Fund and clarifying for what purpose the fund may be used.

Enacted law summary

Public Law 2005, chapter 146 establishes the State of Maine Animal Response Team to prepare for and respond to emergencies and disease outbreaks involving animals and the State of Maine Animal Response Team Fund.

LD 1126

Resolve, To Examine the Nontherapeutic Use of Antibiotics

RESOLVE 82

<u>Sponsor(s)</u> COWGER PIOTTI		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-250
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LD 1126 proposed including a policy statement in Maine statutes to discourage the nontherapeutic use of antibiotics in animals raised for food. It proposed requiring persons purchasing meat for Maine state institutions and Maine schools to notify brokers or wholesalers of this policy and to give preference to those who can supply meat from animals that have not been given antibiotics for other than therapeutic reasons.

Committee Amendment "A" (S-250) proposed changing the bill to a resolve. It proposed directing the Commissioner of Agriculture, Food and Rural Resources and the Director of the Bureau of Health within the Department of Health and Human Services to examine issues pertaining to the use of antibiotics in human medicine and animal agriculture.

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Enacted law summary

Resolve 2005, chapter 82 directs the Commissioner of Agriculture, Food and Rural Resources and the Director of the Bureau of Health within the Department of Health and Human Services in consultation with a study group to examine issues pertaining to the use of antibiotics in human medicine and animal agriculture. It requires a report to legislative committees in January 2006 and authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Health and Human Services to report out legislation to the Second Regular Session of the 122nd Legislature.

LD 1224 **Resolve, Establishing a Study Committee To Examine Methods To Assist the Potato Industry** **ONTP**

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

LD 1224 proposed a concept draft of a resolve to establish a study committee to examine methods to assist the potato industry.

LD 1256 **An Act To Ensure Public Awareness of Pesticide Applications** **ONTP**

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

LD 1256 proposed requiring persons certified to apply pesticides to provide written notice of pesticide application to the Board of Pesticides Control concerning the type and amount of pesticide and the time and place of application. It proposed requiring the board to then make that information easily available to the public.

LD 1309 **An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances** **PUBLIC 138**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-331

LD 1309 proposed exempting agricultural guard dogs and dogs used for herding livestock from barking dog ordinances.

Committee Amendment "A" (H-331) proposed language to clarify that agricultural guard dogs and herding dogs when working are exempt from municipal ordinances prohibiting or limiting barking.

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Enacted law summary

Public Law 2005, chapter 138 exempts dogs engaged in guarding livestock or herding livestock from municipal ordinances prohibiting or limiting barking.

LD 1368

An Act To Protect Small Forest Landowners

PUBLIC 358

<u>Sponsor(s)</u> CARR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-629
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LD 1368 proposed providing confidentiality for forest management plans and documentation of forest management activities on private forest lands, when such documentation is held by the Department of Conservation, Bureau of Forestry for the purpose of administering landowner assistance programs. It also proposed making confidential the addresses, telephone numbers and electronic mail addresses of forest landowners owning less than 1,000 acres statewide and contained in harvest notifications and reports of assessors to the Bureau of Forestry.

Committee Amendment "A" (H-629) proposed clarifying confidentiality provisions for information held by the Department of Conservation, Bureau of Forestry. It proposed requiring the Director of the Bureau of Forestry to provide names, addresses and electronic mail addresses upon request to a nonprofit organization that provides educational services to forest landowners regarding sound forest management.

Enacted law summary

Public Law 2005, chapter 358 clarifies confidentiality provisions for information held by the Department of Conservation, Bureau of Forestry. It requires the Director of the Bureau of Forestry to keep addresses and electronic mail addresses confidential for landowners owning less than 1,000 acres of forest land statewide but requires this information to be provided upon request to a nonprofit organization that provides educational services to forest landowners for the purpose of distributing information on forest management. The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1368, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1393

**Resolve, To Direct the Department of Conservation To Seek
Public Access to Certain Prominent Water Bodies**

RESOLVE 92

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-240
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LD 1393 proposed requiring 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. It proposed specifying that

Joint Standing Committee on Agriculture, Conservation and Forestry

the department has the authority to use eminent domain, as necessary, to acquire and maintain access to key launching points on the Dead and Kennebec Rivers.

Committee Amendment "A" (S-240) proposed replacing the resolve. It proposed removing explicit authorization to use the power of eminent domain. It proposed language directing the Department of Conservation to seek negotiations with landowners to acquire public access to launch sites on the Dead River and Kennebec River.

Enacted law summary

Resolve 2005, chapter 92 directs the Department of Conservation to seek negotiations with landowners to acquire public access to launch sites on the Dead River and Kennebec River. It requires the department to report to the Joint Standing Committee on Agriculture, Conservation, and Forestry no later than January 6, 2006 on the status of the discussions and negotiations. It authorizes the committee to report out a bill relating to public access to the Kennebec and Dead Rivers during the Second Regular Session of the 122nd Legislature.

LD 1395

An Act Regarding National Forests

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCLEOD	OTP-AM MAJ ONTP MIN	S-212

LD 1395 proposed repealing statutory language that gives the consent of the State to the acquisition by the Federal Government of land for national forests. It proposed removing language that specifically gives the consent of the State to the acquisition by the Federal Government of land in Hancock and Washington counties and in parts of Penobscot and Aroostook counties for national forests.

Committee Amendment "A" (S-212) proposed retaining provisions in the Maine Revised Statutes, Title 12, section 751 pertaining to concurrent jurisdiction.

Enacted law summary

Public Law 2005, chapter 258 removes statutory language giving the consent of the State for acquisition by the Federal Government of land that the Federal Government determines is needed for national forests. The bill also removes specific language that gives the consent of the State to the acquisition by the Federal Government of land in Hancock and Washington counties and in parts of Penobscot and Aroostook counties for national forests.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1406 **An Act To Preserve Public Access and Job Opportunities in the North Woods** **CARRIED OVER**

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

LD 1406 proposes the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. As proposed, the board's central duty is to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The board would have independent bonding authority to support the Maine Woods Fund, as established in this bill. This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1426 **An Act To Amend Certain Milk and Milk Products Laws** **PUBLIC 270**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N NUTTING J	OTP-AM	H-470

LD 1426 proposed repealing certain sections of law having to do with the licensing, inspection and testing of farm cheese. It proposed provisions for the labeling and sale of heat-treated cheeses.

Committee Amendment "A" (H-470) proposed clarifications to the provisions for labeling heat-treated cheese.

Enacted law summary

Public Law 2005, chapter 270 repeals certain sections of law relating to the licensing, inspection and testing of farm cheese. It allows heat-treated cheeses to be produced, labeled and sold in a manner similar to other products made from unpasteurized milk.

LD 1432 **An Act To Reestablish the Milk Handling Fee** **PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN PERRY J	OTP-AM	H-602

LD 1432 proposed establishing a milk handling fee at the rate of 5¢ per quart on milk handled for retail sale in Maine. It proposed that the fee would be paid on a monthly basis by the wholesale handler or, if there is none, by the retail handler. It proposed that the proceeds of the fee be paid to the State's General Fund for general purposes of State Government with one exception. It proposed that the State Tax Assessor pay \$1,000,000 from the proceeds of the milk handling fee to the Maine Farms for the Future Program.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-602) proposed a rate schedule for the fee that would vary inversely with the price of milk and a trigger for initiating the fee. It proposed adding definitions to the bill for "basic price" and "producer-handler" and an exception from the fee for producer-handlers who sell less than 10,000 hundredweight per year. It proposed allowing the State Tax Assessor to share information with the Maine Milk Commission. It also proposed removing the provision for funding to the Maine Farms for the Future Program.

Enacted law summary

Public Law 2005, chapter 396 establishes a milk handling fee similar to the fee in effect in 1995 and 1996. Proceeds of the fee are paid to the State's General Fund for general purposes of State Government. Chapter 396 establishes a rate schedule that varies inversely with the price of milk and a trigger for initiating the fee. The handling fee is initiated after the basic price of milk falls below \$18 per hundredweight for 2 consecutive months. Producer-handlers who sell less than 10,000 hundredweight per year are exempt from payment of the fee.

Public Law 2005, chapter 396 was enacted as an emergency measure effective June 17, 2005.

LD 1473

An Act To Strengthen the Animal Welfare Laws

PUBLIC 422

Sponsor(s)
PIOTTI

Committee Report
OTP-AM

Amendments Adopted
H-502

LD 1473 proposed several amendments to the animal welfare laws. It proposed a definition for "abandonment" and "abandon" and proposed specific penalties for abandoning animals. It proposed a violation and penalty for impersonating a state humane agent. It proposed late fees for failure to renew animal facility licenses. It proposed a rabies vaccination requirement for dogs independent of the dog licensing law. It proposed additional disclosure requirements for pet dealers and amending the definition of "breeding kennel."

Committee Amendment "A" (H-502) proposed replacing the bill, retaining and rewriting provisions relating to rabies vaccination, late fees for facilities licenses and animals abandoned at animal care facilities.

Enacted law summary

Public Law 2005, chapter 422 establishes a rabies vaccination requirement for dogs independent of the dog licensing law. It establishes a late fee for failure to renew a kennel, pet shop or animal shelter license within 30 days of the license expiration. It prohibits the Department of Agriculture, Food and Rural Resources from issuing a license for a breeding kennel to a person convicted or adjudicated of animal cruelty violations. It makes abandonment a Class C crime if the animal dies as a result of abandonment. It makes it a Class D crime to abandon an animal at a veterinarian's office, boarding kennel, animal grooming facility or animal day-care facility and establishes a process for notification of an owner and disposition of the abandoned animal.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1547 **An Act To Ensure Appropriate Development in Lands under the
Jurisdiction of the Maine Land Use Regulation Commission** **ONTP**

<u>Sponsor(s)</u> PERCY DAMON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1547 proposed requiring the Maine Land Use Regulation Commission to establish a statewide plan for development guidelines in areas not currently developed and further limiting actions by the commission while the plan is being developed.

LD 1560 **An Act To Transfer the Pest Control Compact from the
Department of Conservation to the Department of Agriculture,
Food and Rural Resources** **PUBLIC 147**

<u>Sponsor(s)</u> FLOOD		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1560 proposed transferring responsibilities for administration of the Pest Control Compact from the Department of Conservation, Bureau of Forestry to the Department of Agriculture, Food and Rural Resources.

Enacted law summary

Public Law 2005, chapter 147 repeals the Pest Control Compact currently contained in the Maine Revised Statutes, Title 12 under the laws governing the Department of Conservation, Bureau of Forestry and enacts the compact instead in Title 7 under the laws governing the Department of Agriculture, Food and Rural Resources.

LD 1572 **An Act To Amend the Potato Industry Licensing Laws** **PUBLIC 333
EMERGENCY**

<u>Sponsor(s)</u> LUNDEEN MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-562
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LD 1572 proposed amending the laws governing potato industry licensing and bonding to provide additional protection for producers and licensees.

Committee Amendment "A" (H-562) proposed clarifications to the requirements for a license renewal for potato dealers and brokers and restoring language providing for due process that was struck in the bill.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted law summary

Public Law 2005, chapter 333 amends the laws governing potato industry licensing and bonding to provide additional protection for producers and licensees in the event that a person required to be licensed under these laws becomes insolvent. The bill requires the submission of a bond as a prerequisite for obtaining a license; requires licensees to apply for a license renewal annually; establishes a June 30th expiration date for all licenses; increases the license fee from \$80 to \$100 per year; and makes other administrative changes. Public Law 2005, chapter 333 was enacted as an emergency measure effective June 8, 2005.

LD 1590 **An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects** **PUBLIC 107
EMERGENCY**

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

LD 1590 was a committee bill, reported out of the Joint Standing Committee on Agriculture, Conservation and Forestry with a unanimous “ought-to-pass” report. It proposed allowing the director of the Maine Land Use Regulation Commission to assess a processing fee for certain projects and establishing a system for tracking and paying expenses attributable to these projects.

Enacted law summary

Public Law 2005, chapter 107 allows the director of the Maine Land Use Regulation Commission to designate certain projects as “extraordinary projects” based on the project’s size, uniqueness or complexity. It allows the director to assess a fee based on the cost of reviewing an application for an extraordinary project. Processing fees are deposited in a dedicated account and expenses attributed to review of a project are paid from the dedicated account.

Public Law 2005, chapter 107 was enacted as an emergency measure effective May 12, 2005.

LD 1630 **Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Restore the Taylor Camps** **ONTP**

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

LD 1630 proposed directing the Department of Conservation, Bureau of Parks and Lands to commence restoration of the Taylor camps on the Allagash Wilderness Waterway by the end of 2005.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1657 **An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides** **CARRIED OVER**

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

LD 1657 proposes the following limits on the application of pesticides near the normal high tide mark for the control of browntail moths.

1. Prohibits aerial application of pesticides in an area from the normal high tide mark to 1,000 feet inland.
2. Prohibits application of pesticides using a mist blower in an area from the normal high tide mark to 500 feet inland.
3. Prohibits application of pesticides using a hydraulic rig in an area from the normal high tide mark to 50 feet inland.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1674 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU BRYANT B	OTP-AM	H-599

LD 1674 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property or interests in property at locations described in this resolve on such other terms and conditions as the director may direct.

Committee Amendment "A" (H-599) proposed incorporating a fiscal note.

Enacted law summary

Resolve 2005, chapter 97 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property or interests in property at 8 different locations. The resolve describes each property to be transferred and the purpose of the transfer. These parcels are among the lands designated under the Constitution of Maine, Article IX, Section 23. Proceeds from sale of these lands must be used to purchase additional land in the same county for the conservation or recreation purposes.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1692

**An Act To Transfer Funds to the Maine Milk Pool from the
General Fund To Fund Dairy Stabilization Programs**

PUBLIC 418

Sponsor(s)
PIOTTI

Committee Report

Amendments Adopted

LD 1692 proposed directing the State Controller to transfer undedicated revenue from the General Fund to the Maine Milk Pool on a monthly basis. The proposed transfers would be distributed from the Maine Milk Pool to milk producers. This bill was enacted on the floor without reference to committee.

Enacted law summary

Public Law 2005, chapter 418 directs the State Controller to transfer undedicated revenue from the General Fund to the Maine Milk Pool. The amount to be transferred monthly is based on price support distributions to Maine milk producers for the previous month. Distributions are calculated and paid in accordance with Title 7, sections 3153-B and 3153 -C.

Joint Standing Committee on Agriculture, Conservation & Forestry

SUBJECT INDEX

Agriculture – Dairy and Livestock

Enacted

LD 1070	An Act To Amend the Law Regarding State Milk Payments	PUBLIC 230	Page 17
LD 1106	An Act To Amend Certain Animal Health Laws	PUBLIC 146	Page 18
LD 1126	Resolve, To Examine the Nontherapeutic Use of Antibiotics	RESOLVE 82	Page 18
LD 1426	An Act To Amend Certain Milk and Milk Products Laws	PUBLIC 270	Page 22
LD 1432	An Act To Reestablish the Milk Handling Fee	PUBLIC 396 EMERGENCY	Page 22
LD 1692	An Act To Transfer Funds to the Maine Milk Pool from the General Fund To Fund Dairy Stabilization Programs	PUBLIC 418	Page 26

Not Enacted

LD 654	An Act To Provide for Independent Testing of Unpasteurized Milk Products	PUBLIC 172	Page 11
LD 842	An Act To Prevent Price Gouging and To Stabilize Prices in the Sale of Milk	ONTP	Page 13

Animal Control - Animal Welfare

Enacted

LD 178	An Act To Support Animal Welfare	PUBLIC 281	Page 3
LD 204	An Act To Protect Dogs That Are Left Outside	PUBLIC 340	Page 5
LD 486	Resolve, To Extend the 2-year Rabies Vaccination Certificate to 3 Years	RESOLVE 21 EMERGENCY	Page 8

LD 1309	An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances	PUBLIC 138	Page 19
LD 1473	An Act To Strengthen the Animal Welfare Laws	PUBLIC 422	Page 23

Not Enacted

LD 139	An Act To Make a Record of Dog Licenses Available On-line	ONTP	Page 2
LD 429	An Act To Require Veterinarians To Provide Vaccine Disclosure Forms	ONTP	Page 6
LD 457	An Act To Remove an Access Gate from State-owned Land in Pittston Academy Grant, T2 R4 NBKP	ONTP	Page 8
LD 538	An Act Requiring Dog Owners To Obtain Dog License Vouchers at the Time of Obtaining Rabies and Other Immunizations	ONTP	Page 9
LD 967	An Act To Amend the Laws Governing Dogs at Large	ONTP	Page 15

Bureau of Parks and Lands

Enacted

LD 803	Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Study the Management and Fee Structure of Scarborough Beach State Park	RESOLVE 20 EMERGENCY	Page 12
LD 1674	Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands	RESOLVE 97	Page 26

Not Enacted

LD 781	Resolve, To Create Sebago Lake Village State Park	ONTP	Page 11
LD 934	Resolve, To Transfer Ownership of Certain Public Reserved Lands to the Town of Allagash	CARRIED OVER	Page 14

LD 959	Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Develop a Plan To Create a Regional Recreation Center in the Town of Blue Hill	ONTP	Page 14
LD 1630	Resolve, Directing the Department of Conservation, Bureau of Parks and Lands To Restore the Taylor Camps	ONTP	Page 25

Department of Agriculture, Food and Rural Resources – Administration

Enacted

LD 216	An Act To Make Revisions to the Laws Governing Agriculture	PUBLIC 382	Page 5
LD 815	An Act To Require That Directors within the Department of Agriculture, Food and Rural Resources Be Unclassified	PUBLIC 337	Page 13
LD 961	An Act To Establish the Agricultural Water Management Fund	PUBLIC 150 EMERGENCY	Page 14

Not Enacted

LD 861	An Act To Amend Arborist Licensing Law	ONTP	Page 13
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Department of Conservation – Administration

Enacted

LD 433	An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations	PUBLIC 57 EMERGENCY	Page 6
LD 438	Resolve, To Improve Access to Emergency Services in State Parks, Historic Sites and the Maine Wildlife Park	RESOLVE 26	Page 7
LD 1368	An Act To Protect Small Forest Landowners	PUBLIC 358	Page 20

Not Enacted

None

Forestry/Forest Management/Timber Harvesting

Enacted

LD 133	Resolve, To Support Long-term Forest Management and Sound Silviculture	RESOLVE 28	Page 2
LD 188	An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas	PUBLIC 226	Page 4
LD 1368	An Act To Protect Small Forest Landowners	PUBLIC 358	Page 20

Not Enacted

LD 640	An Act To Recognize the Importance of Forestry	CARRIED OVER	Page 10
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Land Preservation/Public Access

Enacted

LD 143	An Act To Improve Access to Public Lands	PUBLIC 205	Page 3
LD 1017	An Act To Monitor the Distribution of Land Acquisitions	PUBLIC 215	Page 16
LD 1393	Resolve, To Direct the Department of Conservation To Seek Public Access to Certain Prominent Water Bodies	RESOLVE 92	Page 20
LD 1395	An Act Regarding National Forests	PUBLIC 258	Page 21

Not Enacted

LD 62	Resolve, To Require the Department of Conservation To Maintain Public Access To the Fire Tower on Rocky Mountain near Allagash	ONTP	Page 1
LD 1089	Resolve, To Establish a North Woods Park Feasibility Study	ONTP	Page 17
LD 1406	An Act To Preserve Public Access and Job Opportunities in the North Woods	CARRIED OVER	Page 21

Maine Land Use Regulation Commission

Enacted

LD 1590	An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects	PUBLIC 107 EMERGENCY	Page 24
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Not Enacted

LD 117	An Act To Amend Provisions of the Maine Land Use Regulation Commission Law	INDEF PP	Page 1
LD 1547	An Act To Ensure Appropriate Development in Lands under the Jurisdiction of the Maine Land Use Regulation Commission	ONTP	Page 23

Miscellaneous - Agriculture

Enacted

LD 216	An Act To Make Revisions to the Laws Governing Agriculture	PUBLIC 382	Page 5
LD 1126	Resolve, To Examine the Nontherapeutic Use of Antibiotics	RESOLVE 82	Page 18

Not Enacted

LD 1064	An Act To Clarify the Laws Governing Agricultural Composting Operations	CARRIED OVER	Page 16
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Miscellaneous – Conservation

Enacted

LD 574	An Act To Amend Provisions of the Submerged Lands Laws	PUBLIC 134	Page 9
LD 649	An Act To Provide Access to Maine's Resources to Certain Veterans	PUBLIC 268 EMERGENCY	Page 10
LD 813	An Act To Make Technical Changes in Laws Relating to Conservation	PUBLIC 133	Page 12

LD 1395 An Act Regarding National Forests PUBLIC 258 Page 21

Not Enacted

None

Miscellaneous – Pesticides

Enacted

Not Enacted

LD 1256 An Act To Ensure Public Awareness of Pesticide Applications ONTP Page 19

LD 1657 An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides CARRIED OVER Page 25

Miscellaneous – Potatoes

Enacted

LD 503 An Act To Make Changes to the Laws Governing the Maine Potato Board PUBLIC 176 EMERGENCY Page 8

LD 1002 An Act To Transfer Responsibility from the Potato Marketing Improvement Committee to the Maine Potato Board PUBLIC 335 Page 15

LD 1572 An Act To Amend the Potato Industry Licensing Laws PUBLIC 333 EMERGENCY Page 24

Not Enacted

LD 1224 Resolve, Establishing a Study Committee To Examine Methods To Assist the Potato Industry ONTP Page 19

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Appropriations and Financial Affairs*

August 2005

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Sen. Richard A. Nass*

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Rep. Jeremy Fischer
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Rep. Janet T. Mills
Rep. H. Sawin Millett, Jr.
Rep. Robert W. Nutting
Rep. Stephen Bowen
Rep. Darlene J. Curley*

**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	51	56.7%	3.0%
<u><i>Bills Carried Over</i></u>	38	42.2%	2.2%
Total Bills referred	89	98.9%	5.3%
B. Bills reported out by law or joint order			
	1	1.1%	0.1%
Total Bills considered by Committee	90	100.0%	5.3%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	5.8%	0.2%
<i>Ought to Pass as Amended</i>	14	26.9%	0.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>20</u>	<u>38.5%</u>	<u>1.3%</u>
Total unanimous reports	37	71.2%	2.4%
B. Divided committee reports			
<i>Two-way reports</i>	15	28.8%	1.0%
<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>
Total divided reports	15	28.8%	1.0%
Total committee reports	52	57.8%	3.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	7.8%	0.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	2.2%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	9	10.0%	0.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Appropriations and Financial Affairs

LD 30

**An Act To Apply a System of Spending Limitations to State,
County and Municipal Governments and School Administrative
Units**

ONTP

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

LD 30 proposed to establish spending limitation systems governing state, county and local governments and school administrative units. The bill was modeled on the spending limitation system provided in an initiative proposed by the Maine State Chamber of Commerce, with some adjustments relating to the use of certain governance systems at the local, school and county levels. The bill proposed to establish a growth allowance, based on the average real growth of total personal income, to govern the year-to-year growth of the State's General Fund appropriations, county assessments, school district assessments, the property tax commitments levied for municipal school systems and the property tax commitments levied for municipal services. For local government, the base growth allowance would be adjusted by the appropriate property growth factor, which is a measure of new taxable property introduced into a municipality or multimunicipal region. Except for limited emergency situations, the Legislature could exceed its spending limit only by a 2/3 vote of both Houses. Except for emergency situations, the spending limit could be exceeded by county, school and local governments only by placing the budget before the voters at referendum, unless alternative budget adoption procedures are established by charter amendment or the adoption of a local ordinance by referendum approval. The budgets of school administrative units would be exempted from the limitations to the extent those budgets, on a year-to-year basis, do not exceed a baseline relationship between the total school budget and the total essential programs and services allocation for that school administrative unit.

LD 35

**An Act To Authorize a General Fund Bond Issue in the Amount of
\$75,000,000 for the Land for Maine's Future Fund**

ONTP

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

LD 35 proposed a General Fund bond issue in the amount of \$75,000,000 to be used for the Land for Maine's Future Fund.

Joint Standing Committee on Appropriations and Financial Affairs

LD 37 **Resolve, Directing the Department of Health and Human Services To Seek Federal Funding To Serve Immigrant and Refugee Populations in Need of Mental Health and Substance Abuse Treatment** **RESOLVE 18 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN WALCOTT	OTP-AM	S-124

LD 37 proposed to direct the Department of Health and Human Services to develop as a demonstration project mental health and substance abuse treatment programs for immigrant and refugee populations.

Committee Amendment “A” (S-124) proposed to change the title and replace the bill. It also proposed to direct the Department of Health and Human Services to seek federal funding to provide substance abuse and mental health treatment programs for immigrant or refugee persons residing in the State and to provide a progress report to certain legislative committees.

Enacted law summary

Resolve 2005, chapter 18, section 1 directs the Department of Health and Human Services to seek federal funding in order to provide substance abuse and mental health treatment programs for immigrant or refugee persons residing in the State. If funding is obtained, the department may establish one or more statewide programs to provide these services to this population.

Section 2 directs the Department of Health and Human Services to report to certain Legislative committees by November 15, 2005 on the department’s progress in securing federal funding; and if funding has been secured, the department shall at least report the progress made in developing the program, staff development and training efforts, program locations and populations served.

Chapter 18 was enacted as an emergency measure effective May 13, 2005.

LD 42 **An Act To Expand the Maine Economic Improvement Fund** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER MARTIN	OTP-AM MAJ ONTP MIN	H-281

LD 42 proposed to provide additional ongoing funds to the Maine Economic Improvement Fund within the University of Maine System.

Committee Amendment “A” (H-281) proposed to reduce the appropriation from \$2,000,000 each year to \$1,000,000 each year.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 78 **An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund** **CARRIED OVER**

<u>Sponsor(s)</u> CURLEY BARTLETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 78 proposed to provide a General Fund appropriation to the Land for Maine's Future Board of \$20,000,000 in fiscal years 2005-06 and 2006-07 for the acquisition of land and interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 119 **An Act To Promote Math and Science Education Learning Kindergarten to Grade 12** **CARRIED OVER**

<u>Sponsor(s)</u> CAIN SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-204
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LD 119 proposed to provide additional ongoing funds to increase graduate fellowships within the University of Maine System that are geared toward science and math education.

Committee Amendment "A" (H-204) proposed to reduce the increase in funding to graduate fellowships within the University of Maine System that are geared toward science and math education.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 123 **An Act Concerning Multiple-item Bond Issues** **CARRIED OVER**

<u>Sponsor(s)</u> CLOUGH NASS R		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 123 proposed to require the Secretary of State to prepare a ballot for a bond issue with multiple, unrelated items so that a voter may vote on unrelated items individually.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 149 **An Act To Authorize a General Fund Bond Issue in the Amount of CARRIED OVER
\$5,000,000 for the Fractionation Development Center**

<u>Sponsor(s)</u> BRYANT B PATRICK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 149 proposed a General Fund bond issue in the amount of \$5,000,000, to be used for the Fractionation Development Center to purchase the equipment necessary for the initiation of the pyrolysis/gasification pilot platforms and for the chemical/mechanical fractionation route or the acid hydrolysis fractionation route and for facility renovations.

This bill also proposed to provide funds for the operating costs of the Fractionation Development Center in fiscal year 2005-06 and fiscal year 2006-07.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 170 **An Act To Provide Funding for a Veterans' Cemetery in CARRIED OVER
Springvale**

<u>Sponsor(s)</u> WHEELER ANDREWS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 170 proposed to provide funding for the State's share of the costs of constructing a veterans' cemetery in Springvale.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 174 **An Act To Provide Funding for the Applied Technology ONTP
Development Center System**

<u>Sponsor(s)</u> FINCH GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 174 proposed to provide one-time funds for the managerial expenses of the Applied Technology Development Center System. These funds would need to be distributed equally to the 7 original technology centers to help defray the cost of operations and management salaries.

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**LD 180 An Act To Appropriate State Funds To Protect Potato Farmland CARRIED OVER
in Aroostook County from Blight and Other Diseases That Could
Occur with the 2004 Crop Unless Cull Potatoes Are Dumped
Properly**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM MAJ	H-206
MARTIN	ONTP MIN	

LD 180 proposed to appropriate state funds to protect potato farmland in Aroostook County from blight and other diseases by disposing of cull potatoes properly.

Committee Amendment "A" (H-206) proposed to reduce the appropriation of state funds to protect potato farmland in Aroostook County from blight and other diseases by disposing of cull potatoes properly and also proposed to eliminate the emergency preamble and emergency clause.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

**LD 198 An Act To Enhance the Role of the Fogler Library as the Research CARRIED OVER
Library for the State of Maine**

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

LD 198 proposed to include a General Fund appropriation to the University of Maine System's Fogler Library to develop and support a digital library.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 199 An Act To Support and Expand Regional Teacher Development CARRIED OVER
Centers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM	H-205
TURNER		

LD 199 proposed to provide additional ongoing funds to support and expand the University of Maine System's Regional Teacher Development Centers.

Committee Amendment "A" (H-205) proposed to reduce the increase in funding to support and expand the University of Maine System's Regional Teacher Development Centers from \$1,000,000 to \$100,000.

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This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 206 An Act To Transfer Funds to the Maine Clean Election Fund ONTP

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

LD 206 proposed to require the transfer of \$4,700,000 from the General Fund to the Maine Clean Election Fund no later than October 31, 2005 to assure gubernatorial and legislative candidates in the 2006 elections that there would be sufficient funding for the Maine Clean Election Act.

LD 228 An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education CARRIED OVER

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

LD 228 proposed to provide a General Fund appropriation to the Downeast Institute for Applied Marine Research and Education.

This bill was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 248 An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor CARRIED OVER

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

LD 248 proposed to provide ongoing funds for dues associated with the International Northeast Biotechnology Corridor as agreed upon at the September 2003 Conference of New England Governors and Eastern Canadian Premiers.

This bill was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

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**LD 263 An Act To Support and Expand Nursing Education Opportunities CARRIED OVER
at Maine's Public Universities**

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

LD 263 proposed to provide ongoing General Fund appropriations beginning in fiscal year 2005-06 to increase the availability of education opportunities in nursing at Maine's public universities in order to address the shortage of nurses in the State.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 273 An Act Regarding the So-called Katie Beckett Benefits in the CARRIED OVER
MaineCare Program**

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

LD 273 proposed to repeal the provision of law authorizing the Department of Health and Human Services to apply for a waiver or amend a pending or current waiver in the MaineCare program to impose cost sharing for children receiving coverage under the so-called Katie Beckett provisions. These provisions provide benefits to children with disabilities who receive services while residing at home. Premiums under that cost sharing arrangement were associated with collection from families of \$900,000 in the 2004-05 supplemental budget.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 274 An Act To Raise the University of Maine System Debt Ceiling CARRIED OVER

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

LD 274 proposed to increase the tax-exempt borrowing authority for the University of Maine System from \$170,000,000 to \$220,000,000.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 292 **An Act To Establish a New Method of Determining the State Budget** **CARRIED OVER**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 292 proposed to shift 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, 2008. This bill also proposed that the state budget beginning on July 1, 2007 would be a one-year budget.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 392 **An Act To Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service** **ONTP**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 392 proposed a General Fund bond issue in the amount of \$15,000,000, to be used to purchase a train to supply passenger rail service.

LD 404 **An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf** **CARRIED OVER**

<u>Sponsor(s)</u> EDMONDS BLISS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 404 proposed to include a General Fund appropriation to the Baxter Compensation Authority to provide cash awards to former students of the Governor Baxter School for the Deaf or the Maine School for the Deaf who were found to have suffered physical or sexual abuse.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 410

An Act To Provide Funding for Hospices in Maine

ONTP

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

LD 410 proposed to appropriate funds for the Department of Health and Human Services to provide grants to build new hospices and to establish new hospice services. These funds would have to be awarded through a competitive bidding process, the funds would be awarded equally among the following 3 areas of the State: Lewiston and Auburn; Augusta; and Scarborough and South Portland. Grantees would need to have plans in place by June 1, 2005 to qualify for these grants.

LD 411

An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Support Construction of a "Curtis Class" Vessel for the Maine State Ferry Service

ONTP

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

LD 411 proposed a General Fund bond issue in the amount of \$1,000,000, to be used to support the construction of a "Curtis Class" vessel for the Maine State Ferry Service.

LD 468

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007

PUBLIC 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM MAJ OTP-AM MIN	H-35 S-56 ROTUNDO

LD 468 was the Governor's proposed "Current Services" or "Part 1" Budget Bill for the 2006-2007 biennium.

Committee Amendment "A" (H-35) was the majority report.

Committee Amendment "B" (H-36) was the minority report.

Senate Amendment "V" To Committee Amendment "A" (S-56) was adopted as proposed to strike the emergency preamble and the emergency clause.

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This amendment proposed to change a date in Part U to correspond to changes made in law.

This amendment proposed to amend Part PP to correct chapter number and section number to avoid a conflict.

This amendment proposed to add a section inadvertently left out of Part SS.

This amendment proposed to amend Part AAA and proposed to remove the provision that imposes a \$10 fee on nonmotorized watercraft such as rowboats, canoes and kayaks. The amendment also proposed to change the fines for failure to wear a seat belt or to properly secure a child in a vehicle from a minimum and maximum fine to a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for a 3rd or subsequent offense.

This amendment also proposed to amend language to clarify the application provision in Part DDD.

This amendment proposed to eliminate in Part III the nonconsumption user permit study by the Department of Inland Fisheries and Wildlife and the Department of Conservation.

This amendment proposed to strike that section of Part OOO that proposed to authorize the Office of Program Evaluation and Government Accountability to examine certain personnel issues. This amendment also proposed to authorize, rather than proposed to require, the Office of Program Evaluation and Government Accountability to review the programs specified in Part OOO, section 2, proposed to strike requirement that the committee review whether the public benefit of the program justifies the public expense and proposed to remove the reporting date.

This amendment also proposed to strike duplicative language contained in Part JJJJ, section 1.

This amendment proposed to add Part QQQQ and proposed to provide that targeted funds, identified under essential programs and services for technology, assessment and kindergarten to grade 2, be paid to the school administrative unit or private school that each student from the unorganized territory attends in addition to tuition rates calculated pursuant to the Maine Revised Statutes, Title 20-A, chapter 219.

This amendment proposed to remove the section of Committee Amendment "A" that made failure to wear a seat belt a primary offense and thereby retain the current law that allows enforcement of the seat belt requirement only if the operator is detained for a suspected violation of another law. This amendment also proposed to add an appropriation to offset the savings that had been anticipated through implementing the primary enforcement of seat belt requirements.

Enacted law summary

Public Law 2005, chapter 12 does the following:

<u>Part</u>	<u>Description</u>
A	Appropriations and allocations of funds reflecting Current Services.
B	Makes appropriations and allocations of funds representing reduction proposals or adjustments to Current Services.

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- C** Specifies a mill expectation of 8.26 mills for fiscal year 2005-06, the cost of funding public education from kindergarten to grade 12, consisting of total operating allocation, total debt service allocation and total adjustments and miscellaneous costs, and the state and local shares of those costs.
- D** Clarifies certain provisions of the education funding laws including the Commissioner's authority to pay certain miscellaneous costs related to the laptop program, emergency bus loans and EPS data management and support services. Also transfers \$6,194,152 from the General Fund undedicated revenue to the Fund for the Efficient Delivery of Educational Services, Other Special Revenue funds account within the Department of Education in fiscal year 2006-07.
- E** Delays the increase in state-municipal revenue sharing from 5.1% to 5.2% of sales and income tax revenues from July 1, 2005 to July 1, 2007.
- F** Authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount up to \$9,000,000 for improvements to state-owned facilities.
- G** Designates the Department of Administrative and Financial Services as the fiscal agent for the Workers' Compensation Board and the Commission on Governmental Ethics and Election Practices and requires the Commissioner of Administrative and Financial Services to review statewide financial and human resources services and identify savings attributable to improvements in organizational efficiency and cost-effectiveness. Deappropriates the projected statewide consolidation savings.
- H** Extends through fiscal year 2006-07 a change in the distribution formula for the state's share of the Real Estate Transfer Tax by reducing the amount paid to the Maine State Housing Authority by \$7,500,000 in each fiscal year.
- I** Requires the Chief Information Officer to review statewide information technology functions and systems and identify savings and position eliminations attributable to improvements in organizational efficiency and cost-effectiveness. Deappropriates the projected savings.
- J** Requires Judicial Department to implement an accelerated fine collection effort and to fill vacant positions to generate additional General Fund revenue.
- K** Requires the review of the statewide administrative hearing functions to improve efficiency and cost effectiveness. Deappropriates the projected savings.
- L** Extends through 2007 nonconformity with a federal deduction for student loan interest paid 60 months after the start of loan repayment and extends through 2007 a reduction in the child and dependent care credit under the income tax from 25% of the federal credit to 21.5% of the federal credit.
- M** Provides that property transferred by a nonresident decedent to a pass-through entity is included in the estate for purpose of determining the Maine taxable estate under the estate tax.
- N** Provides a special estate tax election at the state level so that the estate of an individual with a surviving spouse may fully fund the taxable estate with an amount equal to the federal exclusion without changing the taxable nature of the estate for Maine purposes.

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- O** Applies the 7% sales tax on lodging to casual rental of living quarters for more than 14 days in a calendar year, including cottages, condominium units and vacation homes, beginning July 1, 2005.
- P** Provides for general conformity with the Internal Revenue Code as of 1/7/05 except that it does not conform with federal increases in the Section 179 business expensing deduction, does not conform with the new federal deduction for certain domestic production activities, does not conform with new federal option that permits the deduction of sales and use taxes rather than income taxes and makes permanent Maine's nonconformity with federal increases in the standard deduction for married joint returns.
- Q** Delays until tax years beginning in 2007, credits under the income tax and the insurance premium tax for contributions to qualified scholarship organizations and for certain employer repayments of education loans on behalf of employees.
- R** Makes permanent the schedule that provides for amortization of the unfunded liability of the Maine State Retirement System by 2028 and provides for related transfers and deappropriations and deallocations.
- S** Delays until 6/30/07 implementation of a sales tax exemption on machinery and equipment used in generation of radio and television broadcast signals.
- T** Part T places into statute, provisions formerly contained in budget preambles relating to general budget administration.
- U** Increases the assessment made to the unorganized territories to help pay for the costs of the Land Use Regulation Commission, authorizes a pilot project with a reporting requirement for the Department of Conservation to issue burn permits electronically, authorizes a \$1.00 increase in the adult day-use fee charged at state parks that provide lifeguard coverage, recognizes revenue from demonstration forestry activities by the Bureau of Parks and Lands with the Department of Conservation and provides appropriations to the Department of Conservation.
- V** Establishes the voluntary employee incentive program for the biennium and lapses \$350,000 of savings to the General Fund in each year of the biennium.
- W** Requires the Commissioner of DEP to review the organizational structure and functions of the department and calculate the amount of savings against each account. It also deappropriates the projected savings.
- X** Increases the state share of retired teachers health insurance from 40% to 45% beginning 10/1/05 and provides that the state will share any rebates, investment gains or other gains under the health insurance plan for teachers at the same percentage as the state percentage of funding of the costs of the insurance.
- Y** Authorizes the Department of Corrections to transfer funds among accounts by financial order for the purpose of paying overtime expenses and recognizes additional revenue from boarding juveniles from other governmental entities and from working with the Judicial Department to assess fees on probationers and to enhance collection of supervision fees.

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- Z** Delays until the 2008-2009 biennial budget the requirement of an additional 18% General Fund appropriation to the Department of Inland Fisheries and Wildlife.
- AA** Continues tax expenditures for the 2006-2007 biennium.
- BB** Reduces funding in the Department of Labor through efficiencies gained through the department's "Bend the Curve" initiative and directs the Commissioner of Labor to identify the related savings in the Department's General Fund accounts. It also requires the State Budget Officer to transfer those savings by financial order.
- CC** Authorizes the Governor, when funds in the State Contingency Account are insufficient, to access up to \$750,000 from any funds available to the State to address certain emergencies.
- DD** Requires the Maine State Museum to be open on Sundays and Mondays and transfers to the General Fund unappropriated surplus income from admission fees in the amounts of \$41,000 in fiscal year 2005-06 and \$43,000 in fiscal year 2006-07.
- EE** Authorizes the Commissioner of Public Safety to increase the number of speed details using aircraft by 60 per year resulting in an increase in undedicated revenue to the General Fund of \$300,000 in each year of the biennium. It also transfers funds from the State Fire Marshal's Other Special Revenue funds to the General Fund unappropriated surplus.
- FF** Increases various filing fees and penalties assessed by the Secretary of State.
- GG** Reduces the period for presumption of abandonment of gift obligations from 3 years to 2 years and includes stored-value cards, changes the reporting period for abandoned property reports and requires the Treasurer of State to implement a policy regarding the sale of unclaimed shares of stock.
- HH** Requires the State Budget Officer to transfer amounts attributable to savings in state employee health insurance and education health insurance costs resulting from reductions in hospital inpatient rates. Deappropriates projected health insurance savings.
- II** Requires the State Budget Officer to calculate and transfer by financial order amounts attributable to savings in the cost of employee health insurance. Deappropriates and deallocates funds to reflect projected savings.
- JJ** Establishes minimum fines for the crime of assault and for driving to endanger and transfers funds from an Other Special Revenue account in the Department of the Secretary of State to the General Fund unappropriated surplus.
- KK** Authorizes the Commissioner of Health and Human Services to increase license fees through rulemaking for home child care, child care centers and nursery schools.
- LL** Clarifies legislative authority with regard to the legislative budget and appropriates and deappropriates funds for the operation of the Legislature.
- MM** Authorizes the transfer by financial order from salary savings to All Other as a result of physician vacancies at Bangor Mental Health Institute in each year of the biennium.

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- NN** Requires the Commissioner of Health and Human Services to organize working groups to achieve reductions in regulatory and administrative burdens for providers in the areas of licensing, contracting, auditing, billing and other administrative processes.
- OO** Deappropriates \$500,000 in FY 2004-05, \$250,000 in FY 2005-06 and \$250,000 in FY 2006-07 in the Department of Corrections from salary savings.
- PP** Establishes the Pharmaceutical Cost Management Council to develop options and make recommendations to maximize the cost effectiveness of the pharmaceutical benefit offered by health plans financed with public dollars and requires the State Budget Officer to calculate and transfer the savings by financial order.
- QQ** Authorizes the Department of Health and Human Services to engage a private vendor to audit providers located outside the State and base the compensation on a percentage of the amount of overpayment received by the department.
- RR** Authorizes the Department of Health and Human Services to change the rate for foster board and care paid to unlicensed homes and permit those homes to apply for licensure to receive a higher reimbursement rate.
- SS** Restructures the provisions of information and technology services.
- TT** Provides that the fee for a retail tobacco license must be set according to a sliding scale determined by the Department of Health and Human Services according to the relative size of the licensee.
- UU** Clarifies that targeted funds distributed to school administrative units (SAU's) must be provided as targeted allocations and requires that all SAU's receive an allocation of targeted funds for technology, assessment and kindergarten to grade 2 education in fiscal year 2005-06. Provides that school administrative units may not be penalized for failing to adhere explicitly to the intent of the targeted fund allocations for that fiscal year only and requires the Commissioner to submit provisionally-adopted rules that establish the requirements for school administrative units plans and the use of the targeted funds. It also provides transition adjustments to certain SAU's in fiscal year 2005-06 that meet certain specifications and adds analysis and reporting requirements for the Commissioner of Education and the Maine Education Policy Research Institute.
- VV** Expands the service provider tax to apply to community support services for adults or emancipated children. The additional revenues are transferred to dedicated accounts for the costs of the tax and to fund services previously supported by the General Fund. Adjusts appropriations and allocations accordingly.
- WW** Provides technical changes to Public Law 2005, Chapter 2 and Title 20-A. Public Law 2003, chapter 712. Provides revisions to local budget articles for local voters to approve the level of funding that must be revised to meet the funding requirement of essential programs and services. This Part also includes minor technical revisions to sections in Title 20-A to align statutory language with the new school funding law in Title 20-A, chapter 606-B. Provides 7/1/05 effective date for Parts B, C and D of PL 2005, c. 2.

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- XX** Provides a statewide deappropriation of \$5,750,000 in each year of the biennium from reductions in All Other and requires the State Budget Officer to calculate the savings against each General Fund account for all departments and agencies statewide.
- YY** Requires the Commissioner of Education to present a plan to restructure the Child Development Services System and reduces funding which must be absorbed through administrative savings.
- ZZ** Adjusts the base year used to calculate the hospital tax. The taxable base year is rolled forward for state fiscal years 2005-06 and 2006-07 but fixed for subsequent years. Allocates and deappropriates funds accordingly.
- AAA** Establishes minimum and maximum fines for failure to wear a seat belt or to properly secure a child. Retains the current law that provides that seat belt infractions may not be enforced unless the operator has been stopped for another violation of law.
- BBB** Excludes certain retail property from BETR reimbursement prospectively. Also requires the State Tax Assessor to report to the Legislature annually on the overlap between BETR reimbursement and benefits received under a tax increment financing agreement. Also requires an annual financial report on the projected cost of the BETR program.
- CCC** Provides for a transfer at the end of fiscal year 2005-06 from unappropriated surplus to the Baxter Compensation Authority in an amount up to \$8,122,000 reduced by the amount transferred at the end of fiscal year 2004-05.
- DDD** Makes adjustments to the laws of the Department of Health and Human Services related to an estate recovery initiative to generate General Fund savings.
- EEE** Increases fees for registration of commercial fertilizer and for a seed labeling license. It also requires the Department of Agriculture, Food and Rural Resources to deposit amounts in the undedicated revenue of the General Fund from reimbursement for services provided to partner agencies and the United States Department of Agriculture.
- FFF** Permits available balances of appropriations in MaineCare General Fund accounts in fiscal years 2005-06 and 2006-07 to be transferred between accounts by financial order.
- GGG** Amends the sales tax exemption for agricultural products to include certain products sold in animal agricultural production and limits the sales tax exemption for products sold for agricultural crop production to those used in commercial production.
- HHH** Provides for transfers, appropriations and allocations for programs within the Department of Agriculture, Food and Rural Resources.
- III** Increases various hunting and fishing fees; transfers funds from the Carrying Balance program to the General Fund and appropriates funds for the Department of Inland Fisheries and Wildlife.
- JJJ** Appropriates funds for the Fractionation Development Center and for the Maine Small Business Development Centers.

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- KKK** Specifies how savings in the elderly low-cost drug program resulting from implementation of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, are to be used.
- LLL** Transfers funds from the Rehabilitation Services -- Medicaid account in the Department of Labor to the unappropriated surplus of the General Fund by 6/30/05.
- MMM** Provides flexibility in funding and establishing positions for the Maine Military Authority.
- NNN** Authorizes the State to enter into a contract for employee health insurance on a pilot basis that does not adhere to geographic access requirements or rules of the Superintendent of Insurance.
- OOO** Authorizes the Office of Program Evaluation and Government Accountability to evaluate certain economic development programs and submit its report to the legislative Government Oversight Committee.
- PPP** Implements the terms of the collective bargaining agreements made with the Maine State Employees Association, the American Federation of State, County and Municipal Employees and the Maine State Troopers Association.
- QQQ** Implements the terms of the collective bargaining agreements for employees of the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit of the Judicial Department.
- RRR** Identifies the increase in the mileage allowance for employees traveling on state business.
- SSS** Authorizes the transfer from the Salary Plan for the implementation of collective bargaining agreements for state employees and other economic items and for the reimbursement of costs associated with contract resolution.
- TTT** Extends the service provider tax on extended cable television services to include extended satellite television services.
- UUU** Identifies the seven universities of the University of Maine System; appropriates \$3,000,000 in each year of the biennium and \$100,000 in fiscal year 2005-06 for reaccreditations planning for the University of Maine at Augusta.
- VVV** Requires the Department of Health and Human Services to adopt rules to include provisions under Chapter II, Section 65, Mental Health Services, that were previously included in Section 37, Home Based Mental Health Services as of April 1, 2002.
- WWW** Prohibits the Department of Health and Human services from adopting rules to change the eligibility of care requirements for MaineCare community support services during fiscal year 2005-06.
- XXX** Requires the Department of Health and Human Services convene a working group to develop a regional system for financing, management, and oversight of the mental health system beginning in fiscal year 2006-07.

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- YYY** Requires the Department of Health and Human Services adopt rules regarding the benefit package for the MaineCare noncategorical adults program effective through June 30, 2006, and establishes requirements for developing the benefit package effective July 1, 2006. It also establishes requirements for rates of reimbursement for mental health services provided to individuals eligible under the MaineCare noncategorical adults program and adjusts funding as a result of the redesign of the MaineCare noncategorical adults program.
- ZZZ** Increases payments to critical access hospitals, the state share of the costs of which is funded by a portion of the hospital tax revenue that was allocated in Part A to fund critical access hospital transition costs related to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.
- AAAA** Requires that by July 31, 2005, the Superintendent of Insurance deposit \$6,335,897 in excess insurance assessments to the General Fund unappropriated surplus.
- BBBB** Establishes requirements for the development and implementation of the MaineCare mental retardation Individual Service Option (ISO) model. Deappropriates funds for savings anticipated from converting the living arrangements of approximately 100 individuals from group homes to living in shared living ISO models.
- CCCC** Requires the Department of Health and Human Services to report by 6/1/05 on the development of a rate schedule of services under the MaineCare mental retardation waiver and adopt rules by 1/1/06.
- DDDD** Provides for the carry forward of \$3,672,000 in the State Treasurer's General Fund Debt Service account and the transfer to the Budget Stabilization Fund of any balance not needed to pay the cost of debt service.
- EEEE** Transfers funding for the Committee on Transition, a statewide network that focuses on the transition of teens and graduates into the adult services system from the Department of Health and Human Services to the Department of Education.
- FFFF** Appropriates funds for local adult education programs and for secondary students taking postsecondary courses at eligible institutions.
- GGGG** Provides that balances of funds remaining at the end of a fiscal year in the Department of Health and Human Services, Bureau of Elder and Adult Services appropriated for homemaker or home-based care services must be carried forward to the next fiscal year.
- HHHH** Deappropriates funds from the homestead property tax reimbursement program that are no longer needed for that program.
- IIII** Provides a cost-of-living adjustment for nursing homes and residential care facilities to be funded from nursing home tax revenue balances.
- JJJJ** Requires the Commissioner of the Department of Health and Human Services to use broadly representative working groups to advise on the adult mental retardation services system, and children's mental health and child welfare systems.

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- KKKK** Increases licensing fees under the Revised Securities Act for broker-dealers, sales representatives and investment advisers.
- LLLL** Provides that nonresidents must include in their Maine income the proceeds from any gambling activity conducted in Maine.
- MMMM** Provides that under the income tax, for nonresident individuals, that a gain or loss from the sale of a partnership interest is sourced to Maine to the extent the gain or loss is based on property located in Maine.
- NNNN** Provides for the setoff of liquidated tax liabilities against payment owed to a taxpayer under a contract with a state agency and department.
- OOOO** Reduces allocation for Lottery Operations to reflect the overbudgeting of information technology expenses.
- PPPP** Authorizes the issuance of \$410,000,138 in bonds through the Maine Municipal Bond Bank to fund prepayment to the Maine State Retirement System of a portion of the Unfunded Actuarial Liability. The bonds are secured by a stream of dedicated revenues and do not pledge the credit of the state. The bond proceeds replaced General Fund appropriations for Teachers Retirement during the 2006-2007 biennium and along with an additional transfer from General Fund unappropriated surplus provided additional payments for future retirement liabilities. It also transfers \$66,656,703 to the Maine Budget Stabilization Fund in fiscal year 2006-07.
- QQQQ** Authorizes school administrative units or private schools approved for tuition purposes to receive targeted funds for students in the unorganized territory and appropriates funds to the Department of Education for the additional cost of providing targeted funds to students in the unorganized territory.

LD 508

**An Act To Make Supplemental Appropriations and Allocations
for the Expenditures of State Government and To Change Certain
Provisions of the Law Necessary to the Proper Operations of State
Government for the Fiscal Year Ending June 30, 2005**

**PUBLIC 3
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-23

LD 508 was the Governor's proposed Fiscal Year 2004-05 Emergency Supplemental Budget Bill.

Committee Amendment "A" (H-23) was the unanimous report of the committee in response to the Governor's proposed bill.

Enacted law summary

Public Law 2005, chapter 3 does the following:

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<u>Part</u>	<u>Description</u>
A	Authorizes appropriations and allocations of funds.
B	Authorizes appropriations and allocations of funds for approved reclassifications and range changes.
C	Amends the law to increase the maximum limit on transfers to the circuit breaker reserve from \$24,742,857 to \$26,777,647 in fiscal year 2004-05. Lapses balances in the Health Reform Reserve Fund account and the General Fund Compensation and Benefit Plan account to the General Fund in fiscal year 2004-05. Requires the State Budget Officer to calculate and transfer the amount of allocation to affected departments as an offset to previous statewide measures enacted in PL 2003, chapter 20, Part B. Requires the State Controller to transfer excess equity of the Retiree Health Insurance Fund not previously identified for transfer to the appropriate funds. The additional General Fund share and a portion of the Highway Fund share are designated for transfer to the General Fund and Highway Fund Compensation and Benefit Plan accounts. Authorizes the Department of Administrative and Financial Services, Office of the Chief Information Officer to enter into financing arrangements in fiscal years 2004-05, 2005-06 and 2006-07 for the acquisition of a statewide accounting and purchasing system.
D	Transfers up to \$8,122,000 from the unappropriated surplus of the General Fund to the Baxter Compensation Authority at the close of fiscal year 2004-05 as the next priority after certain other statutory year-end transfers. These funds can only be expended for claims of former students.
E	Lapses \$315,000 of the unencumbered balance forward in fiscal year 2003-04 in the Maine Micro-Enterprise Initiative Fund account in the Department of Economic and Community Development to the General Fund in fiscal year 2004-05.
F	Requires the State Controller to transfer \$2,258,474 from the General Purpose Aid for Local Schools account to the unappropriated surplus of the General Fund on or before June 30, 2005.
G	Authorizes the State Controller to advance \$108,000 from the General Fund unappropriated surplus to the Maine National Guard Education Assistance Pilot Program, Other Special Revenue Fund account within the Department of Defense, Veterans and Emergency Management to provide cash necessary for current expenditures of the tuition assistance program, and specifies that the funds must be returned to the General Fund unappropriated surplus on or before June 30, 2006. Authorizes the Department of Administrative and Financial Services to acquire up to ten buildings, appurtenant real estate, and other interests in real property at the Loring Air Force Base in Limestone, Maine from the Loring Development Authority, and identifies responsibility for oversight and management of the facilities.

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Authorizes the Department of Defense, Veterans and Emergency Management to expend \$337,949 of the unencumbered balance in the state matching Disaster Assistance – MEMA account to administer current disaster FEMA-1508-DR.

- H** Lapses unencumbered balances in the Child Welfare Services General Fund account and the Disproportionate Share - Bangor Mental Health institute account to the General Fund in fiscal year 2004-05.
- I** Eliminates the intergovernmental transfer of funds from the City of Portland to the State in fiscal year 2004-05.
- J** Authorizes the Office of the Public Advocate to expend 100% of any funds carried forward from fiscal year 2004-05 and 2005-06 for its intended purpose.
- K** Transfers \$100,000 from the Carrying Balances – IF&W General Fund account to the Licensing and Registration General Fund account in the Department of Inland Fisheries and Wildlife. Also, transfers \$248,501 from the unappropriated surplus of the General Fund to the Savings Fund General Fund account in the Department of Inland Fisheries and Wildlife.
- L** Authorizes the State Controller to engage through sole source contracts such auditors, accountants, and investigators as the State Controller deems necessary for special audits, internal financial audits and investigations, to monitor and ensure adherence to contracts and to ensure for proper financial controls and clarifies that nothing in this section shall be construed to limit the powers and duties conferred and imposed by law upon the State Auditor.
- M** Maintains current Medicaid eligibility income criteria for disabled persons at or below 100% of the poverty line, which stops a scheduled increase in income eligibility to 125% of the poverty line.
- N** Increases the budgeted lapsed balance to the General Fund in fiscal year 2004-05 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation by \$88,810.
- O** Amends the title of the Director, Grants Management to Deputy Commissioner in the Department of Labor.
- P** Requires the State Controller to transfer \$23,753,882 from the unappropriated surplus of the General Fund in fiscal year 2004-05 to offset future funding needs that includes \$16,353,882 to address a portion of the cost of the additional circuit breaker benefits enacted in PL 2005, c. 2 (LD 1); \$5,000,000 for future collective bargaining costs; and \$2,400,000 for the Maine Clean Elections Fund. \$2,400,000 of the amounts set aside in fiscal year 2004-05 must be transferred to the Maine Clean Election Fund on or before January 1, 2006. The State Controller is authorized to transfer up to \$5,000,000 from the reserve account to the General Fund salary plan upon ratification of a collective bargaining agreement. The remaining amount in the reserve is transferred back to the General Fund unappropriated surplus by the end of fiscal year 2005-06 to offset the General Fund revenue reduction associated with PL 2005, c. 2.

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- Q** Requires the State Controller to transfer \$392,206 from the unappropriated surplus of the General Fund to the Help America Vote Act 2002 account within the Department of Secretary of State and provides an Other Special Revenue Funds allocation and a Federal Expenditures Fund allocation for fiscal year 2004-05.
- R** Authorizes appropriations and allocations of funds for the Department of Agriculture, Food and Rural Resources for the Maine's Senior Farm Share program and for a forklift.
- S** Requires the State Controller to transfer funds from the General Fund unappropriated surplus to several Other Special Revenue Funds programs within the Department of Inland Fisheries and Wildlife.
- T** Requires the State Controller to transfer \$750,000 from the unappropriated surplus of the General Fund to the newly established Callahan Mine Site Restoration program within the Department of Transportation and provides an Other Special Revenue Funds allocation of the same amount for fiscal year 2004-05.

Public Law 2005, chapter 3 was enacted as an emergency measure effective March 11, 2005.

LD 544 An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals CARRIED OVER

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

LD 544 proposed to provide an appropriation to the Maine State Library to fund on-line reference materials to provide access to information from schools and libraries through statewide licensing of reference materials.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 550 An Act To Appropriate Matching Funds for the Construction of a Convention Center in Oxford Hills CARRIED OVER

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

LD 550 proposed to provide one-time funds to support the construction of a convention center in Oxford Hills to match approximately \$250,000 in private funds that have already been pledged.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 586 **An Act To Authorize a General Bond Issue To Improve the Quality and Safety of Teaching and Science Laboratories** **CARRIED OVER**

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

LD 586 proposed a General Fund bond issue in the amount of \$50,000,000, to be used to modernize and improve the teaching and science laboratories, libraries and general classrooms in the University of Maine System.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 588 **An Act To Restore Support for HIV and AIDS Treatment and Prevention** **CARRIED OVER**

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

LD 588 proposed to provide a General Fund appropriation of \$350,000 in each of fiscal years 2005-06 and 2006-07 for the Bureau of Health within the Department of Health and Human Services for HIV and AIDS treatment and prevention.

This bill was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 622 **An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM MAJ ONTP MIN	H-230

LD 622 proposed to appropriate funds for the Department of Marine Resources to use to pay for its share of the costs of a demersal finfish ecologist to be employed by the Gulf of Maine Research Institute.

Committee Amendment "A" (H-230) proposed to reduce the increase in funds for the Department of Marine Resources to use to pay for its share of the costs of a demersal finfish ecologist to be employed by the Gulf of Maine Research Institute and restrict funding to the 2006-2007 biennium only.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

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LD 636 **An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center** **CARRIED OVER**

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

LD 636 proposed a General Fund bond issue in the amount of \$2,000,000, to be used to construct a freshwater aquaculture and freshwater species biotechnology center.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 639 **An Act To Authorize a General Fund Bond Issue To Rebuild the Historic Pier at Fort Preble** **ONTP**

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

LD 639 proposed a General Fund bond issue in the amount of \$1,200,000, to be used to rebuild the historic pier at Fort Preble in South Portland.

LD 663 **An Act To Reduce the Size of State Government by 5%** **ONTP**

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

LD 663 proposed to reduce General Fund appropriations to reflect savings resulting from an across-the-board reduction of 5% for each of the next 2 biennia.

Committee Amendment "A" (H-197) was the minority report. It proposed to reduce the General Fund deappropriations from the bill and exempt the General Purpose Aid for Local Schools account and the Debt Service - Treasury account from those deappropriations.

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LD 669 **An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model** **CARRIED OVER**

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

LD 669 proposed a General Fund bond issue in the amount of \$3,000,000, to be used for the infrastructure for a therapeutic community for long-term residential treatment of alcoholism and drug addiction.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 683 **An Act To Authorize a General Fund Bond Issue To Clean Up Chemicals in Public Schools** **ONTP**

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

LD 683 proposed a General Fund bond issue in the amount of \$2,000,000, to be used to remove and clean up old, expired, unessential and possibly dangerous chemicals in the public schools.

LD 753 **An Act To Authorize a General Fund Bond Issue for the Downeast Institute for Applied Marine Research and Education** **ONTP**

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

LD 753 proposed a General Fund bond issue in the amount of \$1,000,000, to be used to purchase the property known as Black Duck Cove on Great Wass Island, which includes a 9,000-square-foot building, a working wharf and 2 lobster pounds, to serve as the home of the Downeast Institute for Applied Marine Research and Education.

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LD 754 **An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine** **ONTP**

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

LD 754 proposed a General Fund bond issue in the amount of \$500,000, to be used by the Challenger Learning Center of Maine to improve educational achievement in mathematics and to inspire interest in science and technology careers.

LD 755 **An Act To Authorize a General Fund Bond Issue for Fort Knox** **CARRIED OVER**

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

LD 755, proposed a General Fund bond issue in the amount of \$3,000,000, to be used for the preservation of Fort Knox.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 756 **An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy** **CARRIED OVER**

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

LD 756 proposed a General Fund bond issue in the amount of \$25,000,000, to be used to revitalize downtown areas, support cultural tourism and expand Maine's creative economy.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 757 **An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing** **ONTP**

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

LD 757 proposed a General Fund bond issue in the amount of \$20,000,000, to be used to promote affordable workforce housing.

LD 766 **An Act To Support the New Century Community Program** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN WESTON	OTP-AM	H-227

LD 766 proposed to provide funding to the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

Committee Amendment "A" (H-227) proposed to provide a reduction to the increase in funding to the New Century Community Program.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 775 **An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN COWGER	OTP-AM	H-228

LD 775 proposed to authorize General Fund appropriation of \$1,800,000 for fiscal years 2005-06 and 2006-07. These funds would provide the state match over a 2-year period for \$18,000,000 in federal funds dedicated to the safe drinking water revolving loan fund for the purpose of funding infrastructure improvements by public water systems as necessary to comply with the federal Safe Drinking Water Act of 1996.

Committee Amendment "A" (H-228) proposed to reduce the increase in General Fund appropriations from \$1,800,000 to \$1,000,000 for fiscal years 2005-06 and 2006-07.

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This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 786 **An Act To Authorize a General Fund Bond Issue for Maine Resident College Graduates Employed in Maine** **ONTP**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 786 proposed a General Fund bond issue in the amount of \$50,000,000, to be used to defray a portion of the cost of a Maine resident's college education at either an in-state or out-of-state postsecondary school if, after graduation, the individual was employed in Maine.

LD 787 **An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public Geographic Information** **CARRIED OVER**

<u>Sponsor(s)</u> KOFFMAN COWGER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 787 proposed a General Fund bond issue in the amount of \$6,000,000, to be used for the enhanced development of public geographic information through the Maine Library of Geographic Information for digitizing town parcel maps, for complete orthoimagery, for orthoimagery updates, for digitizing zoning and conservation and open space, for land cover and land use updates, for development of tracking applications, for data validation tools and for generic browser and viewer library portal upgrades.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 794 **An Act To Authorize a General Fund Bond Issue To Allow Municipalities To Purchase Fishing Rights and Equipment** **CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING DUDLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 794 proposed a General Fund bond issue in the amount of \$5,000,000, to be used to assist municipalities in the purchase of fishing rights and equipment.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 795 **An Act To Authorize a General Fund Bond Issue for Bulkhead Restoration at the Former United States Coast Guard Site in Portland** **ONTP**

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

LD 795 proposed a General Fund bond issue in the amount of \$2,000,000, to be used to rebuild a bulkhead at the former United States Coast Guard site that has been transferred to the Gulf of Maine Research Institute by the Federal Government.

LD 799 **An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta** **CARRIED OVER**

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

LD 799 proposed a General Fund bond issue in the amount of \$1,000,000, to be used to construct and establish a Holocaust Human Rights Center at the University of Maine at Augusta.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 800 **An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program** **ONTP**

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

LD 800 proposed a General Fund bond issue to recapitalize the Land for Maine's Future program with \$75,000,000 over 4 years to continue the State's land conservation efforts, leveraging a minimum of \$37,500,000 in required matching funds.

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LD 805 **An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wilderness and Fish Habitat** **ONTP**

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

LD 805 proposed a General Fund bond issue in the amount of \$75,000,000, to be used to finance the acquisition of land and interest in land for conservation, water access, outdoor recreation, wilderness and fish habitat.

LD 806 **An Act To Authorize a General Fund Bond Issue To Encourage Rural High-speed Internet Access** **ONTP**

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

LD 806 proposed a General Fund bond issue in the amount of \$2,000,000, to be used to provide matching funds to communities to build the infrastructure necessary to provide high-speed Internet access to underserved areas of the State.

LD 808 **An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOODY	OTP-AM	H-229

LD 808 proposed to appropriate funds for the Department of Health and Human Services to provide grant funds to Camp To Belong for programs to reunite siblings separated by foster care to bring the siblings together for summer reunions and other recreation activities. These funds would need to be matched by funds raised in the private sector.

Committee Amendment "A" (H-229) proposed to reduce the funds appropriated to the Department of Health and Human Services to provide a grant to Camp To Belong for fiscal year 2005-06 and eliminate the appropriation in fiscal year 2006-07.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

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LD 819 **An Act To Authorize a General Fund Bond Issue To Expand** **CARRIED OVER**
Maine's Ocean-based Economy

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

LD 819 proposed a General Fund bond issue in the amount of \$51,000,000, to be used to expand the State's ocean-based economy.

The funds would be used for marine research infrastructure needs in 3 areas: shared research infrastructure, research equipment and laboratory construction and site acquisition.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 843 **RESOLUTION, Proposing an Amendment to the Constitution of** **ONTP**
Maine To Provide for Protected Reserve Funds

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

LD 843 proposed to amend the Constitution of Maine to provide that the Legislature may create reserve funds to provide for capital improvements, to fulfill long-range goals or to meet fiscal contingencies of State Government.

LD 844 **An Act To Authorize a General Fund Bond Issue to Stimulate** **CARRIED OVER**
Maine's Economy

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

LD 844 proposed a General Fund bond issue in the amount of \$120,000,000, to be used to stimulate economic development in the state through investments in research and development, municipal infrastructure and affordable housing and direct business support in the State as follows:

1. The sum of \$15,000,000 to create jobs and reduce property taxes by providing grants and loans to municipalities for public facilities and infrastructure;
2. The sum of \$10,000,000 for medical research and development by Maine-based biomedical research institutions;
3. The sum of \$5,000,000 to support the State's applied development technology centers;

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4. The sum of \$22,000,000 to partner with the marine biotechnology industry to undertake marine biotechnology research;
5. The sum of \$6,000,000 to provide access to capital for small businesses that demonstrate potential for high growth and public benefit;
6. The sum of \$25,000,000 to provide direct support to businesses in the State;
7. The sum of \$12,000,000 for affordable housing; and
8. The sum of \$25,000,000 for University of Maine research and development activities.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 871 An Act To Recapitalize the Municipal Investment Trust Fund ONTP

<u>Sponsor(s)</u> HOBBINS PELLETIER-SIMPS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 871 is a concept draft pursuant to Joint Rule 208.

This bill proposed to require the recapitalization of the Municipal Investment Trust Fund, established under the Maine Revised Statutes, Title 30-A, section 6006-D, and provide financial assistance for the acquisition, design, planning, construction and improvement of public service infrastructure and downtown improvements.

**LD 876 An Act Authorizing a General Fund Bond Issue To Encourage CARRIED OVER
Development of Maine's Traditional Industries**

<u>Sponsor(s)</u> PINGREE RAYE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 876 proposed a General Fund bond issue in the amount of \$2,000,000, to be used for funding the Farms for the Future Program and to establish and fund a new Fisheries for the Future Program, which would include encouraging and helping people who fish commercially to join and start new fisheries projects, including hatcheries, cooperative waterfront access space, aquaculture and expansion of traditional industries.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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**LD 890 An Act To Authorize a General Fund Bond Issue for Certain State CARRIED OVER
Parks**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 890 proposed a General Fund bond issue in the amount of \$8,000,000, to be used to finance improvement, upkeep and proper management of those state parks on the critical list produced by the Department of Conservation, Bureau of Parks and Lands.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 891 An Act To Authorize a General Fund Bond Issue To Fight Global CARRIED OVER
Warming through Energy Conservation**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 891 proposed a General Fund bond issue in the amount of \$100,000,000, to be used to fight global warming through energy conservation.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 907 An Act Authorizing a General Fund Bond Issue To Improve ONTP
Community Support Services for Persons with Mental Illness**

<u>Sponsor(s)</u> NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 907 proposed a General Fund bond issue in the amount of \$15,000,000, to be used to establish an improved community support services program through implementation of the Department of Health and Human Services' Adult Mental Health Services Plan filed with the Kennebec Superior Court in Bates v. Department of Health and Human Services on September 17, 2004 and to provide supervised living accommodations for persons with mental illness.

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LD 926 **An Act Authorizing a General Fund Bond Issue To Preserve** **CARRIED OVER**
Maine's Traditional Working Waterfront and Farming Economies
by Ensuring Access to Working Waterfront and Farmland

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

LD 926 proposed a General Fund bond issue in the amount of \$30,000,000, to be used for funding the Working Farm Access Program to help farmers gain access to farmland at a more affordable cost and to establish the Working Waterfront Access Program to help people who fish commercially gain or maintain access to the working waterfront.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 958 **An Act To Provide Funding To Cover the Costs of Mailings to** **ONTP**
Armed Forces Personnel Stationed Overseas

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

LD 958 proposed to appropriate funds to cover certain postage costs incurred by legal residents of the State pertaining to the shipment of mail to members of the armed services stationed overseas.

LD 969 **An Act To Authorize a General Fund Bond Issue To Provide** **CARRIED OVER**
Funds To Support Economic Development

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

LD 969 proposed a General Fund bond issue in the amount of \$5,000,000, to be used to provide additional capital for the Small Enterprise Growth Fund administered by the Finance Authority of Maine, which provides access to capital for small businesses that demonstrate potential for high growth and public benefit.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 971 **An Act To Authorize a General Fund Bond Issue for Shared-use Trails** **CARRIED OVER**

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

LD 971 proposed a General Fund bond issue in the amount of \$10,000,000, to be used to develop shared-use trails across Maine.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 975 **An Act To Create Entrepreneurship Internships for Maine High School and College Students** **CARRIED OVER**

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

LD 975 proposed to provide ongoing funds to create an entrepreneurship internship program for Maine high school and college students to be administered by the Foundation for Blood Research.

This bill, and its adopted amendments, were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 997 **An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories** **CARRIED OVER**

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

LD 997 proposed a General Fund bond issue in the amount of \$1,000,000, to be used to repair, upgrade and construct Maine National Guard armories and facilities. State funds spent on repair leverage federal funds at a one-to-one ratio. State funds spent on construction leverage federal funds at a one-to-three ratio.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 998 **An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements** **CARRIED OVER**

<u>Sponsor(s)</u> DAMON SAMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 998 proposed a General Fund bond issue in the amount of \$38,000,000, to be used for improvements to highways and bridges; airports, public transit and state-owned ferry vessels and ferry and port facilities; port and harbor structures; development of rail corridors and improvements to railroad structures; and statewide trail and pedestrian improvements that make the State eligible for up to \$148,000,000 in matching federal funds.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 999 **An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System** **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER FISCHER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 999 proposed a General Fund bond issue in the amount of \$12,000,000, to be used to make building renovations at all campuses of the University of Maine System and the Maine Community College System and to improve and expand the facilities of the Osher Lifelong Learning Institute at the University of Southern Maine. The Osher Foundation has offered to provide \$4,000,000 in private funds to match \$2,000,000 in state funds.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1000 **An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries** **CARRIED OVER**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1000 proposed a General Fund bond issue in the amount of \$7,000,000 to be used to purchase wastewater treatment systems for fish hatcheries.

Joint Standing Committee on Appropriations and Financial Affairs

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1001 An Act To Authorize a General Fund Bond Issue To Construct CARRIED OVER
and Upgrade Water Pollution Control Facilities and Public Water
Systems, Clean Up Uncontrolled Hazardous Substance Sites,
Remove Hazardous Materials from Schools, Comply with Federal
Storm Water Regulations, Make Public Water System
Improvements, Replace Air Quality Monitoring Equipment,
Establish Hospice Services, Repair State-owned Dams and
Remediate Lead Paint**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1001 proposed a General Fund bond issue in the amount of \$17,500,000 to be used for the following purposes:

1. The sum of \$6,600,000 to construct and upgrade water pollution control facilities, providing the state match for \$13,000,000 in federal funds;
2. The sum of \$2,950,000 to clean up uncontrolled hazardous substance sites and landfills, providing the state match for \$2,000,000 in federal funds;
3. The sum of \$1,000,000 to remove hazardous materials from schools;
4. The sum of \$300,000 to match local money and assist municipalities in complying with new federal storm water regulations;
5. The sum of \$150,000 to replace air quality monitoring equipment to inform the public of air quality emergencies;
6. The sum of \$3,500,000 to support public water system improvements that address public health threats, providing the state match for \$17,500,000 in federal funds;
7. The sum of \$1,000,000 to build new hospices and establish hospice services statewide;
8. The sum of \$1,000,000 to address safety hazards by repairing state-owned dams; and
9. The sum of \$1,000,000 to remediate lead paint in low-income households.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1020

An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy

CARRIED OVER

Sponsor(s)
SMITH N

Committee Report

Amendments Adopted

LD 1020 proposed a General Fund bond issue in the amount of \$78,850,000 to be used to stimulate economic growth and job creation through investments in the Maine economy. The funds would be used for the following purposes:

PART A proposed the following:

1. The sum of \$22,000,000 for medical research and development by Maine-based biomedical research institutions in anticipation of approximately \$100,000,000 in federal and private funds for health research to cure disease and to retain Maine graduates by providing high-quality Maine jobs;
2. The sum of \$850,000 to purchase the property known as Black Duck Cove on Great Wass Island to serve as the home of the Downeast Institute for Applied Marine Research and Education;
3. The sum of \$9,000,000 for marine research and development in anticipation of \$9,000,000 in federal and private funding for competitive capital infrastructure grants to sustain and develop Maine's marine-based economy;
4. The sum of \$5,000,000 for forestry and agricultural research and development in anticipation of \$5,000,000 in federal and private funding for competitive grants to sustain Maine's forestry and agricultural economy;
5. The sum of \$2,000,000 for the Small Enterprise Growth Fund for equity investments in small Maine companies with potential for high growth to leverage private equity investments;
6. The sum of \$5,000,000 for the New Century Community Program for capital improvements to cultural resources;
7. The sum of \$1,000,000 for sustainable water sources and irrigation system development to leverage private funds of at least \$800,000;
8. The sum of \$1,000,000 to replenish the Agricultural Marketing Loan Fund to support farm business development, to leverage private funds of at least \$600,000;
9. The sum of \$3,000,000 for grants through Working Waterfronts Conservation Program to leverage \$3,000,000 in matching funds;
10. The sum of \$5,000,000 to furnish and outfit the new bioscience building at the University of Southern Maine with laboratories and equipment to leverage \$1,200,000 in federal funds;
11. The sum of \$6,000,000 to build the University of Maine cold water aquaculture marine science facility to leverage approximately \$10,000,000 in federal funds;

Joint Standing Committee on Appropriations and Financial Affairs

12. The sum of \$4,000,000 to outfit the Laboratory for Surface Science Technology clean room facility at the University of Maine with state-of-the-art nanofabrication tools and instrumentation to leverage \$4,000,000 in federal grants and contracts for research;
13. The sum of \$3,000,000 to renovate Camden Hall on the University of Maine-Bangor campus for a graduate school for biomedical science;
14. The sum of \$2,000,000 for capital costs and equipment for the career center facility at the University of Southern Maine's Lewiston-Auburn College;
15. The sum of \$1,000,000 for education loan repayment incentives through the Finance Authority of Maine to retain and recruit skilled workers in Maine;
16. The sum of \$3,000,000 for recapitalization of the Economic Recovery Program through the Finance Authority of Maine;
17. The sum of \$1,000,000 for the development of the Sunrise Business and Career Center in the Town of Jonesboro;
18. The sum of \$4,000,000 to provide funds for the development of affordable workforce housing and downtown housing and for weatherization and home repair in anticipation of an additional \$9,000,000 in other public and private funding; and
19. The sum of \$1,000,000 for family and elderly housing options for Native American tribes through the Four Directions Development Corporation to help attract \$1,000,000 in federal funds.

Part B of this bill proposed to establish a grant program for the acquisition of real estate that constitutes working waterfront in coastal harbors.

Part C of this bill proposed to reorganize the laws governing the Agricultural Marketing Loan Fund.

Part D of this bill proposed to establish the Maine Recruitment and Retention Program within the Finance Authority of Maine to provide repayment of educational loans of individuals who have a bachelor's degree and work in Maine for 4 years.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

**LD 1035 An Act To Authorize a General Fund Bond Issue To Provide CARRIED OVER
Funds for the Land for Maine's Future Program**

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

LD 1035 proposed a General Fund bond issue in the amount of \$50,000,000 to be used to recapitalize the Land for Maine's Future program with \$50,000,000 to continue the State's land conservation efforts, to be matched by at least \$25,000,000 in private and public funds.

Part B of this bill proposed to amend the land acquisition priorities of the Land for Maine's Future program to include service center communities.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1043 An Act To Provide Funds for the Preservation of Digital Records CARRIED OVER

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

LD 1043 proposed to provide funds for a digital records management analyst position within the Department of the Secretary of State, Maine State Archives, beginning October 1, 2005 to provide technical and professional leadership and management for the preservation of the State's permanently valuable digital records.

This bill was carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

**LD 1109 RESOLUTION, Proposing an Amendment to the Constitution of ONTP
Maine To Restrict an Increase in the Growth of the State Budget**

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

LD 1109 proposed to establish a ceiling on the growth in state spending to a percentage rate equal to 2/3 of the average real personal income growth rate plus 2/3 of the average forecasted inflation rate, require a 2/3 vote of the Legislature to approve General Fund expenditures that exceed this ceiling and require that surplus funds be distributed: first, to a capital construction and improvements reserve fund and a budget stabilization fund; 2nd, to reduce the unfunded liability of the Maine State Retirement System and to conform Maine tax law with the United States Internal Revenue Code; and 3rd, to the people of the State of Maine.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1125

An Act To Establish the Disaster Relief Fund

PUBLIC 439

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ ONTP MIN	S-140 S-397 ROTUNDO

LD 1125 proposed to establish the Homeland Security Relief Fund and authorize transfers to the fund from the General Fund as available until a maximum of \$5,000,000 is available in the fund. The bill proposed to specify that the fund may contain any federal money deposited in the fund and all interest earned on the fund's balance.

The bill proposed to require the Homeland Security Relief Fund to be the first resource used when the Maine Revised Statutes, Title 37-B, section 742, regarding emergency proclamation, or Title 37-B, section 744, regarding disaster relief, is invoked by the Governor.

Committee Amendment "A" (S-140) proposed to reduce the appropriation from \$3,000,000 to \$1,000,000.

Senate Amendment "A" To Committee Amendment "A" (S-397) proposed to change the name of the fund from "Homeland Security Relief Fund" to "Disaster Relief Fund" to more accurately reflect the purpose of the fund. This amendment also proposed to remove the provision requiring that funds be transferred from the General Fund to the Disaster Relief Fund at the close of each fiscal year and remove the appropriation.

Enacted law summary

Public Law 2005, chapter 439 established the Disaster Relief Fund to be administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. This fund must be the first resource used when either §742 (emergency proclamation) or §744 (disaster relief) of 37-B Maine Revised Statutes Annotated is invoked.

LD 1216

An Act To Strengthen Community Health Centers and Indian Health Centers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY SNOWE-MELLO	ONTP MAJ OTP MIN	

LD 1216 proposed to provide funding to reimburse 28 community and Indian health centers for uncollectible, outstanding patient accounts receivable. It also proposed to provide for grants to those centers totaling up to 10% of the balance remaining in the account of the Dirigo Health Fund on June 30th of each year.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1234 An Act To Reestablish the Maine Coast Environmental Trust CARRIED OVER
Fund within the Department of Marine Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN WESTON	OTP-AM	H-218

LD 1234 proposed to reestablish the Maine Coast Environmental Trust Fund in the Department of Marine Resources. The purpose of the trust fund is to protect and improve the quality of the State's marine environment by providing grants to qualifying organizations. This bill proposed to require the department to develop a competitive grant program, including qualifications and application procedures, and report back to the Second Regular Session of the 122nd Legislature with the department's recommendations.

The bill also proposed to appropriate start-up funds to the trust fund and funds to be used to restore the clam flats in Stockton Harbor.

Committee Amendment "A" (H-218) proposed the following.

1. To clarify that the Maine Coast Environmental Trust Fund is an Other Special Revenue Funds account within the Department of Marine Resources.
2. To specifically allow the fund to accept appropriations and transfers authorized by the Legislature.
3. To replace a direct General Fund appropriation to the fund with a transfer of unappropriated General Fund surplus to the account and provides necessary Other Special Revenue Funds allocations for the account.
4. To specify how much of the allocation is to be spent on the restoration of the clam flats in Stockton Harbor with the remainder to be used to reestablish a competitive grants program.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 1272 An Act To Ensure Compliance with the Federal Americans with CARRIED OVER
Disabilities Act for Court Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS	OTP-AM	H-195

LD 1272 proposed to authorize the Maine Government Facilities Authority to issue securities up to \$3,000,000 to renovate or retrofit court facilities to comply with the federal Americans with Disabilities Act.

Committee Amendment "A" (H-195) proposed to change the amount of the securities the Maine Governmental Facilities Authority is authorized to issue from \$3,000,000 to \$1,000,000 to renovate or retrofit court facilities to comply with the federal Americans with Disabilities Act.

Joint Standing Committee on Appropriations and Financial Affairs

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

LD 1278 An Act Requiring Long-range Budget Planning CARRIED OVER

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

LD 1278, which was carried over from the First Special Session, proposed to extend the forecast to encompass the 6 years following the current biennium and require the Governor to use the forecast to develop a long-range budget plan for the following 3 biennia. The plan would be submitted by the Governor to the Legislature along with the regular biennial budget.

LD 1291 An Act To Fund Fully the Purchase of Military Time ONTP

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

LD 1291 proposed to provide one-time funds to subsidize the purchase of military service credit for the members who applied and were determined eligible to purchase the service credit for calendar year 2004 per Public Law 2003, chapter 693.

LD 1293 An Act To Assist Families and Children by Increasing Access to the Court System CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS HOBBINS	OTP-AM MAJ ONTP MIN	H-196

LD 1293 proposed to include General Fund appropriations and Federal Expenditures Fund allocations to the Judicial Department to provide funds for 2 family case management officers, 2 assistant clerks and 2 security officers to reduce the backlog of cases in counties with larger populations.

Committee Amendment "A" (H-196) proposed to remove the emergency preamble and the emergency clause from the bill, indicate the positions will be used where the need is most acute and amend the personal services appropriations and allocations to reflect an estimated start date of October 1, 2005.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1311 **An Act To Preserve the Integrity of the Fund for a Healthy Maine** **CARRIED OVER**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1311 proposed to require that in certain circumstances allocations from the Fund for a Healthy Maine would be voted on in separate legislation.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1330 **Resolve, To Lower the Cost of State Government by** **CARRIED OVER**
Approximately \$1,000,000 Annually

<u>Sponsor(s)</u> NUTTING J		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1330 proposed to reduce state spending by approximately \$1,000,000 annually, commencing with fiscal year 2006-07. This resolve would require that the Governor identify and recommend for elimination to the Joint Standing Committee on Appropriations and Financial Affairs 8 politically appointed positions in State Government.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1348 **An Act To Increase Funding for Meals on Wheels Program** **CARRIED OVER**

<u>Sponsor(s)</u> CAMPBELL NASS R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-279
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LD 1348 proposed to appropriate funds to reimburse volunteers of meals on wheels programs for travel expenses.

Committee Amendment “A” (H-279) proposed to clarify the use and recipient of the appropriation.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1369

Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates

**RESOLVE 30
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES ANDREWS	OTP-AM	H-260 H-286 FISCHER

LD 1369 proposed to direct the Department of Administrative and Financial Services, Bureau of the Budget to identify the unfunded state mandates placed on local and regional governmental entities that were enacted prior to November 23, 1992, the effective date of the Constitution of Maine, Article 9, Section 21, which limits the imposition of unfunded state mandates and to recommend legislation for reducing the burden of those mandates.

Committee Amendment "A" (H-260) proposed to change the agency responsible for the review of unfunded state mandates from the Department of Administrative and Financial Services, Bureau of the Budget to the Executive Department, State Planning Office. In addition, the amendment proposed to restrict the review to unfunded state mandates that pertain to municipalities.

House Amendment "A" To Committee Amendment "A" (H-286) proposed to change the agency responsible for the review of unfunded state mandates from the Executive Department, State Planning Office to the Intergovernmental Advisory Group.

Enacted law summary

Resolve 2005, chapter 30, section 1 directs the Intergovernmental Advisory Group to conduct a review of unfunded state mandates that pertain to municipalities, identify those mandates that were enacted prior to November 23, 1992, prepare a list of those mandates that are considered by the affected units of government to be deserving of analysis and review and identify certain characteristics of the listed mandates.

Section 2 allows the Intergovernmental Advisory Group to seek information from a variety of sources that may be affected by the repeal, modification, redesign, enhanced coordination or delayed implementation of the mandate.

Section 3 directs the Intergovernmental Advisory Group to report its findings and recommendations, including suggested legislation, to the Joint Standing Committee on State and Local Government and the Legislative Council by November 2, 2005. The Joint Standing Committee on State and Local Government may report out a bill to the Second Regular Session of the 122nd Legislature.

Chapter 30 was enacted as an emergency measure effective May 20, 2005.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1511

**An Act Regarding the Budget Process for the Legislative Youth
Advisory Council**

PUBLIC 414

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN WESTON	OTP-AM	H-390 S-399 ROTUNDO

LD 1511 proposed to authorize the Legislative Council to seek outside sources of funding for the Legislative Youth Advisory Council and eliminate the requirement on the part of the Edmund S. Muskie School of Public Service to provide funding for the youth council. The bill also proposed to direct the youth council to prepare a budget with the help of the Executive Director of the Legislative Council, to be submitted to the Legislative Council.

Committee Amendment "A" (H-390) proposed to strike the provision that allow the Legislative Council to suspend staffing the Legislative Youth Advisory Council during periods when the Legislature is in regular or special session. In addition, the amendment proposed to add an Other Special Revenue allocation in the event outside funds are received to support the activities of the council.

Senate Amendment "A" To Committee Amendment "A" (S-399) proposed to provide that the staffing assistance provided by the Legislative Council to the Legislative Youth Advisory Council could be curtailed during periods when the Legislature was in regular or special session. The amendment also proposed to direct the Department of Education to transfer funds from funding that supports the Task Force on Citizenship Education that was established pursuant to Resolve 2003, chapter 143 to the Legislative Council.

Enacted law summary

Public Law 2005, chapter 414, Section 1 amends 3 MRSA §168-A, sub-§10 to reflect that staff assistance to the Legislative Youth Advisory Council will be provided by the Legislative Council rather than the Edmund S. Muskie School of Public Service and that the staff assistance may be curtailed during periods when the Legislature is in regular or special session.

LD 1540

An Act To Appropriate Funds for the School Breakfast Program **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO CUMMINGS	OTP-AM	S-195

LD 1540 proposed to appropriate funds for the school breakfast program.

Committee Amendment "A" (S-195) proposed to specify that the appropriation of funds for the school breakfast program would be for the 2006-2007 biennium only.

This bill, and its adopted amendment, were carried over on the Special Appropriations Table by S. P. 640 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Appropriations and Financial Affairs

LD 1677	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007	PUBLIC 386 EMERGENCY
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<u>Sponsor(s)</u> BRANNIGAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-673
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LD 1677 was the Governor’s proposed “New or Expanded Programs” or “Part 2” Budget Bill for the 2006-2007 biennium.

Committee Amendment “A” (H-673) was the unanimous report of the committee in response to the Governor’s proposed bill.

Enacted law summary

Public Law 2005, chapter 386 does the following:

- | <u>Part</u> | <u>Description</u> |
|-------------|--|
| A | Part A makes appropriations and allocations of funds. |
| B | Part B makes appropriations and allocations of funds for approved reclassifications and range changes. |
| C | Part C authorizes lease-purchase arrangements establishing the maximum principal costs, interest rates and duration terms for financing agreements. Up to \$5,000,000 in principal is authorized to acquire motor vehicles for the Central Motor Pool and up to \$1,800,000 in principal to acquire motor vehicles for the Maine State Police. |
| D | Part D establishes the Dirigo Health Enterprise Fund for Dirigo Health, replacing the Other Special Revenue accounts and adjusts allocations to reflect position adjustments related to Dirigo Health. Part D also clarifies, which funds are subject to legislative allocation and adds that Lottery Fund and Dirigo Health Enterprise Fund are subject to legislative allocation. |
| E | Part E changes method of transferring funds to the Fund for the Efficient Delivery of Educational Services and delays the first transfer to the fund until fiscal year 2007-08. |
| F | Part F authorizes the Department of Economic and Community Development to transfer funds in excess of \$7,554,189 in the Tourism Marketing Promotion Fund account to another Other Special Revenue Fund account to be used for a list of economic development initiatives in fiscal year 2005-06 and 2006-07 only. The amount of the transfers are capped at \$330,000 in fiscal year 2005-06 and \$575,000 in fiscal year 2006-07. This Part also includes a reporting requirement. |

Joint Standing Committee on Appropriations and Financial Affairs

- G** Part G authorizes the Maine Community College System to use the distribution of \$989,352 from the gross slot revenue to match \$1,000,000 for Osher Scholarships.
- H** Part H authorizes the Department of Administrative and Financial Services, through the Bureau of General Services to establish the Central Fleet Management and Central Services Divisions in the Bureau of General Services, Department of Administrative and Financial Services, for the purpose of operating the postal service, central copy and duplicating, central warehouse, surplus property, central mail room and central fleet management.
- I** Part I designates any revised rules of the Maine Land Use Regulation Commission establishing new fees as major substantive rules. It also directs the State Tax Assessor to revise fees already assessed for the Department of Conservation, Maine Land Use Commission services to a town or plantation with only a portion of its land under Maine Land Use Regulation Commission jurisdiction.
- J** Part J authorizes the Department of Corrections to conduct a study, costing no more than \$300,000. It establishes the Corrections Alternatives Advisory Committee and requires the Commissioner of the Department of Corrections to submit legislation by January 1, 2006 that establishes a Corrections Incentive Fund.
- K** Part K adjusts appropriations and allocations for child welfare services and foster care within the Department of Health and Human Services.
- L** Part L amends the Department of Administrative and Financial Services, Bureau of General Services' authority for approving plans for public improvements by removing the provision that allows the bureau to assess school administrative units fees for reasonable costs on school construction projects for which budgets were established subsequent to July 1, 1995 and adjusts appropriations and allocations to reflect the loss of this fee revenue.
- M** Part M establishes within the Maine State Museum a revolving fund to cover the operations of the museum sales program and establishes the Maine State Museum Endowment for Publishing and authorizes the Maine State Museum to deposit a percentage of revolving fund proceeds into the endowment and to use the principal and interest to fund museum publications. Authorizes deposits into the endowment fund from private donations and grant funds.
- N** Part N requires the Department of Administrative and Financial Services to review vacant positions and the reclassification and reorganization process throughout state government and report back to the Committee on Appropriations and Financial Affairs by January 15, 2006 with any recommendations for position eliminations.
- O** Part O establishes a Commission to reform the state budget process.
- P** Part P authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into financing arrangements for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System. A maximum principal amount of \$10,000,000 is authorized on or after July 1, 2005 and an additional \$10,000,000 in principal is authorized to be issued on or after July 1, 2006. It also provides

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funding for the projected debt service costs.

- Q** Part Q authorizes the Maine Community College System and the Governor Baxter School for the Deaf to receive a transfer of funds from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Maine Community College System and the Governor Baxter School for the Deaf.
- R** Part R amends the retirement program for judges who retired prior to December 1, 1984 to shift administration of the program from the Judicial Branch to the Maine State Retirement System, effective July 1, 2005. Like the retirement program for governors and their survivors, this program is funded from current appropriations, rather than from a trust fund.
- S** Part S extends the 5% service provider tax to certain day habilitation, personal support and residential training services provided to children and adults with mental retardation and adjusts appropriations and allocations to reflect this extension of the tax.
- T** Part T reduces the limit on the transfer to the circuit breaker reserve in fiscal year 2004-05 by \$650,000 to \$26,127,647. It also authorizes the State Controller to transfer amounts from balances in the Business Equipment Tax Reimbursement program account, the Homestead Property Tax Reimbursement program account and the Maine Revenue Services program account to the General Fund in fiscal year 2004-05.
- U** Part U increases the aggregate principal amount outstanding at any time from \$170,000,000 to \$220,000,000 related to tax exempt borrowing authority for the University of Maine System and modifies the notification requirement.
- V** Part V authorizes the transfer of \$200,000 from the General Fund unappropriated surplus to the Maine Milk Pool, Other Special Revenue Fund account within the Department of Agriculture, Food and Rural Resources.
- W** Part W provides a General Fund appropriation for the clean-up and remediation of the Lewis Wolman Company site.
- X** Part X authorizes the Department of Health and Human Services to establish a drug formulary utilizing the MaineCare Drug Utilization Review Committee. It also authorizes the department to adopt routine technical rules for medication availability in emergency situations. The drug formulary takes effect January 1, 2006.
- Y** Part Y redistributes funding provided in the 2006-2007 Part 1 budget for MaineCare payments to hospitals. Funding is to be used for the settlement of the MaineCare hospital reimbursement lawsuit, a reduced level of current hospital MaineCare payment settlements, a reduced funding increase for hospital MaineCare prospective interim payments, and to help offset the impact of the reduction in the 2006 Federal Medical Assistance Percentage (FMAP).
- Z** Part Z appropriates \$1,000,000 to the Baxter Compensation Authority and changes the order of priority of the FY05 year-end transfers (the "Cascade") so that the remaining need of the Baxter Compensation Authority is established as the first priority before the other year-end transfers from

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unappropriated surplus. In the event that the fiscal year 2004-05 year-end transfer are insufficient to fund the full \$7,122,000, the authority's needs remain a priority item in the fiscal year 2005-06 year-end transfers from unappropriated surplus.

- AA** Part AA directs the State Controller to recognize \$11,544,510 of General Fund revenue that has been billed internally within the Department of Health and Human Services as eligible MaineCare costs, but has not yet been paid. These revenue items are not expected to be available as cash receipts until shortly after the close of fiscal year 2004-05. The accrual of these revenue items is consistent with generally accepted accounting principles. This part also requires the Commissioner of Health and Human Services to report by July 31, 2005 on the status of the payment of these internal billings.
- BB** Part BB appropriates funds for 3 positions needed to perform criminal background checks and eliminates one vacant position within the Department of Public Safety.
- CC** Part CC authorizes the Treasurer of State to transfer funds into and out of funds within the cash pool of State Government in order to meet current obligations and requires the State Controller to effect such transfers by journal entry.
- DD** Part DD increases the fines imposed for miscellaneous drug and drug paraphernalia violations.
- EE** Part EE adjusts Federal Expenditures Fund allocations to the Department of Conservation to reflect the establishment of a dedicated account in order to properly administer the federal grants program.
- FF** Part FF increases MaineCare reimbursement for ambulance services and appropriates and allocates funds to meet a projected shortfall in the MaineCare program for fiscal year 2004-05. It also reduces appropriations and allocations for the fiscal year 2006-07 federal medical assistance percentage decrease appropriated in Part A.
- GG** Part GG lapses \$2,500,000 from the Treasurer's General Fund Debt Service account of the \$3,672,000 that was authorized to carry forward at the end of fiscal year 2004-05 pursuant to PL 2005, c. 12, Part DDDD.

Public Law 2005, chapter 396 was enacted as an emergency measure effective June 13, 2005.

LD 1687

An Act To Develop a New Judicial Facility in Bangor

PUBLIC 460

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

LD 1687 proposed to authorize the Maine Governmental Facilities Authority to issue securities for the purpose of paying costs associated with the construction of a new courthouse in the City of Bangor.

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Enacted law summary

Public Law 2005, chapter 460 authorizes the Maine Governmental Facilities Authority to issue securities for the purpose of paying costs associated with the construction of a new courthouse in the City of Bangor.

LD 1691 **An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures** **PUBLIC 457**

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

LD 1691 was reported out of committee, under the authority of H. P. 1194 a Joint Order, without amendment. Please see the enacted bill summary for the details of the bill's content.

Enacted law summary

Public Law 2005, chapter 457 does the following:

<u>Part</u>	<u>Description</u>
A	Part A repeals the authority for the Maine Municipal Bond Bank to issue pension cost reduction bonds that was provided in Public Law 2005, chapter 12, Part PPPP, section 1. It also appropriates funds to the Teacher Retirement program within the Department of Education to restore the deappropriations provided in Public Law 2005, chapter 12, Part PPPP, section 5. However, the fiscal year 2005-06 appropriation to fund the unfunded actuarial liability of teachers' retirement is reduced to reflect the transfer of \$41,908,402 from the General Fund unappropriated surplus provided in Public Law 2005, chapter 12, Part PPPP, section 2 and the transfer of \$250,000 from the Maine State Retirement System's Administrative Expense Reserve account to the Retirement Allowance Fund on or before January 1, 2006.
B	Part B makes reductions to several programs within the Department of Administrative and Financial Services through position eliminations and All Other reductions.
C	Part C reduces funding for a number of tax-related programs including reductions in funding for the multistate tax commission and Maine Revenue Services' funding for information technology and training.
D	Part D deappropriates funds from the Department of Agriculture, Food and Rural Resources by reducing contractual services for advertising, transferring 1/2 of one position to Other Special Revenue Funds, reducing one position to 1/2 time, eliminating one Division Director position and reducing operational costs.
E	Part E reduces funding to the Department of Audit as a result of a transfer of one Auditor III position to an Other Special Revenue Funds account.

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- F** Part F deappropriates funds for the Department of Conservation by reducing assistance to landowners, delaying the purchase of a helicopter used for fire suppression purposes, reducing operational costs and split funding 2 positions with Other Special Revenue Funds. It also reduces the percentage of state park fees that are returned to host municipalities.
- G** Part G authorizes the Department of Corrections to assess county jails for high-risk prisoners, reduces funding for several programs within the department through position eliminations and the reduction of All Other funds and deappropriates funds for the Maine Criminal Justice Commission.
- H** Part H reduces General Fund appropriations to the Maine State Library, the Maine State Museum and the Maine Arts Commission.
- I** Part I reduces funding for debt service to reflect savings in fiscal year 2005-06 and by postponing the start date of certain capital improvement projects. It allows a school administrative unit that proceeds with a delayed project by using bond anticipation notes to have the interest costs of the temporary borrowing paid by the State. It also decreases funding for special education in fiscal year 2006-07 for those school administrative units that are minimum receivers of state subsidy by holding the transition percentage for special education costs at 84%. This Part also decreases funding for school bus purchases in fiscal year 2006-07 and recognizes savings from maximizing federal reimbursement to local school districts for school-based rehabilitation, day treatment and targeted case management services.
- J** Part J decreases General Fund appropriations to the Department of Education for programs other than General Purpose Aid for Local Schools.
- K** Part K reduces funding by \$1,402,250 in fiscal year 2005-06 and \$1,404,150 in fiscal year 2006-07 to the State's higher education institutions. This Part also authorizes the University of Maine System to use up to the first \$1,000,000 of distribution from the gross slot machine revenue in fiscal year 2006-07 to support graduate student stipends for biomedical scholarships.
- L** Part L deappropriates \$287,306 in fiscal year 2005-06 and \$281,694 in fiscal year 2006-07 from the Department of Economic and Community Development through reductions in funding for certain programs and grants.
- M** Part M deappropriates funds for the Surface Water Ambient Toxics Monitoring program.
- N** Part N shifts funding for a position in the Commission on Governmental Ethics and Election Practices from the General Fund to Other Special Revenue Funds.
- O** Part O reduces funding to the Blaine House from a reduction in intermittent staff and to the Governor's Office from the elimination of one Governor's Special Assistant position. This Part also provides a departmentwide reduction to the State Planning Office and achieves savings in reductions in contractual services within the Governor's Office.
- P** Part P decreases funding for the Business Development Finance and the Natural Resources and Marketing programs within the Finance Authority of Maine.
- Q** Part Q deappropriates funds from the Atlantic Salmon Commission through reductions in operational costs.

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- R** Part R deappropriates funds from the Department of Inland Fisheries and Wildlife through use of salary savings in the Maine Warden Service.
- S** Part S increases the amount of revenue to be expected from an accelerated collection effort of overdue fines by directing the Judicial Department to access records of the Secretary of State, Bureau of Motor Vehicles. It also reduces funding to be realized through increased efficiencies within the Judicial Department.
- T** Part T decreases General Fund appropriations to the Department of Labor by \$382,900 in fiscal year 2005-06 and \$386,500 in fiscal year 2006-07 by reallocating funding for certain positions and activities in the department's Administration program and Employment Services Activities program.
- U** Part U lapses \$800,000 from legislative accounts over the 2006-2007 biennium. It also reduces funding to the Legislature as a result of the suspension of step increases in fiscal year 2005-06 for only those employees earning \$60,000 or more and not represented by a bargaining agent and provides a correction to Public Law 2005, chapter 12.
- V** Part V deappropriates funds from the Department of Marine Resources by reducing operating expenses, by reducing funds for capital purchases, by eliminating one Account Clerk I position, by delaying the hiring of new Marine Patrol positions, by transferring one Marine Resource Technician position to Other Special Revenue Funds, by eliminating one Word Processor position funded by Other Special Revenue Funds, by reorganizing one executive-level position and by mothballing 3 patrol vessels. This Part also appropriates funds for expanded PSP testing pertaining to mahogany quahogs.
- W** Part W transfers funding for the Fire Protection Services Commission from the General Fund to Other Special Revenue Funds within the Department of Public Safety and deappropriates funds for the department by eliminating 2 positions in the Gambling Control Board and reducing grants to regional EMS councils.
- X** Part X deappropriates funds from the Department of the Secretary of State by eliminating one Account Clerk I position and reducing operating funds.
- Y** Part Y deappropriates funds from Personal Services within the Administration - Treasury program and debt service within the Debt Service - Treasury program.
- Z** Part Z reduces funding to the Department of the Attorney General as a result of the elimination of merit pay increases for unclassified positions in fiscal year 2006-07 and reduces funds for civil rights teams and deappropriates salary savings from the Human Services Division account and the District Attorneys Salaries account.
- AA** Part AA increases the cigarette tax by \$1 per pack of 20 cigarettes effective September 19, 2005. It also increases the other tobacco tax from 16% of the wholesale price to 20% and the tax on smokeless tobacco from 62% to 78% of the wholesale price effective October 1, 2005.
- BB** Part BB requires the Maine Municipal Bond Bank to transfer \$5,900,000 from the School Revolving Renovation Fund account representing audit recoveries from major school construction projects paid

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by General Fund appropriations to General Fund undedicated revenue no later than October 31, 2005.

- CC** Part CC eliminates the General Fund appropriations to the Department of Public Safety for the cost of conducting background checks and fingerprinting for certain school employees. It also establishes a \$55 fee for the costs of the fingerprinting and background checks to be paid by the applicant and establishes a nonlapsing dedicated account within the Department of Education to be used to reimburse the State Bureau of Identification for the cost of conducting the fingerprinting and background checks.
- DD** Part DD reduces the amount of state-municipal revenue sharing distributed from the Local Government Fund, "Revenue Sharing 1," during fiscal year 2006-07 by \$5,000,000. This transfer does not affect the amounts transferred from the Disproportionate Tax Burden Fund, "Revenue Sharing 2," or the amounts transferred to the Fund for the Efficient Delivery of Local and Regional Services.
- EE** Part EE requires the State Controller to transfer \$2,335,918 in fiscal year 2005-06 and \$2,451,935 in fiscal year 2006-07 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund.
- FF** Part FF establishes or increases fees for various certifications, endorsements, administrative portfolios and authorizations for teachers, education specialists, educational technicians and administrators. It also establishes an approval requirement for all individuals paid to work in a school or at a Child Development Services System site in positions that do not require certification or authorization and establishes a fee for the initial approval and for renewal of the approval.
- GG** Part GG establishes the Professional Standards Board to advise the State Board of Education regarding professional growth, certification and governance of the education profession in this State.
- HH** Part HH makes adjustments to funding and other changes to selected programs in the Department of Health and Human Services.
- II** Part II transfers funds and adjusts allocations from the Fund for a Healthy Maine.
- JJ** Part JJ recognizes the drug subsidy payments the State will receive under the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and distributes the payments to the affected state funds.
- KK** Part KK reduces 2006-07 funding for the MaineCare childless adult waiver program and establishes requirements for meeting this reduction.
- LL** Part LL requires the Department of Health and Human Services to make hospital lawsuit settlement payments prior to September 30, 2005. Appropriations and allocations are adjusted accordingly.
- MM** Part MM transfers \$1,125,000 per year from the Dirigo Health Enterprise Fund to the General Fund during the 2006-2007 biennium.
- NN** Part NN eliminates references to Freeport Towne Square as a state-operated facility to reflect the privatization of this facility and authorizes the Commissioner of Administrative and Financial Services to sell the Freeport Towne Square state-owned property and deposit the proceeds in an Other Special

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Revenue Funds account within the Department of Health and Human Services.

- OO** Part OO amends references to the Office of Advocacy within the Department of Health and Human Services and makes adjustments to General Fund appropriations to reflect the privatization of this office effective July 1, 2006.
- PP** Part PP establishes requirements for a managed behavioral health care services system established by the Department of Health and Human Services and deappropriates funds in anticipation of savings from the system.
- QQ** Part QQ allots previously appropriated and allocated funds to be used for Medicare Part D prescription drug wraparound services. It creates a new Fund for a Healthy Maine program, FHM - Drugs for the Elderly and Disabled, and reallocates funds currently allocated for this purpose from the existing FHM - Medical Care program. This amendment also allocates the Fund for a Healthy Maine's share of proceeds from slot machines at commercial race tracks to be used for drug programs for the elderly and disabled and further specifies that these funds must supplement and not supplant existing funds for this purpose.
- RR** Part RR requires the Department of Health and Human Services to restructure the method of providing services under the MaineCare Katie Beckett option. This Part also deappropriates funds in anticipation of savings from this initiative.
- SS** Part SS requires the Commissioner of Administrative and Financial Services to work with executive branch departments and agencies statewide to achieve annual salary savings from vacant positions. It also provides a transfer from the Salary Plan of \$1,000,000 in fiscal year 2005-06 to the undedicated revenue of the General Fund.
- TT** Part TT postpones the 5% increase in the State's share of funding health insurance for retired teachers as provided in Public Law 2005, chapter 12 from October 1, 2005 to January 1, 2006.
- UU** Part UU repeals a provision enacted by Public Law 2005, chapter 12, Part X, section 3 dealing with the State's sharing in a gain with the Maine Education Association health insurance trust. This provision was found to be illegal.
- VV** Part VV requires the State Controller to transfer \$5,000,000 from Other Special Revenue Funds dedicated accounts within the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2006. This Part also includes a reporting requirement to 3 legislative committees to identify the accounts affected and the amounts transferred.
- WW** Part WW deappropriates funds used for grants by the Maine Municipal Bond Bank in the program supporting the Maine Rural Water Association.
- XX** Part XX provides guidance to the Department of Public Safety in the enforcement of laws pertaining to flavored malt beverages.
- YY** Part YY directs the Workforce Cabinet to study the delivery of training and economic and workforce development programs in Maine and identify specific strategies to leverage both state and federal resources. It requires the Workforce Cabinet to develop recommendations to achieve cost savings and report its findings to the Governor by January 2, 2006. This Part also directs the State Budget Officer

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to calculate the amount of savings for all departments and agencies associated with this Part and to transfer the amounts by financial order upon the approval of the Governor.

- ZZ** Part ZZ transfers a certain part of rents collected by the Department of Administrative and Financial Services from the Maine Military Authority to the General Fund.
- AAA** Part AAA provides a gas tax refund for certain purchases by the State and adjusts appropriations and allocations to reflect the anticipated savings. It also requires the State Budget Officer to calculate the savings and transfer the amounts by financial order as an adjustment to appropriations and allocations.
- BBB** Part BBB limits reimbursement of property taxes under the Business Equipment Tax Reimbursement program for the application period that begins on August 1, 2006 to 90% of the property taxes assessed and paid on eligible property.
- CCC** Part CCC changes the timing of reimbursement under the tree growth tax laws and adjusts General Fund appropriations to reflect the delay.
- DDD** Part DDD deappropriates funds to reflect an administrative change to the timing of payments from the Veterans Tax Reimbursement program.
- EEE** Part EEE expands the definition of "income" under the Maine Residents Property Tax Program to include contributions to retirement accounts and pension plans and amounts paid for benefits under a "cafeteria plan" or dependent care assistance program in order to more accurately measure household income for purposes of determining an applicant's ability to pay rent or property taxes on homestead property.
- FFF** Part FFF alters the income tax calculation for multistate corporations. The change apportions the total tax rather than the total income for affected corporations. This change makes the calculation of income tax for multistate corporations consistent with the calculation for nonresident individual income tax for Maine, including the individual taxation of business income from sole proprietors and members of pass-through entities that engage in multistate business activity.
- GGG** Part GGG transfers the subsidy for the Maine Ferry Service from the General Fund to the Highway Fund, deappropriates the rest of General Fund appropriations for the Department of Transportation and allocates funding for these programs into the newly established State Transit, Aviation and Rail (STAR) Transportation Fund within the department, transfers certain General Fund, Highway Fund and Other Special Revenue Funds revenue to the new STAR Transportation Fund, deallocates funds from Highway Fund programs in 3 departments to remain within existing resources, establishes that all allocations for the Department of Transportation and 911 Highway Fund-associated allocations for programs in other departments will be included solely in Highway Fund budgets and includes the Joint Standing Committee on Transportation as the recipient of a report on position vacancies.
- HHH** Part HHH provides that funds appropriated to the Office of Innovation within the Department of Economic and Community Development for the Fractionation Development Center in Public Law 2005, chapter 12, Part JJJ, section 1 must be used for the specific purpose set forth in Part JJJ, section 1 and may not be reduced, eliminated or diverted for any other purpose.
- III** Part III provides a transfer of up to \$42,500,000 in fiscal year 2005-06 from Other Special Revenue

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Funds to the unappropriated surplus of the General Fund, which will be repaid on July 1, 2006 with interest.

JJJ Part JJJ establishes the MaineCare Stabilization Fund, an Other Special Revenue Funds account, to prevent the loss of services or increased costs of services to a member under the MaineCare program under the Maine Revised Statutes, Title 22, chapter 855 or the elderly low-cost drug program under Title 22, section 254.

KKK Part KKK provides a statewide reduction of \$1,886,468 annually to be realized through increased efficiencies in the operation of State Government.

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SUBJECT INDEX

Budget Bills

Enacted

LD 468	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007	PUBLIC 12	Page 37
LD 508	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2005	PUBLIC 3 EMERGENCY	Page 46
LD 1677	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2005, June 30, 2006 and June 30, 2007	PUBLIC 386 EMERGENCY	Page 74
LD 1691	An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures	PUBLIC 457	Page 78

Not Enacted

None

General Fiscal Policy

Enacted

None

Not Enacted

LD 30	An Act To Apply a System of Spending Limitations to State, County and Municipal Governments and School Administrative Units	ONTP	Page 29
LD 292	An Act To Establish a New Method of Determining the State Budget	CARRIED OVER	Page 36
LD 843	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for Protected Reserve Funds	ONTP	Page 58
LD 1278	An Act Requiring Long-range Budget Planning	CARRIED OVER	Page 70
LD 1311	An Act To Preserve the Integrity of the Fund for a Healthy Maine	CARRIED OVER	Page 71

General Obligation Bond Issues

Enacted

None

Not Enacted

LD 35	An Act To Authorize a General Fund Bond Issue in the Amount of \$75,000,000 for the Land for Maine's Future Fund	ONTP	Page 29
LD 123	An Act Concerning Multiple-item Bond Issues	CARRIED OVER	Page 31
LD 149	An Act To Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Fractionation Development Center	CARRIED OVER	Page 32
LD 392	An Act To Authorize a General Fund Bond Issue To Purchase a Train for Passenger Rail Service	ONTP	Page 36
LD 411	An Act To Authorize a General Fund Bond Issue in the Amount of \$1,000,000 To Support Construction of a "Curtis Class" Vessel for the Maine State Ferry Service	ONTP	Page 37
LD 586	An Act To Authorize a General Bond Issue To Improve the Quality and Safety of Teaching and Science Laboratories	CARRIED OVER	Page 50

LD 636	An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center	CARRIED OVER	Page 51
LD 639	An Act To Authorize a General Fund Bond Issue To Rebuild the Historic Pier at Fort Preble	ONTP	Page 51
LD 669	An Act To Authorize a General Fund Bond Issue To Provide Infrastructure for Expanded Treatment Capacity for Alcoholism and Addiction in a Therapeutic Community Model	CARRIED OVER	Page 52
LD 683	An Act To Authorize a General Fund Bond Issue To Clean Up Chemicals in Public Schools	ONTP	Page 52
LD 753	An Act To Authorize a General Fund Bond Issue for the Downeast Institute for Applied Marine Research and Education	ONTP	Page 52
LD 754	An Act To Issue a General Fund Bond Issue for the Challenger Learning Center of Maine	ONTP	Page 53
LD 755	An Act To Authorize a General Fund Bond Issue for Fort Knox	CARRIED OVER	Page 53
LD 756	An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy	CARRIED OVER	Page 53
LD 757	An Act To Authorize a General Fund Bond Issue To Promote Affordable Workforce Housing	ONTP	Page 54
LD 786	An Act To Authorize a General Fund Bond Issue for Maine Resident College Graduates Employed in Maine	ONTP	Page 55
LD 787	An Act To Authorize a General Fund Bond Issue for the Enhanced Development of Public Geographic Information	CARRIED OVER	Page 55
LD 794	An Act To Authorize a General Fund Bond Issue To Allow Municipalities To Purchase Fishing Rights and Equipment	CARRIED OVER	Page 55
LD 795	An Act To Authorize a General Fund Bond Issue for Bulkhead Restoration at the Former United States Coast Guard Site in Portland	ONTP	Page 56

LD 799	An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta	CARRIED OVER	Page 56
LD 800	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program	ONTP	Page 56
LD 805	An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Interest in Land for Conservation, Water Access, Outdoor Recreation, Wilderness and Fish Habitat	ONTP	Page 57
LD 806	An Act To Authorize a General Fund Bond Issue To Encourage Rural High-speed Internet Access	ONTP	Page 57
LD 819	An Act To Authorize a General Fund Bond Issue To Expand Maine's Ocean-based Economy	CARRIED OVER	Page 58
LD 844	An Act To Authorize a General Fund Bond Issue to Stimulate Maine's Economy	CARRIED OVER	Page 58
LD 876	An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries	CARRIED OVER	Page 59
LD 890	An Act To Authorize a General Fund Bond Issue for Certain State Parks	CARRIED OVER	Page 60
LD 891	An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation	CARRIED OVER	Page 60
LD 907	An Act Authorizing a General Fund Bond Issue To Improve Community Support Services for Persons with Mental Illness	ONTP	Page 60
LD 926	An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland	CARRIED OVER	Page 61
LD 969	An Act To Authorize a General Fund Bond Issue To Provide Funds To Support Economic Development	CARRIED OVER	Page 61
LD 971	An Act To Authorize a General Fund Bond Issue for Shared-use Trails	CARRIED OVER	Page 62
LD 997	An Act To Authorize a General Fund Bond Issue To Match Available Federal Funds To Repair and Upgrade Maine National Guard Armories	CARRIED OVER	Page 62

LD 998	An Act To Authorize Department of Transportation Bond Issues To Match Available Federal Funds for Improvements to Highways and Bridges; Airports; Public Transit; State-owned Ferry Vessels and Ferry and Port Facilities; Port and Harbor Structures; Development of Rail Corridors and Improvements to Railroad Structures; and Statewide Trail and Pedestrian Improvements	CARRIED OVER	Page 63
LD 999	An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System	CARRIED OVER	Page 63
LD 1000	An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries	CARRIED OVER	Page 63
LD 1001	An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint	CARRIED OVER	Page 64
LD 1020	An Act To Authorize a General Fund Bond Issue To Stimulate Economic Growth and Job Creation through Investments in the Maine Economy	CARRIED OVER	Page 65
LD 1035	An Act To Authorize a General Fund Bond Issue To Provide Funds for the Land for Maine's Future Program	CARRIED OVER	Page 67

Miscellaneous Funding and Other Requests

Enacted

LD 37	Resolve, Directing the Department of Health and Human Services To Seek Federal Funding To Serve Immigrant and Refugee Populations in Need of Mental Health and Substance Abuse Treatment	RESOLVE 18 EMERGENCY	Page 30
LD 1125	An Act To Establish the Disaster Relief Fund	PUBLIC 439	Page 68

LD 1369	Resolve, Directing the Department of Administrative and Financial Services, Bureau of the Budget To Review Unfunded Mandates	RESOLVE 30 EMERGENCY	Page 72
LD 1511	An Act Regarding the Budget Process for the Legislative Youth Advisory Council	PUBLIC 414	Page 73
LD 1687	An Act To Develop a New Judicial Facility in Bangor	PUBLIC 460	Page 77
<u>Not Enacted</u>			
LD 42	An Act To Expand the Maine Economic Improvement Fund	CARRIED OVER	Page 30
LD 78	An Act To Fund the Acquisition of Land by the Land for Maine's Future Board from the General Fund	CARRIED OVER	Page 31
LD 119	An Act To Promote Math and Science Education Learning Kindergarten to Grade 12	CARRIED OVER	Page 31
LD 170	An Act To Provide Funding for a Veterans' Cemetery in Springvale	CARRIED OVER	Page 32
LD 174	An Act To Provide Funding for the Applied Technology Development Center System	ONTP	Page 32
LD 180	An Act To Appropriate State Funds To Protect Potato Farmland in Aroostook County from Blight and Other Diseases That Could Occur with the 2004 Crop Unless Cull Potatoes Are Dumped Properly	CARRIED OVER	Page 33
LD 198	An Act To Enhance the Role of the Fogler Library as the Research Library for the State of Maine	CARRIED OVER	Page 33
LD 199	An Act To Support and Expand Regional Teacher Development Centers	CARRIED OVER	Page 33
LD 206	An Act To Transfer Funds to the Maine Clean Election Fund	ONTP	Page 34
LD 228	An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education	CARRIED OVER	Page 34
LD 248	An Act To Provide Funding for Dues for the International Northeast Biotechnology Corridor	CARRIED OVER	Page 34
LD 263	An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities	CARRIED OVER	Page 35

LD 273	An Act Regarding the So-called Katie Beckett Benefits in the MaineCare Program	CARRIED OVER	Page 35
LD 274	An Act To Raise the University of Maine System Debt Ceiling	CARRIED OVER	Page 35
LD 404	An Act To Ensure the State's Continued Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf	CARRIED OVER	Page 36
LD 410	An Act To Provide Funding for Hospices in Maine	ONTP	Page 37
LD 544	An Act To Ensure Statewide Access for Schools and Libraries to On-line Reference Materials and Periodicals	CARRIED OVER	Page 49
LD 550	An Act To Appropriate Matching Funds for the Construction of a Convention Center in Oxford Hills	CARRIED OVER	Page 49
LD 588	An Act To Restore Support for HIV and AIDS Treatment and Prevention	CARRIED OVER	Page 50
LD 622	An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute	CARRIED OVER	Page 50
LD 663	An Act To Reduce the Size of State Government by 5%	ONTP	Page 51
LD 766	An Act To Support the New Century Community Program	CARRIED OVER	Page 54
LD 775	An Act To Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund	CARRIED OVER	Page 54
LD 808	An Act To Provide Funding for "Camp To Belong" To Reunite Siblings Separated by Foster Care	CARRIED OVER	Page 57
LD 871	An Act To Recapitalize the Municipal Investment Trust Fund	ONTP	Page 59
LD 958	An Act To Provide Funding To Cover the Costs of Mailings to Armed Forces Personnel Stationed Overseas	ONTP	Page 61
LD 975	An Act To Create Entrepreneurship Internships for Maine High School and College Students	CARRIED OVER	Page 62

LD 1043	An Act To Provide Funds for the Preservation of Digital Records	CARRIED OVER	Page 67
LD 1109	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict an Increase in the Growth of the State Budget	ONTP	Page 67
LD 1216	An Act To Strengthen Community Health Centers and Indian Health Centers	ONTP	Page 68
LD 1234	An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources	CARRIED OVER	Page 69
LD 1272	An Act To Ensure Compliance with the Federal Americans with Disabilities Act for Court Facilities	CARRIED OVER	Page 69
LD 1291	An Act To Fund Fully the Purchase of Military Time	ONTP	Page 70
LD 1293	An Act To Assist Families and Children by Increasing Access to the Court System	CARRIED OVER	Page 70
LD 1330	Resolve, To Lower the Cost of State Government by Approximately \$1,000,000 Annually	CARRIED OVER	Page 71
LD 1348	An Act To Increase Funding for Meals on Wheels Program	CARRIED OVER	Page 71
LD 1540	An Act To Appropriate Funds for the School Breakfast Program	CARRIED OVER	Page 73

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Insurance and Financial Services*

August 2005

Members:

*Sen. Nancy B. Sullivan, Chair
Sen. Arthur F. Mayo III
Sen. Peter Mills*

*Rep. Anne C. Perry, Chair
Rep. Lisa T. Marrache
Rep. John R. Brautigam
Rep. Charles William Harlow
Rep. Donald E. Pilon
Rep. Kevin J. Glynn
Rep. Michael A. Vaughan
Rep. R. Kenneth Lindell
Rep. Jonathan B. McKane
Rep. Wesley E. Richardson*

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**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	75	98.7%	4.4%
<i>Bills Carried Over</i>	<u>1</u>	<u>1.3%</u>	<u>0.1%</u>
Total Bills referred	76	100.0%	4.5%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	76	100.0%	4.5%
Orders and Resolutions referred to Committee			
<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</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	6.8%	0.3%
<i>Ought to Pass as Amended</i>	26	35.6%	1.7%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>32</u>	<u>43.8%</u>	<u>2.1%</u>
Total unanimous reports	63	86.3%	4.2%
B. Divided committee reports			
<i>Two-way reports</i>	10	13.7%	0.7%
<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>
Total divided reports	10	13.7%	0.7%
Total committee reports	73 ¹	96.1%	4.8%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	36.8%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	6.6%	0.3%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	33	43.4%	2.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.5%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	4.5%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

1. Total does not include two bills referred to the Insurance and Financial Services Committee that were removed from committee without a committee 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 Insurance and Financial Services

LD 6 **An Act To Prohibit a Credit Card Processing Company from Charging a Termination Fee** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 6 proposed to prohibit a credit card processing company from charging a termination fee upon the cancellation or termination of a contract for credit card processing services.

LD 27 **An Act To Require That Licensed Pastoral Counselors Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement** **PUBLIC 214**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 27 proposed to require that all individual and group health insurance policies reimburse for mental health services provided by pastoral counselors licensed in this State. The bill would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Enacted law summary

Public Law 2005, chapter 214 requires that all individual and group health insurance policies reimburse for mental health services provided by pastoral counselors licensed in this State. The law applies to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

LD 28 **An Act To Require That Mental Health Workers with Family Therapist Licenses Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement** **PUBLIC 213**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 28 proposed to require that all individual and group health insurance policies reimburse for mental health services provided by marriage and family therapists licensed in this State. The bill would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Enacted law summary

Public Law 2005, chapter 213 requires that all individual and group health insurance policies reimburse for mental health services provided by marriage and family therapists licensed in this State. The law applies to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Joint Standing Committee on Insurance and Financial Services

LD 32

Resolve, To Reestablish the Health Care System and Health Security Board

RESOLVE 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-513
	OTP-AM MIN	S-380 GAGNON
		S-405 MAYO

LD 32, a resolve, proposed to reestablish the Health Care System and Health Security Board, which was originally established in Public Law 2001, chapter 439, through the next biennium of the Legislature. The bill would require that the board submit a final report by November 1, 2006 to the 122nd Legislature. The bill proposed to allow those members serving on the board as of November 1, 2004 to continue as members and it also preserves any unexpended funds allocated to the board for use to pay future expenses.

Committee Amendment "A" (H-513) is the majority report of the committee. The amendment proposed to retain the provision of the resolve that reestablishes the Health Care System and Health Care Security Board but would limit the scope, funding and timeline of the reestablished board relative to the provisions of the resolve. The amendment proposed to limit the work of the reestablished board to finalizing recommendations regarding the feasibility of a single-payor health plan and limit funding to the unexpended funds allocated to the board as of November 1, 2004. The amendment also sets the report deadline as January 4, 2006, compared with November 1, 2006 in the resolve. Finally, the amendment would prohibit the board from seeking an extension from the Legislative Council beyond January 4, 2006 and from taking any further action after that date unless authorized by law.

Committee Amendment "B" (H-514) is the minority report of the committee. The amendment proposed to require that the Executive Director of the Legislative Council redistribute the unexpended funds of the Health Care System and Health Care Security Board to the individuals and organizations that contributed funds to support the board. The amendment would require the executive director to issue a refund to each contributor that is proportional to the contributor's share of the total budget of the board, except that if the calculated refund is less than \$1 no refund is required. Committee Amendment "B" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-380) proposed to bring the resolve into conformity with the Standards for Legislative Studies adopted by the Legislative Council and the Joint Rules.

Senate Amendment "C" to Committee Amendment "A" (S-405) proposed to remove the emergency preamble and emergency clause.

Senate Amendment "B" to Committee Amendment "A" (S-404) proposed to remove the emergency preamble and emergency clause. Senate Amendment "B" was not adopted.

Enacted law summary

Resolve 2005, chapter 119 reestablishes the Health Care System and Health Security Board so that the Board may finalize recommendations regarding the feasibility of a single-payor health plan. The resolve requires the Board to submit its report by December 7, 2005.

Joint Standing Committee on Insurance and Financial Services

LD 41 **An Act To Prohibit Credit Card Companies from Charging Late Fees on Certain Accounts** **ONTP**

<u>Sponsor(s)</u> SCHATZ		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 41 proposed to prohibit credit card issuers from charging a late fee on an account if the interest rate exceeds 12.5%.

LD 65 **An Act To Protect Consumers from Unfair Cancellation of Property Insurance Coverage** **ONTP**

<u>Sponsor(s)</u> MOORE G GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 65 proposed to remove the restriction in the so-called Maine Property Insurance Cancellation Control Act that insured property must be owner-occupied for the Act to apply to policies insuring against loss or damage to that property. The bill does not change the Act's requirements that the insured property be used solely for residential purposes and consist of not more than 4 apartments. The bill proposed to give the protections of the Act to owners of rental residential property, including the right to request a hearing before the Superintendent of Insurance when the insurer has notified the insured that the policy will not be renewed. Under current law, owners of rental property are entitled to request a hearing only if the policy is being cancelled before its term has been completed.

LD 86 **An Act To Increase the Availability of Individual Health Insurance in Maine** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 86 proposed to remove the requirement that health insurance carriers offer standardized individual health plans defined by the Superintendent of Insurance.

Joint Standing Committee on Insurance and Financial Services

LD 97 **An Act To Terminate Payments to the Maine Workers' Compensation Residual Market Pool from the Maine Insurance Guaranty Association** **ONTP**

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

LD 97 proposed to terminate the obligation of the Maine Insurance Guaranty Association to pay the Maine Workers' Compensation Residual Market Pool quarterly payments, since the last payment was November 15, 2004. These payments were adding \$8,000,000 in costs to lines of insurance other than workers' compensation through the "spillover" insolvency assessment mechanism at a time when the residual market pool was solvent.

LD 111 **An Act To Promote Health Insurance Coverage for Employees of Small Businesses** **ONTP**

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

LD 111 proposed to give an employee whose coverage under a group policy is terminated the right to maintain coverage under that group policy at the employee's expense for 18 months or convert to an individual policy without evidence of insurability. The bill would apply to group policies covering fewer than 20 employees. The bill also clarifies that the continuation or conversion privilege is not available if the employee's employment is terminated for gross misconduct.

Committee Amendment "A" (H-213) is the minority report of the committee. The amendment proposed to remove unnecessary references to the conversion of an individual policy and correct a cross-reference. Committee Amendment "A" was not adopted.

LD 114 **An Act To Provide a Mandate-free Health Insurance Policy** **ONTP**

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

LD 114 proposed to authorize basic care medical plans to provide health insurance with high deductibles and levels of coinsurance. Individuals who have incomes at 200% or below the federal non-farm income poverty level and have no other coverage may purchase the plans. The plans cover hospitalization, prenatal, postnatal and well-baby care, surgery and emergency and outpatient care. The plans are exempt from all state laws mandating insurance coverage of certain health care services or certain health care providers. The plans are subject to provisions relating to community rating, guaranteed issuance and guaranteed renewal for individual

Joint Standing Committee on Insurance and Financial Services

health insurance policies. The carriers that offer basic care medical plans are authorized to form a pool to distribute the risk of providing coverage to enrollees.

LD 122 **Resolve, Regarding Uninsured Motorist Coverage in Automobile Insurance Policies** **RESOLVE 100**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER MAYO	OTP-AM	H-512

LD 122 proposed to clarify the Legislature's intent regarding the uninsured motorist statute in response to the recent Law Court decision in *Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company*, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The bill proposed to clarify that an insurance policy may limit uninsured motorist coverage to the recovery of damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.

Committee Amendment "A" (H-512) changed the title and replaced the bill with a resolve. The amendment proposed to require the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with interested persons, to study legal and policy issues regarding uninsured vehicle coverage under motor vehicle insurance policies. The amendment would require the bureau to submit a report on the study, including recommended legislation, to the Joint Standing Committee on Insurance and Financial Services no later than December 5, 2005 and authorize the committee to report out a bill following its review of the report.

Enacted law summary

Resolve 2005, chapter 100 requires the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with interested persons, to study legal and policy issues regarding uninsured vehicle coverage under motor vehicle insurance policies in response to a recent Law Court decision in *Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company*, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The resolve requires the bureau to submit a report on the study, including any recommended legislation, to the Joint Standing Committee on Insurance and Financial Services no later than December 5, 2005 and authorizes the committee to report out a bill following its review of the report.

LD 127 **An Act To Require Health Insurance Policies To Provide Coverage for Physical, Occupational and Speech Therapy** **ONTP**

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

LD 127 proposed to require individual and group health insurance policies and health maintenance organization contracts to provide coverage for medically necessary rehabilitation services.

Joint Standing Committee on Insurance and Financial Services

LD 130

An Act To Establish a Single-payor Health Care System

ONTP

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

LD 130 proposed to establish a universal access health care system that offers a choice of coverage through organized delivery systems or through a managed care system operated by the Maine Health Care Agency and channels all health care dollars through a dedicated trust fund.

Part A of the bill proposed to do the following.

1. It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people of the State. All residents and nonresidents who maintain significant contact with the State are eligible for covered health care services through the Maine Health Care Plan. The plan is funded by the Maine Health Care Trust Fund, a dedicated fund receiving payments from employers, individuals and plan members and, after fiscal year 2005, from the 5¢ per package increase in the cigarette tax. The Maine Health Care Plan provides a range of benefits, including hospital services, health care services from participating providers, laboratories and imaging procedures, home health services, rehabilitative services, prescription drugs and devices, mental health services, substance abuse treatment services, dental services, vision appliances, medical supplies and equipment and hospice care. Health care services under the Maine Health Care Plan are provided by participating providers in organized delivery systems and through the open plan, which is available to all providers. The plan is supplemental to other health care programs that may be available to plan members, such as Medicare, Medicaid, the federal Civilian Health and Medical Program of the Uniformed Services, the federal Indian Health Care Improvement Act and workers' compensation.
2. It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of 3 full-time appointees.
3. It directs the Maine Health Care Agency to establish programs to ensure quality, affordability, efficiency of care and health planning. The agency health planning program includes the establishment of global budgets for health care expenditures for the State and for institutions and hospitals. The health planning program also encompasses the certificate of need responsibilities of the agency pursuant to the Maine Revised Statutes, Title 22, chapter 103-A and the health planning responsibilities pursuant to Title 2, chapter 5.
4. It contains a directive to the State Controller to advance \$400,000 to the Maine Health Care Trust Fund on the effective date, January 1, 2006. This amount must be repaid by the Maine Health Care Agency by June 30, 2007.

Part B of the bill proposed to establish the Maine Health Care Plan Transition Advisory Committee. Composed of 20 members, appointed and subject to confirmation, the committee is charged with holding public hearings, soliciting public comments and advising the Maine Health Care Agency on the transition from the current health care system to the Maine Health Care Plan. Members of the committee serve without compensation but may be reimbursed for their expenses. The committee is directed to report to the Governor and to the Legislature on July

Joint Standing Committee on Insurance and Financial Services

1, 2006, January 1, 2007, July 1, 2007 and December 31, 2007. The committee completes its work on December 31, 2007.

Part C of the bill proposed to establish the salaries of the members of the Maine Health Care Council and the executive director of the Maine Health Care Agency.

Part D of the bill proposed to prohibit the sale on the commercial market of health insurance policies and contracts that duplicate the coverage provided by the Maine Health Care Plan. It allows the sale of health care policies and contracts that do not duplicate and are supplemental to the coverage of the Maine Health Care Plan.

Part E of the bill proposed to impose a 5¢ per package increase in the cigarette tax beginning December 1, 2005. Proceeds from the cigarette tax increase are paid to the Maine Health Care Trust Fund.

Part F of the bill proposed to direct 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 committee to the Legislature is due January 1, 2007.

The Maine Health Care Agency is directed to study the provision of health care services under the MaineCare, Medicaid and Medicare programs, waivers, coordination of benefit delivery and compensation, reorganization of State Government necessary to accomplish the objectives of the Maine Health Care Agency and legislation needed to carry out the purposes of the bill. The agency is directed to apply for all waivers required to coordinate the benefits of the Maine Health Care Plan and the Medicaid and Medicare programs. A report by the agency is due to the Legislature by March 1, 2006.

LD 136 An Act To Allow an Appeal for Cancellation of Commercial Insurance ONTP

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

LD 136 proposed to bring commercial insurance contracts under the property insurance cancellation control laws.

Joint Standing Committee on Insurance and Financial Services

LD 161

An Act To Assist Dental Hygienists

ONTP

<u>Sponsor(s)</u> PERRY J PINGREE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 161 proposed to require health insurers and health maintenance organizations to provide coverage for services provided by a dental hygienist regardless of the setting in which the services are delivered if those services would be covered if delivered in a dental office.

The bill would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

LD 229

**Resolve, Directing the Department of Health and Human Services
To Report on Certain MaineCare Practices**

RESOLVE 9

<u>Sponsor(s)</u> SNOWE-MELLO GLYNN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-64
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LD 229 proposed to direct the Department of Health and Human Services and the Bureau of Insurance to provide a report to the Joint Standing Committee on Insurance and Financial Services regarding the Private Health Insurance Premium Program, including information on the purchase of insurance for persons enrolled in the MaineCare program, costs and savings to the MaineCare program and premium revenues and expenses for claims of the health insurance carriers providing coverage. The resolve proposed to direct health insurance carriers providing coverage under the Private Health Insurance Premium Program to cooperate with the department.

Committee Amendment "A" (S-64) replaced the resolve. It proposed to eliminate the role of the Department of Professional and Financial Regulation, Bureau of Insurance in the required report, add specific information that must be included in the report and require that the Department of Health and Human Services provide the report to both the Joint Standing Committee on Insurance and Financial Services and the Joint Standing Committee on Health and Human Services.

Enacted law summary

Resolve 2005, chapter 9 directs the Department of Health and Human Services to provide a report to the Joint Standing Committees on Insurance and Financial Services and Health and Human Services regarding the Private Health Insurance Premium Program, a program authorized under federal law that permits the State's MaineCare program to purchase private insurance coverage for persons enrolled in MaineCare. The resolve requires that the report include information on the purchase of insurance for persons enrolled in the MaineCare program, the costs and savings to the MaineCare program and the premium revenues and expenses for claims of the health insurance carriers providing coverage. The resolve directs health insurance carriers providing coverage under the Private Health Insurance Premium Program to cooperate with the department.

Joint Standing Committee on Insurance and Financial Services

LD 237 **An Act To Establish a Minimum Amount for Required Interest Payments by Insurers** **PUBLIC 50**

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-43
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LD 237 proposed to establish a minimum dollar amount of interest payable to health care providers under the Maine Revised Statutes, Title 24-A, section 2436 before interest payments must be sent.

Committee Amendment "A" (H-43) replaced the substance of the bill. The amendment proposed to require the Superintendent of Insurance to adopt rules to establish a minimum amount of interest payable to health care providers on an overdue undisputed claim before interest payments must be sent pursuant to the Maine Revised Statutes, Title 24-A, section 2436.

Enacted law summary

Public Law 2005, chapter 50 requires the Superintendent of Insurance to adopt rules to establish a minimum amount of interest payable to health care providers on an overdue undisputed claim before interest payments must be sent pursuant to the Maine Revised Statutes, Title 24-A, section 2436.

LD 238 **An Act To Amend the Insurance Code Regarding Discontinuance of a Line of Business** **PUBLIC 49**

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-44
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LD 238 proposed to amend the provisions relating to a discontinuance of a line of business to allow the Superintendent of Insurance to authorize an insurer to nonrenew a line of business if the insurer demonstrates that there is competition in that line of business.

Committee Amendment "A" (H-44) replaced the bill. The amendment proposed to allow the Superintendent of Insurance to authorize an insurer to discontinue a line of business if the insurer demonstrates the availability of substantially similar coverage in the admitted market.

Enacted law summary

Public Law 2005, chapter 49 amends the provisions relating to a discontinuance of a line of business to allow the Superintendent of Insurance to authorize an insurer to nonrenew a line of business if the insurer demonstrates the availability of substantially similar coverage in the admitted market from other insurers.

Joint Standing Committee on Insurance and Financial Services

LD 269 **An Act To Reduce the Minimum Participation Requirements of Insurance Carriers** **ONTP**

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

Under current law, for purposes of guaranteed renewal, health insurance carriers are permitted to impose minimum participation requirements that may not exceed 75%. LD 269 proposed to reduce the minimum participation requirement to 60%.

Committee Amendment "A" (S-73) is the minority report of the committee and replaced the substance of the bill. The amendment proposed to reduce the minimum participation requirement for small groups with 10 or fewer members to 70% upon renewal of a small group policy. The 75% minimum participation requirement at the time of issuance of the policy remains unchanged. Committee Amendment "A" was not adopted.

LD 294 **An Act To Give Consumers the Option To Buy Cheaper Individual Health Insurance and Have Better Choices from Other States** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	JT RULE 309	

Beginning January 1, 2006, LD 294 proposed to permit out-of-state health insurers, which are referred to as foreign insurers in the Maine Insurance Code, to offer their individual health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve requirements, disclosure and reporting requirements and grievance procedures. It also would permit Maine health insurers to offer individual health plans of out-of-state parent or subsidiary health insurers if similar requirements are met. If out-of-state health plans are offered for sale in this State, the bill proposed to require that prospective enrollees be provided adequate disclosure of how the plans differ from Maine health plans in a format approved by the Superintendent of Insurance.

LD 294 also proposed to prohibit an insurance producer from holding an appointment to sell out-of-state health plans to residents in this State unless the producer also holds a valid producer license in the state of domicile for that health insurer.

Joint Standing Committee on Insurance and Financial Services

LD 311

An Act To Prohibit Steering in Automobile Insurance

PUBLIC 101

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-136
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LD 311 proposed to prohibit automobile insurers from steering claimants to particular repair shops or garages and prohibits an insurer from denying a claim because a claimant refuses to have the damage repaired at a repair shop or garage recommended by the insurer.

Committee Amendment "A" (H-136) replaced the bill. The amendment would regulate the relationship between auto insurers and auto repair shops in the same manner as between auto insurers and auto glass shops by preventing auto insurers from directly or indirectly requiring insureds' auto repairs to be made in a specified place of business. The amendment proposed to prohibit an insurer from recommending the use of a particular repair service unless the insurer discloses that the claimant is under no obligation to use the recommended repair service.

The amendment also proposed to require the Department of Professional and Financial Regulation, Bureau of Insurance to issue a bulletin regarding this provision by November 1, 2005 to insurance companies and insurance producers who place motor vehicle insurance.

Enacted law summary

Public Law 2005, chapter 101 regulates the relationship between auto insurers and auto repair shops in the same manner as between auto insurers and auto glass shops by preventing auto insurers from directly or indirectly requiring insureds' auto repairs to be made in a specified place of business. The law prohibits an insurer from recommending the use of a particular repair service unless the insurer discloses that the claimant is under no obligation to use the recommended repair service.

Public Law 2005, chapter 101 also requires the Department of Professional and Financial Regulation, Bureau of Insurance to issue a bulletin regarding this provision by November 1, 2005 to insurance companies and insurance producers who place motor vehicle insurance.

LD 335

An Act To Clarify the Definition of "Eligible Group" in Small Group Health Insurance Plans

ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 335 proposed to clarify the definition of "eligible group" as it applies to small group health plans by specifying that a majority of the employees in the group must be employed in the State. This bill also changes a cross-reference in the Maine Consumer Choice Health Plan to maintain the current definition of "eligible group."

Joint Standing Committee on Insurance and Financial Services

LD 338

**An Act To Clarify the Applicability of the Maine Consumer
Credit Code to Affordable Housing Organizations**

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO RICHARDSON J	OTP-AM	S-65

LD 338 proposed to add a provision to the Maine Consumer Credit Code to exempt no-interest credit sales made by any affiliate of an international nonprofit housing organization that builds and renovates affordable housing that is sold for no profit to the organization from the Code's provisions, other than the truth-in-lending provisions of Article 8 and certain administration provisions of Article 6.

Committee Amendment "A" (S-65) replaced section 3 of the bill to alter the language describing the transactions excluded from the provisions of the Maine Consumer Credit Code and the nonprofit organization that makes those transactions.

Enacted law summary

Public Law 2005, chapter 55 clarifies that the Maine Consumer Credit Code does not apply to no-interest credit sales by a nonprofit organization that assists in building and renovating housing for those in need, except for the truth-in-lending provisions of Article 8 and certain administration provisions of Article 6.

LD 346

An Act To Amend Group Insurance Funding Requirements

PUBLIC 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J PERRY A	OTP-AM	S-83

LD 346 proposed to authorize a self-insured group workers' compensation trust that has been in existence for 10 years to fund at the 65% or higher confidence level upon approval of the superintendent.

Committee Amendment "A" (S-83) replaced the bill. The amendment proposed to retain the substance of the bill to provide that a self-insured group workers' compensation trust that has been in existence for 10 years may, upon approval of the superintendent, fund at the 65% or higher confidence level. The amendment also proposed to establish criteria for the superintendent's review of a request by an individual or group self-insurer for a reduction in the required confidence level.

Enacted law summary

Public Law 2005, chapter 98 provides that a self-insured group workers' compensation trust that has been in existence for 10 years may, upon approval of the superintendent, fund at the 65% or higher confidence level. The law also establishes criteria for the superintendent's review of a request by an individual or group self-insurer for a reduction in the required confidence level.

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LD 376

An Act To Enhance Uniformity of Insurance Producer Licensing

PUBLIC 43

<u>Sponsor(s)</u> FISCHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-45
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LD 376 proposed to eliminate the biennial continuation fee for producers with independent producer authority and to eliminate the limited "annuities contracts" license. The bill also proposed to authorize the superintendent to establish by rule the number, not to exceed 30, of continuing education credit hours required of resident producer and consultant licensees under the Maine Insurance Code rather than continue to specify the number of hours by law, in order to facilitate flexibility and enhance the ability to remain compliant with uniformity initiatives.

Committee Amendment "A" (H-45) incorporated a fiscal note.

Enacted law summary

Public Law 2005, chapter 43 eliminates the biennial continuation fee for producers with independent producer authority, as such licensees are the only producers still subject to such a fee. It also eliminates the limited "annuities contracts" license. Finally, it authorizes the superintendent to establish by rule the number, not to exceed 30, of continuing education credit hours required of resident producer and consultant licensees under the Maine Insurance Code.

LD 394

An Act To Create a High-risk Pool in the Health Insurance Market

ONTP

<u>Sponsor(s)</u> MCKANE WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 394 proposed to create the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill would fund the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The bill would require the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

The bill also proposed to broaden the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential on a ratio of 4 to one and on the basis of health status and tobacco use within a maximum rate differential on a ratio of 1.5 to one. The bill also removes the guaranteed issuance requirement for individual health plans, effective October 1, 2005.

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LD 408

An Act Limiting Recovery of Disability Benefits Subject to Offsets

PUBLIC 42

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-23
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LD 408 proposed to limit the rate at which an insurer's overpayment of disability income benefits may be recovered by the insurer through offsets against current payments to the insured.

Committee Amendment "A" (S-23) proposed to limit the rate at which an insurer's overpayment of disability income benefits may be recovered by the insurer through offsets to 20% against current payments to the insured instead of the 10% limit on the rate of recovery proposed in the bill. The amendment also clarified that the requirements for disclosure to insureds relate only to disability income policies that were applied for after September 13, 2003.

Enacted law summary

Public Law 2005, chapter 42 limits the rate at which an insurer's overpayment of disability income benefits may be recovered by the insurer through offsets against current payments to the insured to 20%. The law also clarifies that the requirements for disclosure to insureds relate only to disability income policies that were applied for after September 13, 2003.

LD 409

An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties

PUBLIC 41

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-22
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LD 409 proposed to amend the Maine Revised Statutes, Title 24-A, section 12-A to delete the provision requiring the Superintendent of Insurance to give the Attorney General 90 days to elect to pursue a disciplinary action in Superior Court before the superintendent can proceed with an administrative action in the matter.

The bill proposed to add language requiring the superintendent to give the Attorney General or the Attorney General's designee notice of any adjudicatory hearing scheduled in which civil penalties may be assessed.

Committee Amendment "A" (S-22) proposed to amend the Maine Revised Statutes, Title 24-A, section 12-A to delete the provision requiring the Superintendent of Insurance to give the Attorney General 90 days to elect to pursue a disciplinary action in Superior Court before the superintendent may proceed with an administrative action in the matter. The amendment clarified that the Superintendent of Insurance may not assess a civil penalty if the Attorney General elects to pursue an action in Superior Court for the same conduct.

Enacted law summary

Public Law 2005, chapter 41 amends the Maine Revised Statutes, Title 24-A, section 12-A to delete the provision requiring the Superintendent of Insurance to give the Attorney General 90 days to elect to pursue a disciplinary action in Superior Court before the superintendent may proceed with an administrative action in the matter. The

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law clarifies that the Superintendent of Insurance may not assess a civil penalty if the Attorney General elects to pursue an action in Superior Court for the same conduct.

LD 414 **An Act To Require a Credit Card To Contain the Photo and Signature of the Cardholder** **ONTP**

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

LD 414 proposed to require that credit cards issued after January 1, 2010 to cardholders who reside in Maine contain the photographs and signatures of the cardholders.

LD 416 **An Act To Amend the Laws Regarding Submission of Health Insurance Claims** **PUBLIC 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-85

LD 416 proposed to exempt insurers from paying interest on health care provider claims that are received more than 30 days after the date of service. This bill also proposed to require that, with the exception of emergency room and pathology services, health insurance claims for professional services be submitted on the standard federal form used by noninstitutional providers and suppliers to bill for Medicare Part B covered services, also known as the "CMS 1500" form, published by the Centers for Medicare and Medicaid Services.

Committee Amendment "A" (S-85) replaced the bill and removed the provision relating to interest payments on health insurance claims. The amendment proposed to require that all health insurance claims for services of a health care practitioner provided in an office setting be submitted on the standard federal form known as the "CMS 1500" form published by the federal Centers for Medicare and Medicaid Services. The amendment also clarified that claims for services provided in nonoffice settings may be negotiated.

Enacted law summary

Public Law 2005, chapter 97 requires that all health insurance claims for services of a health care practitioner provided in an office setting be submitted on the standard federal form known as the "CMS 1500" form used by noninstitutional providers to bill for Medicare Part B covered services. The law also clarifies that claims for services provided in nonoffice settings may be negotiated.

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LD 447 An Act To Require Health Insurers To Cover the Costs of Hearing Aids CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-149

LD 447 proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 21 years of age and under. The provisions would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Committee Amendment "A" (S-149) proposed to require health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 18 years of age and under. The bill required coverage for persons 21 years of age and under. The amendment would allow insurance policies to limit coverage to \$1,400 per hearing aid every 36 months. The provisions apply to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

Committee Amendment "A" was enacted in the House, but placed on the Special Appropriations Table in the Senate.

LD 447 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 448 An Act To Require Health Insurers To Cover the Cost of Sign Language Interpreters for All Nonhospital Medical Appointments ONTP

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

LD 448 proposed to require health insurance policies and contracts to provide coverage for the provision of sign language interpreter services at all applicable nonhospital medical and dental care appointments for a deaf or hard-of-hearing person whose hearing loss has been documented by a physician or a licensed audiologist.

LD 464 An Act To Prohibit Certain Uses of a Financial Institution's Name PUBLIC 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM MAJ	S-24
PERRY A	ONTP MIN	

LD 464 proposed to prohibit a person from using the name of a financial institution in the solicitation of insurance without the express written permission of that financial institution.

Committee Amendment "A" (S-24) proposed to clarify that a person may not use the name of a financial institution in the solicitation of insurance without the express written permission of that financial institution

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unless the person discloses that permission has not been granted and that there is no affiliation with that financial institution.

Enacted law summary

Public Law 2005, chapter 46 prohibits a person from using the name of a financial institution in the solicitation of insurance without the express written permission of that financial institution unless the person discloses that permission has not been granted and that there is no affiliation with that financial institution.

LD 509

An Act To Adopt the Maine Uniform Securities Act

PUBLIC 65

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-103

LD 509 proposed to do the following:

1. Part A of this bill enacts the Maine Uniform Securities Act.
2. Part B authorizes the Superintendent of Insurance to adopt certain rules.
3. Part C corrects cross references.

Committee Amendment "A" (H-103) proposed to make the following changes to the bill.

1. It clarifies that a credit union is exempt from the definition of broker-dealer as are other financial institutions;
2. It clarifies that the filing fee that must be paid before a viatical or life settlement contract may be offered for sale in this State is nonrefundable;
3. It provides authority to the Securities Administrator to waive the renewal fee for licensed agents or investment adviser representatives who are members of the National Guard or Reserves of the United States Armed Forces on active duty;
4. It changes the effective date from January 1, 2006 to December 31, 2005; and
5. It makes other technical and grammatical changes.

Enacted law summary

Public Law 2005, chapter 65 enacts the Maine Uniform Securities Act based on the Uniform Securities Act drafted by the National Conference of Commissioners on Uniform State Laws. The law updates and revises the current Revised Maine Securities Act. The law becomes effective December 31, 2005.

The law provides the framework for the regulation of the sale of securities in this Sate and retains the licensing requirements for securities entities and professionals. The law also requires that issuers of securities products register those products unless certain conditions are met. Exempt transactions include those securities issued by

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any issuer up to 10 purchasers, those securities issued by a Maine-based issuer to up to 25 purchasers, and nonpublic offerings.

The law retains the requirement that viatical and life settlement contracts must be treated as securities when sold as an investment and requires that issuers offering or selling viatical and life settlement contracts as investments register with state regulators.

The law increases the maximum administrative fine for securities violations from \$1500 to \$5000.

The law also authorizes the Superintendent of Insurance to conduct rulemaking regarding the suitability of sales of variable annuity products.

LD 541

**An Act To Amend the Laws Related to Cancellation and
Nonrenewal of Insurance**

PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO FISCHER	OTP-AM	S-105

LD 541 proposed to amend the uninsured vehicle coverage requirements to clarify that an insurance policy may define the scope of coverage of the policy. This legislation is required as a result of *Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company*, 2004 ME 124 and adopts the position of the dissenting opinion in that case.

This bill also proposed to clarify that a transfer of a policy from an insurer to an affiliate, with notice, is not a cancellation or a nonrenewal of the policy since coverage is in fact being renewed.

Committee Amendment "A" (S-105) replaced the bill. The amendment removed the section of the bill relating to uninsured motorist coverage. The amendment proposed to clarify that a transfer of a policy from an insurer to an affiliate is considered a renewal of a policy and also proposed to clarify that an insured be given notice prior to renewal of any changes in terms that are less favorable to the insured under a policy that has been transferred to an affiliate.

Enacted law summary

Public Law 2005, chapter 114 clarifies that a transfer of a policy from an insurer to an affiliate is considered a renewal of a policy not a cancellation or nonrenewal of that policy. The law also requires that an insured be given notice prior to renewal of any changes in terms that are less favorable to the insured under a policy that has been transferred to an affiliate.

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LD 543 **An Act To Prohibit an Insurer from Cancelling an Insurance Policy due to Ownership of Certain Breeds of Dog** **ONTP**

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

LD 543 proposed to prohibit the cancellation or nonrenewal of a property insurance policy solely on the basis of a policyholder's ownership of a certain breed of dog. The bill also proposed to prohibit an increase in the premium for the policy. The bill's provision does not apply if a dog has been designated as a "dangerous dog" in accordance with state law.

Committee Amendment "A" (S-84) is the minority report of the committee. The amendment proposed to prohibit only the cancellation of a property insurance policy solely on the basis of a policyholder's ownership of a certain breed of dog. The amendment also corrects a reference to the procedure for designating a dog as a "dangerous dog" in accordance with state law. Committee Amendment "A" was not adopted.

LD 568 **An Act To Eliminate the Minimum Premium for Workers' Compensation Insurance** **ONTP**

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

LD 568 proposed to prohibit workers' compensation insurers from including a minimum premium as part of their rates.

LD 587 **An Act To Make Changes to the Banking Laws** **PUBLIC 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-78

LD 587 proposed to make several changes to the banking laws in the Maine Revised Statutes, Title 9-B.

1. The bill amends the definitions of "savings account" and "service corporation" and replaces the terms "capital stock" and "preferred stock" in several sections of the banking laws with the term "equity interest," which is a defined term in the banking laws.
2. The bill clarifies that the Superintendent of Financial Institutions may restrict withdrawal of funds to protect investors.
3. The bill clarifies that both initial and subsequent capital contributions to organize a financial institution must be in the form of cash, unless otherwise approved by the Superintendent of Financial Institutions.

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4. The bill enacts language establishing a certificate that is evidence of conversion from a federal to a state charter that will be filed with the Secretary of State.
5. The bill changes the current notification procedure for issuance of new bank capital to an approval process.
6. The bill clarifies that a credit union may organize or invest in a service corporation regardless of its business structure so long as it is structured to limit the credit union's exposure to loss.
7. The bill clarifies the law governing the use of the restricted term "credit union," bringing the law into conformance with the provisions governing use of other restricted terms: "bank," "savings" and "trust."
8. The bill incorporates a provision that requires only those Maine financial institution holding companies that do not have to file notice with the United States Securities and Exchange Commission to first receive approval of the superintendent before issuance of equity interest or capital notes.
9. The bill clarifies the authority of the superintendent to examine a holding company of a nondepository trust company or merchant bank, including its subsidiaries and affiliates.

Committee Amendment "A" (S-78) proposed to clarify that the Superintendent of Financial Institutions may issue a certificate indicating approval of the conversion of a national bank to a state-chartered financial institution and that the certificate issued by the superintendent is conclusive evidence of a conversion. The bill's language only applies to the conversion of a federally chartered savings bank to a state-chartered financial institution.

Enacted law summary

Public Law 2005, chapter 82 makes several changes to the banking laws in the Maine Revised Statutes, Title 9-B.

1. The law amends the definitions of "savings account" and "service corporation" and replaces the terms "capital stock" and "preferred stock" with the term "equity interest."
2. The law clarifies that the Superintendent of Financial Institutions may restrict withdrawal of funds to protect investors.
3. The law clarifies that both initial and subsequent capital contributions to organize a financial institution must be in the form of cash, unless otherwise approved by the Superintendent of Financial Institutions.
4. The law enacts language authorizing the Superintendent of Financial Institutions to issue a certificate as evidence of conversion from a federally-chartered savings bank to a state chartered financial institution.
5. The law changes the current notification procedure for issuance of new bank capital to an approval process.
6. The law clarifies that a credit union may organize or invest in a service corporation regardless of its business structure so long as it is structured to limit the credit union's exposure to loss.
7. The law clarifies the law governing the use of the restricted term "credit union," bringing the law into conformance with the provisions governing use of other restricted terms: "bank," "savings" and "trust."

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- 8. The law incorporates a provision that requires only those Maine financial institution holding companies that do not have to file notice with the United States Securities and Exchange Commission to first receive approval of the superintendent before issuance of equity interest or capital notes.
- 9. The law clarifies the authority of the superintendent to examine a holding company of a nondepository trust company or merchant bank, including its subsidiaries and affiliates.

LD 590 **An Act Regarding Medical Malpractice Insurance Rate Filings** **ONTP**

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

LD 590 proposed to require the Superintendent of Insurance to make medical malpractice filings open to the public and to hold a public hearing for any filing requesting a rate increase over 5%.

LD 596 **An Act To Make Insurance Coverage Available for Medically Necessary Breast Reduction and Symptomatic Varicose Vein Surgery** **PUBLIC 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-212

LD 596 proposed to require health insurance carriers doing business in Maine to provide coverage for medically necessary breast reduction and symptomatic varicose vein surgery in individual and group policies, contracts and certificates.

Committee Amendment "A" (H-212) replaced the bill and changed the title. It proposed to change the bill to a mandated offer of coverage and require health insurance carriers to make available coverage for medically necessary breast reduction surgery and symptomatic varicose vein surgery in individual and group policies, contracts and certificates.

Enacted law summary

Public Law 2005, chapter 128 requires health insurance carriers to make available coverage through a mandated offer for medically necessary breast reduction surgery and symptomatic varicose vein surgery in individual and group policies, contracts and certificates.

The law applies to all policies, contracts and certificates issued or renewed on or after January 1, 2006.

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LD 600

**An Act To Save the Health Care System Money by Ensuring
Timely Denials of Claims**

PUBLIC 58

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-102
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LD 600 proposed to require a health insurance carrier that is the primary payor of an undisputed insurance claim to make the payment within 90 days. If the payment is not made, the bill would permit a health care provider to assume the claim has been denied and submit that claim to a secondary payor such as the MaineCare or Medicare program. The bill proposed to require the MaineCare program to pay claims submitted by a provider that have not been paid by the primary carrier within 90 days if MaineCare qualifies as a secondary payor of the claim. The bill also would require that a health care provider reimburse the secondary payor for any payments if the primary carrier pays any claims after 90 days. The bill also proposed to direct carriers to report annually regarding claims not paid within 90 days and the reasons for the delays.

Committee Amendment "A" (H-102) replaced the bill. The amendment proposed to clarify that in cases where coverage may be available from more than one carrier, a claimant may file a claim with each carrier at the same time. It also clarified that each carrier must make an independent determination as to payment or denial of the claim without delaying that determination until the other carrier has acted. The amendment also proposed to require that any payments made by a carrier must be made in accordance with current rules relating to coordination of benefits.

Enacted law summary

Public Law 2005, chapter 58 clarifies that, in cases where coverage may be available from more than one health insurance carrier, a claimant may file a claim with each carrier at the same time. It also clarifies that each carrier must make an independent determination as to payment or denial of the claim without delaying that determination until the other carrier has acted. The law also requires that any payments made by a carrier must be made in accordance with current rules relating to coordination of benefits.

LD 743

**An Act To Streamline the Appeals Process for the Determination
of Certain Health Insurance Benefits**

ONTP

<u>Sponsor(s)</u> MAYO PERRY A	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 743 proposed to eliminate the requirement that health insurance carriers offer members in the nongroup market nonbinding arbitration for the determination of certain benefits.

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LD 767

An Act To Improve the Affordability of Health Insurance

PUBLIC 125

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-211
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LD 767 proposed to prohibit the adoption of new health insurance mandates unless the rate of increase in the Consumer Price Index for medical care services remains at zero or less than zero for 2 consecutive years.

Committee Amendment "A" (H-211) replaced the bill. The amendment proposed to require that the Department of Professional and Financial Regulation, Bureau of Insurance include a comparison of the rate of increase in the Consumer Price Index for medical services to the rate of increase in the Consumer Price Index for the previous year and current year in any review and evaluation prepared on a mandated health benefit proposal.

Enacted law summary

Public Law 2005, chapter 125 requires that the Bureau of Insurance include a comparison of the rate of increase in the Consumer Price Index for medical services to the rate of increase in the Consumer Price Index for the previous year and current year in all reports evaluating the social and financial impact and medical efficacy of proposed mandated health benefit legislation submitted to the Legislature.

LD 770

An Act To Provide Disclosure Related to Workers' Compensation Insurance

ONTP

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 770 proposed to require that workers' compensation insurers disclose to employers the basis for scheduled rating and other incentive adjustments to their premiums. It also would require that, upon request when a policy is issued, companies provide employers with information regarding the status and justification of subrogation decisions during the previous year.

LD 888

An Act To Require Health Insurers and Health Maintenance Organizations To Issue Uniform Prescription Drug Benefit Cards

ONTP

<u>Sponsor(s)</u> MAYO PERRY A		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 888 proposed to require that health insurers and health maintenance organizations issue uniform prescription drug cards with standardized information relating to the prescription drug benefits provided under a health plan. The bill allows the standard information to be included on an existing identification card used by an insurer or health maintenance organization instead of requiring that the insurer or health maintenance organization issue a separate card. The bill would apply to all policies, contracts and certificates issued on or after January 1, 2006.

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LD 898

An Act To Preserve Dirigo Health

ONTP

<u>Sponsor(s)</u> COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 898 is a concept draft pursuant to Joint Rule 208. This bill proposed to make the following changes to the laws governing health insurance and the Dirigo Health program:

1. It would require that, rather than contracting out for health insurance services, Dirigo Health offer health insurance provided by a private health insurance company that would be modeled on Maine Employers' Mutual Insurance Company;
2. It would require that premiums for health insurance under Dirigo Health be set at 5% of the individual's income;
3. It would repeal guaranteed issue requirements;
4. It would create a high-risk pool;
5. It would establish a schedule of required copayments for health care services;
6. It would repeal all state-mandated health insurance coverage;
7. It would require the Executive Director of Dirigo Health to maximize use of Medicaid funds;
8. It would ensure portability of health insurance policies; and
9. It would provide that payments for health insurance be tax deductible.

LD 909

An Act To Help Home Day Care Providers Obtain Homeowners and Liability Insurance

ONTP

<u>Sponsor(s)</u> DUPREY PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 909 proposed to require reasonable justification for an insurer to cancel or deny insurance or charge a rate 50% higher than that of a homeowner for property or casualty insurance to a home day care provider. The bill also proposed to require home day care providers to carry liability insurance.

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LD 920 **An Act To Require Insurance Companies To Provide Truthful Information** **ONTP**

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

LD 920 proposed to require insurance companies that issue fire insurance policies on property located in the State to separately disclose to the insured in writing information regarding the insured's responsibility if loss occurs, the process for an appraisal and appointment of an umpire to resolve conflicts over loss amounts and the applicable statute of limitations for court actions against the insurer.

LD 922 **An Act Regarding Insurance Payments When an Automobile Is Totaled** **ONTP**

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

LD 922 proposed to require insurers that provide motor vehicle insurance to provide coverage in an amount equal to the suggested retail price of a motor vehicle when a motor vehicle insured by the insurer is declared a total loss. The bill would prohibit insurers from limiting payments to the suggested wholesale price of the motor vehicle.

LD 933 **An Act To Amend the Maine Life and Health Insurance Guaranty Association Act** **PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDETTE SULLIVAN	OTP-AM	H-621

LD 933 is a concept draft pursuant to Joint Rule 208. This bill proposed to update the Maine Life and Health Insurance Guaranty Association Act to conform to the Life and Health Insurance Guaranty Association Model Act as developed by the National Association of Insurance Commissioners.

Committee Amendment "A" (H-621) replaced the bill, which is a concept draft pursuant to Joint Rule 208. Under current law, the Maine Life and Health Insurance Guaranty Association Act provides a mechanism to provide payment of benefits and continuation of coverage under an individual life or health insurance policy or annuity contract and under certificates of group coverage when an insurance company doing business in this State becomes financially impaired or insolvent. The amendment proposed to update and revise the current law in conformance with the model act from the National Association of Insurance Commissioners.

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The amendment proposed to do the following.

1. It clarifies that the Act provides protection to persons covered under both individual and group life and health policies and annuity contracts.
2. It establishes the conditions under which persons who are payees or beneficiaries under a structured settlement annuity are eligible for coverage.
3. It clarifies that nonresidents may be covered under the Act in certain circumstances.
4. It adds certain exceptions, including policies and contracts issued to a self-insured or uninsured plan, policies and contracts issued by a member insurer at a time when that insurer was not licensed in this State and unallocated annuity contracts.
5. It establishes that the limits for coverage provided by the association may not exceed the lesser of the contractual obligations of the impaired or insolvent insurer under the policy or \$300,000 for life insurance death benefits, \$300,000 for disability, long-term care insurance or other limited benefit health insurance, \$500,000 for health insurance and \$100,000 in the present value of annuity benefits.
6. It allows meetings and records of the association to be open to the public upon majority vote of the association's board of directors.
7. It establishes the powers of the association to take action following an insolvency of a member insurer to either provide payment of benefits or continue coverage for persons covered under a policy or contract of the insolvent insurer. The amendment also provides the conditions under which substitute coverage through an alternative policy or reissued policy may be extended to covered persons.
8. It permits the association to request policy liens or moratoriums on payments from a court.
9. It gives the Superintendent of Insurance the powers and duties of the association in the event the association fails to take action with respect to an impaired or insolvent insurer in a timely manner.
10. It clarifies the standing of the association to appear before any court or agency in this State in an action relating to an impaired or insolvent insurer or matters germane to the powers and duties of the association.
11. It clarifies the subrogation rights of the association.
12. It permits the association to elect within one year of the date the association becomes responsible for obligations of a member insurer to succeed to the rights and obligations of that impaired or insolvent insurer through reinsurance agreements.
13. It establishes the authority of the association to make 2 classes of assessment: Class A assessments to support the administrative costs of the association and Class B assessments to carry out the powers and duties of the association with regard to a particular impairment or insolvency of a member insurer. The amendment also provides the method for determining the amount of any Class A or Class B assessment.
14. It requires the Superintendent of Insurance to notify other insurance commissioners and the association when the superintendent revokes or suspends the license or authority of a member insurer or makes a formal order

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relating to that member insurer. The amendment also requires the superintendent to report to the association if an examination of a member insurer results in reasonable cause to believe that a member insurer may be impaired or insolvent.

15. It requires the association, upon a majority vote of the board of directors, to notify the superintendent of any information indicating a member insurer may be impaired or insolvent and to make reports and recommendations to the superintendent upon any matters germane to the solvency of a member insurer.
16. It repeals the requirement that the association make annual reports to the Legislature and removes the requirement that the association notify the Legislature when the association has voted to levy an assessment because of a shortfall in the amount of money needed by the association to meet its payment obligations.
17. It prohibits insurers, insurance agents and other persons from using the existence of the guaranty association in the advertising, sale or solicitation of insurance covered under the chapter.
18. It permits a member insurer to offset against its premium tax liability any Class B assessments paid by the member insurer because of an insolvency. The provision allows a member insurer to offset 20% of the assessment in each of the 5 years following the assessment. The amendment requires that any refunded assessments that have been offset must be recaptured as required by the State Tax Assessor and also requires the association to notify the Superintendent of Insurance and the State Tax Assessor regarding the issuance of refunds. The premium offset provision applies to assessments paid to the association by a member insurer on or after January 1, 2005.
19. The amendment makes clear the changes to current law do not apply to any insurer that is insolvent or unable to meet its contractual obligations at the time the changes become effective.

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Enacted law summary

Under current law, the Maine Life and Health Insurance Guaranty Association Act provides a mechanism to provide payment of benefits and continuation of coverage under an individual life or health insurance policy or annuity contract and under certificates of group coverage when an insurance company doing business in this State becomes financially impaired or insolvent. Public Law 2005, chapter 346 updates and revises the current law in conformance with the model act from the National Association of Insurance Commissioners.

Public Law 2005, chapter 346 does the following:

1. It clarifies that the Act provides protection to persons covered under both individual and group life and health policies and annuity contracts.
2. It establishes the conditions under which persons who are payees or beneficiaries under a structured settlement annuity are eligible for coverage.
3. It clarifies that nonresidents may be covered under the Act in certain circumstances.
4. It adds certain exceptions, including policies and contracts issued to a self-insured or uninsured plan, policies and contracts issued by a member insurer at a time when that insurer was not licensed in this State and unallocated annuity contracts.
5. It establishes that the limits for coverage provided by the association may not exceed the lesser of the contractual obligations of the impaired or insolvent insurer under the policy or \$300,000 for life insurance death benefits, \$300,000 for disability, long-term care insurance or other limited benefit health insurance, \$500,000 for health insurance and \$100,000 in the present value of annuity benefits.
6. It allows meetings and records of the association to be open to the public upon majority vote of the association's board of directors.
7. It establishes the powers of the association to take action following an insolvency of a member insurer to either provide payment of benefits or continue coverage for persons covered under a policy or contract of the insolvent insurer. The law also provides the conditions under which substitute coverage through an alternative policy or reissued policy may be extended to covered persons.
8. It permits the association to request policy liens or moratoriums on payments from a court.
9. It gives the Superintendent of Insurance the powers and duties of the association in the event the association fails to take action with respect to an impaired or insolvent insurer in a timely manner.
10. It clarifies the standing of the association to appear before any court or agency in this State in an action relating to an impaired or insolvent insurer or matters germane to the powers and duties of the association.
11. It clarifies the subrogation rights of the association.
12. It permits the association to elect within one year of the date the association becomes responsible for obligations of a member insurer to succeed to the rights and obligations of that impaired or insolvent insurer through reinsurance agreements.

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13. It establishes the authority of the association to make 2 classes of assessment: Class A assessments to support the administrative costs of the association and Class B assessments to carry out the powers and duties of the association with regard to a particular impairment or insolvency of a member insurer. The law also provides the method for determining the amount of any Class A or Class B assessment.
14. It requires the Superintendent of Insurance to notify other insurance commissioners and the association when the superintendent revokes or suspends the license or authority of a member insurer or makes a formal order relating to that member insurer. The law also requires the superintendent to report to the association if an examination of a member insurer results in reasonable cause to believe that a member insurer may be impaired or insolvent.
15. It requires the association, upon a majority vote of the board of directors, to notify the superintendent of any information indicating a member insurer may be impaired or insolvent and to make reports and recommendations to the superintendent upon any matters germane to the solvency of a member insurer.
16. It repeals the requirement that the association make annual reports to the Legislature and removes the requirement that the association notify the Legislature when the association has voted to levy an assessment because of a shortfall in the amount of money needed by the association to meet its payment obligations.
17. It prohibits insurers, insurance agents and other persons from using the existence of the guaranty association in the advertising, sale or solicitation of insurance covered under the chapter.
18. It permits a member insurer to offset against its premium tax liability any Class B assessments paid by the member insurer because of an insolvency. The provision allows a member insurer to offset 20% of the assessment in each of the 5 years following the assessment. The law requires that any refunded assessments that have been offset must be recaptured as required by the State Tax Assessor and also requires the association to notify the Superintendent of Insurance and the State Tax Assessor regarding the issuance of refunds. The premium offset provision applies to assessments paid to the association by a member insurer on or after January 1, 2005.
19. The law makes clear the changes to current law do not apply to any insurer that is insolvent or unable to meet its contractual obligations at the time the changes become effective.

LD 949

An Act To Enhance the Supervisory Powers of the Department of Professional and Financial Regulation, Bureau of Financial Institutions

**PUBLIC 83
EMERGENCY**

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
S-79

LD 949 proposed to change the banking laws to clarify certain provisions and provide additional regulatory powers essential to effective regulation of Maine chartered banks and credit unions.

1. The bill clarifies the definition of deposit production offices and amends the statutory prohibition for the operation of deposit production offices to more closely align it to federal law.

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2. The bill establishes procedures for the appointment of a conservator in the event that a financial institution is operating in an unsafe or unsound or other potentially hazardous condition and needs to reorganize or be put into a sound condition. Conservation is a step that can be taken, specifically in the case of limited purpose financial institutions whose accounts are not insured by a federal insurance agency, before liquidation is ordered by the Superintendent of Financial Institutions.
3. The bill clarifies the superintendent's authority to order an institution closed and the appointment of a receiver and sets forth additional authority and limitation from liability in conservation or liquidation.
4. The bill establishes a notification procedure that must be followed if a state-chartered financial institution makes a fundamental change in asset composition.
5. The bill establishes an asset pledge requirement that the superintendent may enforce in a nondepository trust company, merchant bank or uninsured bank as necessary for the protection of the public.
6. This bill clarifies existing authority of the superintendent to remove an officer or director from office or prohibit further participation by the officer or director in the conduct of the affairs of a financial institution or a financial institution holding company when similar action has been taken by the appropriate federal banking agency or when an officer or director has evidenced dishonesty or unfitness by conduct with respect to another business entity.

Committee Amendment "A" (S-79) proposed to clarify the rule-making authority of the Superintendent of Financial Institutions by making the language in that subsection referring to a change in asset composition of a financial institution consistent with the rest of the section of law. The amendment also added an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 2005, chapter 83 makes the following changes to the banking laws.

1. It clarifies certain provisions and provides additional regulatory powers essential to effective regulation of Maine chartered banks and credit unions.
2. It clarifies the definition of deposit production offices and amends the statutory prohibition for the operation of deposit production offices to more closely align it to federal law.
3. It establishes procedures for the appointment of a conservator in the event that a financial institution is operating in an unsafe or unsound or other potentially hazardous condition and needs to reorganize or be put into a sound condition. Conservation is a step that can be taken, specifically in the case of limited purpose financial institutions whose accounts are not insured by a federal insurance agency, before liquidation is ordered by the Superintendent of Financial Institutions.
4. It clarifies the superintendent's authority to order an institution closed and the appointment of a receiver and sets forth additional authority and limitation from liability in conservation or liquidation.
5. It establishes a notification procedure that must be followed if a state-chartered financial institution makes a fundamental change in asset composition.

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6. It establishes an asset pledge requirement that the superintendent may enforce in a nondepository trust company, merchant bank or uninsured bank as necessary for the protection of the public.
7. It clarifies existing authority of the superintendent to remove an officer or director from office or prohibit further participation by the officer or director in the conduct of the affairs of a financial institution or a financial institution holding company when similar action has been taken by the appropriate federal banking agency or when an officer or director has evidenced dishonesty or unfitness by conduct with respect to another business entity.

Public Law 2005, chapter 83 is an emergency measure effective May 10, 2005.

LD 966 **An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules** **PUBLIC 127**

<u>Sponsor(s)</u> FISCHER MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-210
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LD 966 proposed to amend the Insurance Information and Privacy Protection Act to clarify that it does not apply to self-funded group health plans that comply with the federal privacy rules adopted pursuant to the federal Health Insurance Portability and Accountability Act of 1996.

Committee Amendment "A" (H-210) replaced the bill. It proposed to amend the Insurance Information and Privacy Protection Act to permit certain regulated insurance entities to disclose private health information for the purposes of treatment, payment or health plan operations provided the disclosure complies with federal standards for privacy of individually identifiable health information.

Enacted law summary

Public Law 2005, chapter 127 amends the State's Insurance Information and Privacy Protection Act to permit certain regulated insurance entities to disclose private health information for the purposes of treatment, payment or health plan operations provided the disclosure complies with federal standards for privacy of individually identifiable health information pursuant to the federal Health Insurance Portability and Accountability Act of 1996, known as "HIPAA".

LD 1042 **Resolve, To Ensure Disclosure in Real Estate Transactions** **ONTP**

<u>Sponsor(s)</u> BRYANT B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1042, a resolve, proposed to require the Department of Professional and Financial Regulation, Bureau of Financial Institutions to develop a fact sheet to provide information to married and unmarried couples on the implications of borrowing money to purchase real estate individually or as a couple and to require financial

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institutions licensed in the State to provide the fact sheet to couples who wish to borrow money to purchase real estate.

LD 1046 An Act To Place Seasonal Businesses in a Lower Workers' Compensation Bracket than Year-round Businesses ONTP

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1046 proposed to require that insurance companies that issue workers' compensation policies must establish a lower premium rate for seasonal businesses.

LD 1108 An Act To Protect Maine Foster and Adoptive Parents ONTP

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1108 was referred from the Joint Standing Committee on Health and Human Services. The bill proposed to require the State to administer a liability insurance policy for certain foster and adoptive parents. The requirement would apply to foster parents who maintain family foster homes and to foster parents who maintain specialized children's homes for children with special needs, and it applies to adoptive parents who receive state adoption assistance for children with special needs. The required liability insurance must include coverage for personal injury and for legal defense against claims made against the foster or adoptive parent. The bill specifies that the cost of the insurance premium must be paid annually by the foster parent through a deduction from the foster care reimbursement payment and must be paid annually by the adoptive parent through a deduction from the adoption assistance payment. The bill also proposed to prohibit the State from requiring any adoptive parent to pay child support after an adoption is annulled by the court.

LD 1144 Resolve, Directing the Maine State Retirement System To Develop a Proposal To Provide Relief for Retired State Employees ONTP

<u>Sponsor(s)</u> LERMAN COWGER		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1144, a resolve, was referred from the Joint Standing Committee on Labor. The bill proposed to direct the Maine State Retirement System to develop a proposal to provide relief for retired state employees.

Committee Amendment "A" (H-396) is the minority report of the committee. The amendment proposed to direct the State Employee Health Commission to develop a proposal to provide relief for retired state employees. The resolve directed the Maine State Retirement System to develop such a proposal. Committee Amendment "A" was not adopted.

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LD 1168

An Act To Reduce Individual Health Insurance Premiums

ONTP

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

LD 1168 proposed to create the Maine Health Insurance High-risk Pool Association for the individual health insurance market. It is based on a similar high-risk pool established by the State of New Hampshire. The purpose of the association is to spread the health care costs of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium of up to 150% of the average premium rates charged by carriers for similar health insurance plans. Eligibility for the high-risk pool does not extend to those covered under a group health insurance policy.

The bill also proposed to broaden the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential on a ratio of 4 to one and on the basis of health status and tobacco use within a maximum rate differential on a ratio of 1.5 to one. The bill also removes the guaranteed issuance requirement for individual health plans, effective October 1, 2005.

LD 1192

An Act To Extend Insurance Notification and Protection to Small Businesses and Farms

ONTP

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

LD 1192 proposed to do the following.

1. It brings commercial property insurance contracts under the property insurance cancellation control laws so that business owners may appeal nonrenewal decisions to the Department of Professional and Financial Regulation, Bureau of Insurance. Current law extends the right of appeal to a business owner only when an insurer cancels a property insurance policy in the middle of its term.
2. It requires an insurer to provide advance notice of needed property repairs to a policyholder and to allow for a minimum of 4 months for the policyholder to complete the repairs before issuing a nonrenewal notice based on lack of necessary repairs for a property insurance policy subject to the property insurance cancellation control laws.
3. It requires insurers who include a coinsurance clause in property insurance contracts to make written disclosures to policyholders that include numeric examples explaining how the coinsurance clause applies to the amount of coverage provided for equipment or property insured under the contract in the event of a claim.

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LD 1222 **An Act Regarding Cancellation of Disability Insurance** **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1222 proposed to prohibit the retroactive cancellation of individual disability insurance for any reason other than the nonpayment of the premium. It also proposed to clarify that at least 10 days' prior notice be given before cancellation of group disability insurance.

LD 1242 **An Act To Provide Enhanced Information to Consumers of Health Care** **ONTP**

<u>Sponsor(s)</u> CANAVAN GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1242 proposed to require the Bureau of Insurance, Consumer Health Care Division to provide information to consumers regarding executive compensation for carriers doing business in Maine and the medical loss ratio by line of insurance for those carriers.

LD 1286 **An Act To Require Additional Disclosure Regarding Private Mortgage Insurance** **PUBLIC 211**

<u>Sponsor(s)</u> RICHARDSON J SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-309
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LD 1286 proposed to require supervised lenders and mortgage brokers to disclose to persons applying for a mortgage on residential real property if the mortgage loan includes private mortgage insurance and if the company processing the loan application also engages in the business of private mortgage insurance.

Committee Amendment "A" (H-309) proposed to narrow the scope of the bill to require disclosure to mortgage loan applicants of the fact that the company processing or underwriting the loan application also engages in the business of private mortgage insurance. The amendment also proposed to clarify that the failure to provide the disclosure does not affect the validity or enforceability of the mortgage loan.

Enacted law summary

Public Law 2005, chapter 211 requires supervised lenders and credit services organizations to disclose to persons applying for a mortgage on residential real property if the company processing or underwriting the loan application also engages in the business of private mortgage insurance. The law also clarifies that the failure to provide the disclosure does not affect the validity or enforceability of the mortgage loan.

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LD 1303

An Act To Register Nonbank Loan Officers

PUBLIC 164

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-311
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LD 1303 proposed to require the registration of loan officers employed by supervised lenders and credit services organizations.

1. The bill defines "loan officer" in a way that exempts clerical staff and loan processors and also exempts sole proprietors and employees of banks and credit unions.
2. The bill requires that at the time a supervised lender applies for its license to make supervised loans the company request registration of its loan officers. In addition, those loan officer registrations would have to be updated during the licensing period.
3. The bill authorizes the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation to suspend or revoke the registration of a loan officer independently of any action against the license or registration of a supervised lender or credit services organization. In effect, this would permit the State to track a specific individual loan officer.

Committee Amendment "A" (H-311) proposed to specify that the registration of a loan officer within 90 days of the due date does not constitute a violation of the registration requirement provided in the bill. It proposed to amend the provision of the bill regarding the evaluation of the loan officers to limit the evaluation to consideration of their character and fitness. The amendment would also strike the provision of the bill that limited a loan officer to working for one lender or credit services organization. The amendment also added an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 164 requires the registration of loan officers employed by supervised lenders and credit services organizations. The law defines "loan officer" in a way that exempts clerical staff and loan processors and also exempts sole proprietors and employees of banks and credit unions.

The law requires that at the time a supervised lender applies for its license to make supervised loans the company request registration of its loan officers. In addition, those loan officer registrations would have to be updated during the licensing period.

The law authorizes the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation to suspend or revoke the registration of a loan officer independently of any action against the license or registration of a supervised lender or credit services organization. In effect, this would permit the State to track a specific individual loan officer.

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LD 1416

An Act To Amend the Maine Consumer Credit Code

PUBLIC 206

<u>Sponsor(s)</u> FARRINGTON WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-310
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LD 1416 proposed to make several changes to the Maine Consumer Credit Code. It requires that mortgage lenders, assignees and mortgage servicers use due care to ensure payment of taxes and insurance from consumer escrow accounts and respond promptly to requests for payoff amounts on existing loans.

The bill also proposed to increase the ability of the State to regulate fraudulent advertising that contains misinformation reflecting negatively on this State and its legitimate lenders. Finally, it proposed to extend Maine Consumer Credit Code registration requirements to purchasers, including assignees, or servicers of all types of consumer credit transactions, including sales, loans and leases, so that consumer complaints resulting from that servicing can be promptly addressed.

Committee Amendment "A" (H-310) proposed to clarify the provision of the bill that extends the application of the Maine Consumer Credit Code to persons who claim to be located in Maine or hold a Maine license or registration. The amendment also added a provision to the bill to specify the penalty for violating the requirement to pay taxes and insurance from consumer escrow accounts and respond to consumer requests for payoff figures.

Enacted law summary

Public Law 2005, chapter 206 makes several changes to the Maine Consumer Credit Code. The law requires that mortgage lenders, assignees and mortgage servicers use due care to ensure payment of taxes and insurance from consumer escrow accounts and respond promptly to requests for payoff amounts on existing loans. The law establishes a penalty for violating these requirements. The law also increases the ability of the State to regulate fraudulent advertising that contains misinformation reflecting negatively on this State and its legitimate lenders.

Public Law 2005, chapter 206 also extends Maine Consumer Credit Code registration requirements to purchasers, including assignees, or servicers of all types of consumer credit transactions, including sales, loans and leases, so that consumer complaints resulting from that servicing can be promptly addressed.

LD 1472

An Act To Amend the Laws Governing the Rural Medical Access Program

PUBLIC 122

<u>Sponsor(s)</u> MARRACHE MAYO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1472 proposed to clarify that a physician, hospital or physician's employer that does not purchase insurance is considered self-insured for the purposes of the Rural Medical Access Program.

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The bill proposed to limit assessments to physicians licensed and practicing medicine in this State and remove the requirement that the Superintendent of Insurance certify that all physicians, hospitals and physician's employers have paid the assessment.

The bill would remove a provision that the assessment be distributed on a prorated basis. The assessment is made as a percentage of premium. The bill proposed to reduce the maximum assessment rate of 1.25% to .75% effective July 1, 2006. The assessment rate will be adjusted automatically based upon the level of excess funds that have accumulated. The bill also would provide that the program fund balance may be used to pay assistance to qualified eligible physicians in prior years for which there were insufficient funds. If all prior years' eligible qualified physicians have received assistance, any excess funds must be carried forward to subsequent plan years as part of the program fund balance.

The bill proposed to require, rather than permit, an insurer to invest collected assessments.

The bill also proposed to increase the maximum assistance level to \$15,000 from \$10,000.

Enacted law summary

Public Law 2005, chapter 122 clarifies that a physician, hospital or physician's employer that does not purchase insurance is considered self-insured for the purposes of the Rural Medical Access Program.

The law limits the responsibility to pay assessments to physicians licensed and practicing medicine in this State and removes the requirement that the Superintendent of Insurance certify that all physicians, hospitals and physician's employers have paid the assessment.

The law removes a provision that the assessment be distributed on a prorated basis. The maximum assessment as a percentage of premium, will be reduced to .75% from 1.25% effective July 1, 2006. The assessment rate will be adjusted automatically based upon the level of excess funds that have accumulated. The law also provides that the program fund balance may be used to pay assistance to qualified eligible physicians in prior years for which there were insufficient funds. If all prior years' eligible qualified physicians have received assistance, any excess funds must be carried forward to subsequent plan years as part of the program fund balance.

The law requires, rather than permits, an insurer to invest collected assessments.

Public Law 2005, chapter 122 also increases the maximum assistance level available to eligible qualified physicians to \$15,000 from \$10,000.

LD 1475

An Act To Establish a Simplified Package of Health Care Insurance Affordable by All

ONTP

Sponsor(s)
JOY

Committee Report
ONTP

Amendments Adopted

LD 1475 proposed to allow health insurance carriers to offer a simple package of basic health care insurance that is affordable for more of the citizens of the State. The bill proposed to repeal existing state-mandated benefits,

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mandated health insurance coverage and mandated offerings of health benefits. The bill also makes cross-reference corrections necessitated by the repeal of various provisions of law.

LD 1490 An Act To Create a Nonprofit State-run Insurance Plan ONTP

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

LD 1490 proposed to direct the Board of Directors of Dirigo Health to propose the establishment of a nonprofit health care plan that would offer consumers moderately priced insurance products under Dirigo Health as an alternative to those currently offered through an existing public plan. The bill directs the board to submit its proposal, including, but not limited to, a funding mechanism to capitalize the proposed nonprofit health care plan and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-515) is the minority report of the committee. The amendment replaced the bill with a resolve. The amendment proposed to require the Governor's Office of Health Policy and Finance to prepare a business plan proposal for a nonprofit hospital and medical service organization for submission to the Joint Standing Committee on Insurance and Financial Services no later than March 1, 2006. The bill required the Board of Directors of Dirigo Health to propose a nonprofit health care plan. The amendment also added a provision to require the Department of Professional and Financial Regulation, Bureau of Insurance, in consultation with Dirigo Health, to study the feasibility of establishing a demonstration project to test the effectiveness of different marketing strategies for DirigoChoice, the Dirigo health insurance product. The bureau is required to submit a report on the feasibility study to the Joint Standing Committee on Insurance and Financial Services no later than January 15, 2006. Committee Amendment "A" was not adopted.

LD 1496 An Act To Reduce Maine's Health Insurance Rates and Expand Consumer Choice INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	JT RULE 309	
WESTON		

LD 1496 proposed to do the following.

Part A repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2006 and allows carriers to treat their pre-2006 book of business separately from their post-2006 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market.

Part A creates the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150%

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of the average premium rates charged by carriers for similar health insurance plans. The bill requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also removes the requirement that carriers offer standard and basic plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

Part B repeals the community rating law for small group health plans effective January 1, 2007 and enacts in its place provisions governing the rating of small group health plans based on a model act from the National Association of Insurance Commissioners.

Part C allows a carrier to offer health plans that do not comply with geographic access standards if the carrier also offers health plans that comply with those access standards or offers a fee-for-service health plan.

Part D imposes a \$250,000 cap on noneconomic damages awarded in medical malpractice cases.

Part E allows individuals a state income tax deduction for contributions to health savings accounts and for payments made toward health insurance premiums.

Part F repeals the statutory provisions governing the State Health Plan and certificate of need.

Part G requires the Department of Health and Human Services to submit legislation by January 1, 2006 to increase MaineCare reimbursement rates for health care providers by 20%. Part G also requires the Department of Professional and Financial Regulation, Bureau of Insurance to conduct a study of the State's rate and form filing laws and make recommendations for changes to reduce the costs and resources expended by health insurance carriers seeking regulatory approval of new health insurance products.

House Amendment "A" (H-717) proposed to remove the provisions of the bill, except for those that eliminate guaranteed issue with respect to individual health insurance policies, establish a high-risk pool and direct the Department of Professional and Financial Regulation, Bureau of Insurance to review the State's health insurance rate and form filing requirements. House Amendment "A" was not adopted.

Senate Amendment "A" (S-393) proposed to remove the provisions of the bill, except for those that eliminate guaranteed issue with respect to individual health insurance policies, establish a high-risk pool and direct the Department of Professional and Financial Regulation, Bureau of Insurance to review the State's health insurance rate and form filing requirements. Senate Amendment "A" was not adopted.

Senate Amendment "B" (S-402) proposed to remove the provisions of the bill, except for those that eliminate guaranteed issue with respect to individual health insurance policies, establish a high-risk pool and direct the Department of Professional and Financial Regulation, Bureau of Insurance to review the State's health insurance rate and form filing requirements. Senate Amendment "B" was not adopted.

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LD 1499

**An Act To Amend the Laws Related to Health Insurance and
Confidentiality of Property and Casualty Filings**

PUBLIC 121

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

LD 1499 proposed to make the following changes to the health insurance laws.

1. It gives employees of employers with fewer than 20 employees who have health coverage through a multiple employer welfare arrangement the same protection currently available to employees of employers with fewer than 20 employees who are covered by insurance carriers. This limited protection allows the employee to stay on the employer's health plan for up to a year only in the event of a workers' compensation claim or a temporary layoff.
2. It makes credit union groups subject to the requirements concerning guaranteed issue, rating and rate filing that currently apply to individual health insurance and certain association group health insurance.
3. It amends the law concerning filing of insurance forms, rates and rating rules to provide that forms and any supporting information become public on the date the filing is approved. Under current law, filings are confidential until the filing becomes effective.
4. It provides that when someone is covered under more than one health insurance policy, payments by the primary insurer must be counted toward the deductible by the secondary insurer.
5. It amends the law concerning the guaranteed loss ratio option for small group health insurers to change the minimum threshold for eligibility from 1,000 member months to 1,000 members. This change does not apply to carriers already using this option.
6. It amends the law that requires group health carriers to notify policyholders 60 days in advance of any rate increase to specify that the notice must state that the increase is subject to regulatory approval when that is the case.
7. It amends the laws concerning guaranteed renewal of health insurance to comply with federal law with respect to coverage through associations.
8. It amends the continuity of coverage law to clarify that a waiting period is not counted as a break in coverage nor is it counted as a period of actual coverage except in limited circumstances, consistent with federal law.
9. It clarifies the laws concerning categories of mental health providers that must be covered to the same extent as physicians for services within the scope of their licenses.

Enacted law summary

Public Law 2005, chapter 121 makes the following changes to the laws governing individual and group health insurance.

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1. It gives employees of employers with fewer than 20 employees who have health coverage through a multiple employer welfare arrangement the same protection currently available to employees of employers with fewer than 20 employees who are covered by insurance carriers. This limited protection allows the employee to stay on the employer's health plan for up to a year only in the event of a workers' compensation claim or a temporary layoff.
2. It makes credit union groups subject to the requirements concerning guaranteed issue, rating and rate filing that currently apply to individual health insurance and certain association group health insurance.
3. It amends the law concerning filing of insurance forms, rates and rating rules to provide that forms and any supporting information become public on the date the filing is approved. Under current law, filings are confidential until the filing becomes effective.
4. It provides that when someone is covered under more than one health insurance policy, payments by the primary insurer must be counted toward the deductible by the secondary insurer.
5. It amends the law concerning the guaranteed loss ratio option for small group health insurers to change the minimum threshold for eligibility from 1,000 member months to 1,000 members. This change does not apply to carriers already using this option.
6. It amends the law that requires group health carriers to notify policyholders 60 days in advance of any rate increase to specify that the notice must state that the increase is subject to regulatory approval when that is the case.
7. It amends the laws concerning guaranteed renewal of health insurance to comply with federal law with respect to coverage through associations.
8. It amends the continuity of coverage law to clarify that a waiting period is not counted as a break in coverage nor is it counted as a period of actual coverage except in limited circumstances, consistent with federal law.
9. It clarifies the laws concerning categories of mental health providers that must be covered to the same extent as physicians for services within the scope of their licenses.

LD 1523

An Act To Create Lower-cost Health Insurance Options

ONTP

Sponsor(s)
WOODBURY

Committee Report
ONTP

Amendments Adopted

LD 1523 proposed to require health insurance carriers to offer a catastrophic health plan as alternative coverage for each of its group health coverage plans. The bill requires the Superintendent of Insurance to define, by rule, the requirements of the catastrophic plan. The bill also requires that employers providing health insurance coverage to their employees offer their employees the option of choosing the catastrophic plan. To the extent allowed by federal and state law, the bill allows carriers and employers to establish health savings accounts in conjunction with the catastrophic plan.

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LD 1523 also proposed to require the State Employee Health Insurance Program to offer a high-deductible health plan option compatible with health savings accounts.

LD 1545 An Act To Establish a Cooperative Approach to Health Care Coverage ONTP

<u>Sponsor(s)</u> DAIGLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1545 proposed to do the following:

Part A expands the Dirigo Health Insurance program to all residents of this State starting January 1, 2006. The bill requires that the Board of Directors of Dirigo Health develop a benefit package compatible with federally authorized health savings accounts and provide the opportunity for health savings accounts for all eligible individuals. The bill also limits the out-of-pocket maximums, including deductibles, copayments and coinsurance, under the Dirigo Health Insurance program to 10% of an eligible individual's adjusted gross income. The bill requires Dirigo Health to establish the Enrollee Hardship Fund to provide financial assistance to eligible individuals to meet any required out-of-pocket maximums under the Dirigo Health Insurance program.

Financing for coverage under the Dirigo Health Insurance program is provided through an individual health assessment. Beginning January 1, 2006, each resident individual and nonresident individual subject to income tax liability must pay an individual health assessment of 5% for the first \$150,000 of that individual's adjusted gross income and an additional 1% of any portion of that adjusted gross income that exceeds \$150,000 unless the individual has other coverage through at least a basic catastrophic policy and is not enrolled in Dirigo Health. The bill repeals the provision in current law relating to savings offset payments by health insurers and 3rd-party administrators.

Part B and Part C correct cross-references necessitated by changes in this bill.

LD 1561 Resolve, To Study the Feasibility of Establishing an Insurance Fraud Unit within the Bureau of Insurance RESOLVE 47

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-395
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LD 1561 proposed to create the Bureau of Insurance, Insurance Fraud Unit, overseen by the Board of Insurance Fraud and administered by a director. The personnel of the Insurance Fraud Unit would include the director, a chief investigator, field investigators, clerical staff and an assistant attorney general permanently assigned to the unit. Assistant district attorneys may also be temporarily assigned to the Insurance Fraud Unit. The purpose of the Insurance Fraud Unit is to respond to complaints of and investigate and prosecute instances of insurance fraud. This bill proposed to require insurers and self-insureds in the State to create special investigation groups within their organizations that have at least one licensed private investigator who is either an employee or independent contractor to report any suspected insurance fraud to the Insurance Fraud Unit. Personnel of the Insurance Fraud Unit have law enforcement powers to carry out their investigatory duties, including the power to

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subpoena, administer oaths, execute warrants and request court orders as part of their investigations. The Insurance Fraud Unit is funded by a 25¢ fee on certain insurance policies and the Board of Insurance Fraud is authorized to borrow up to 30% of the start-up costs of the Insurance Fraud Unit.

Committee Amendment "A" (H-395) changed the title and replaced the bill with a resolve. The amendment proposed to require the Superintendent of Insurance to conduct a feasibility study regarding the establishment of an insurance fraud unit within the Department of Professional and Financial Regulation, Bureau of Insurance to address fraudulent conduct of consumers, insurance producers and insurers. The bill proposed to establish an insurance fraud unit. The amendment would require the superintendent to submit a report on the feasibility study, and any proposed legislation, to the Joint Standing Committee on Insurance and Financial Services by December 5, 2005 and authorize the committee to report out a bill following its review of the report.

Enacted law summary

Resolve 2005, chapter 47 requires the Superintendent of Insurance to conduct a feasibility study regarding the establishment of an insurance fraud unit within the Bureau of Insurance to address fraudulent conduct of consumers, insurance producers and insurers. The resolve requires the superintendent to submit a report on the feasibility study, and any proposed legislation, to the Joint Standing Committee on Insurance and Financial Services by December 5, 2005 and authorizes the committee to report out a bill following its review of the report.

LD 1577 An Act To Modify Savings Offset Payments and To Clarify PUBLIC 400
Certain Other Provisions of the Dirigo Health Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ	H-687 PERRY A
	OTP-AM MIN	S-359

LD 1577 proposed to clarify and make changes to the date the savings offset payment determination is made and the date payments may begin under the Dirigo Health Act to reflect the delay in the implementation of Dirigo Health. In addition, the bill proposed to change the basis for computing savings offset payments from premiums to paid claims.

Committee Amendment "A" (S-359) proposed to replace the bill and was the majority report. The amendment proposed to add an emergency preamble and emergency clause. The amendment proposed to:

1. Allow insurers, for the calendar year 2006, to give 30 days' notice of changes in rates to policyholders instead of the 60 days' or 90 days' notice required under current law;
2. Change the term "Dirigo Health Insurance" to "Dirigo Health Program" and revise the definition and update the statutes accordingly;
3. Specify the joint standing committee of the Legislature having jurisdiction over insurance matters as the committee of jurisdiction for Dirigo Health;
4. Amend the Dirigo Health Act in several places to bring the law into compliance with federal requirements related to pooling of funds for providing a state match for federal Medicaid dollars;

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5. Allow for the pooling of savings offset payment revenue and clearly state that the calculation of the savings offset payment amount is limited to the amount of funds necessary to provide subsidies and to support the Maine Quality Forum, and that the calculation may not include general administrative expenses of Dirigo Health;
6. Change from premiums to paid claims the assessment base for savings offset payments required from health insurance carriers and employee benefit excess insurance carriers and establish paid claims as the assessment base for savings offset payments required from 3rd-party administrators;
7. Provide for savings offset payments to apply to claims paid on or after January 1, 2006, 6 months later than in current law, to reflect delays in the implementation of Dirigo Health. It proposed to provide an exception to the quarterly savings offset payments for the first 3 months of 2006, during which time monthly savings offset payments, due not less than 60 days after the close of the month, would be required for plan years starting during those months. It proposed to allow 3rd-party administrators for groups of 500 or fewer members to make savings offset payments annually;
8. Specify that rules regarding the definition of paid claims for the purpose of savings offset payments are major substantive rules after the first assessment year. During the first assessment year, the amendment proposed that the rules would be routine technical;
9. Establish a 10-member working group, convened by the Superintendent of Insurance, to advise the Board of Directors of Dirigo Health on certain issues relating to savings offset payments, including the definition of "subsidy," the definition of "paid claims," the process for implementing and invoicing paid claims, the board's proposed methodology for calculating aggregate measurable cost savings and a funding strategy for Dirigo Health's administrative expenses. It proposed to require the working group to provide monthly reports to the Joint Standing Committee on Insurance and Financial Services;
10. Provide a timeline for the start-up of savings offset payments, including deadlines for the determination of aggregate measurable cost savings and the amount of the savings offset payment; and
11. Specify that Dirigo Health may use the \$53,000,000 in start-up funds it received pursuant to Public Law 2003, chapter 469 to cover administrative expenses but may not cover those expenses with savings offset payments. It proposed to require the Board of Directors of Dirigo Health, with input from the working group, to make recommendations to the Joint Standing Committee on Insurance and Financial Services regarding how to finance Dirigo Health's administrative expenses and authorizes the committee to report out a bill after reviewing the board's recommendation.

Committee Amendment "B" (S-360) proposed to replace the bill and was the minority report. The amendment proposed to add an emergency preamble and emergency clause. The amendment also proposed to:

1. Change the term "Dirigo Health Insurance" to "Dirigo Health Program" and revise the definition and update the statutes accordingly;
2. Require that the Board of Directors of Dirigo Health arrange for an independent audit to be conducted in addition to the required audit by the State Auditor;
3. Specify the joint standing committee of the Legislature having jurisdiction over insurance matters as the committee of jurisdiction for Dirigo Health;

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4. Amend the Dirigo Health Act in several places to bring the law into compliance with federal requirements related to pooling of funds for providing a state match for federal Medicaid dollars;
5. Specify that any experience modification program, or other similar arrangement, between Dirigo Health and a carrier or 3rd-party administrator providing the Dirigo Health Program in which payments are made by Dirigo Health to the carrier or 3rd-party administrator to be set aside to cover unanticipated variance in claims experience may not be considered a subsidy and must be considered a general administrative expense of Dirigo Health. It further proposed to specify that after December 31, 2006, Dirigo Health may not include in its contracts with carriers or 3rd-party administrators any experience modification program or other similar arrangement;
6. Add an asset limit to the eligibility criteria for a subsidy under the Dirigo Health Program and set the asset limit at 300% of the asset limit for MaineCare eligibility;
7. Allow for the pooling of savings offset payment revenue and clearly state that the calculation of the savings offset payment amount is limited to the amount of funds necessary to provide subsidies and to support the Maine Quality Forum and that the calculation may not include general administrative expenses of Dirigo Health;
8. Shift responsibility for the determination of cost savings from the Board of Directors of Dirigo Health to the Superintendent of Insurance;
9. Change from premiums to paid claims the assessment base for savings offset payments required from health insurance carriers and employee benefit excess insurance carriers and establish paid claims as the assessment base for savings offset payments required from 3rd-party administrators;
10. Provide for savings offset payments to apply to claims paid on or after July 1, 2006, 12 months later than in current law, to reflect delays in the implementation of Dirigo Health;
11. Specify that rules regarding the definition of paid claims for the purpose of savings offset payments are major substantive rules;
12. Establish a 10-member working group, convened by the Superintendent of Insurance, to advise the Board of Directors of Dirigo Health and the superintendent on certain issues relating to savings offset payments. It proposed to require the group to make recommendations to the board regarding the definition of subsidy, the definition of paid claims and the process for calculating and invoicing paid claims and a funding strategy for Dirigo Health administrative expenses and to require the working group to a recommendation to the superintendent regarding the methodology for determining cost savings. It also proposed to require the working group to provide monthly reports to the Joint Standing Committee on Insurance and Financial Services; and
13. Specify that Dirigo Health agency may use the \$53,000,000 in start-up funds it received pursuant to Public Law 2003, chapter 469 to cover administrative expenses but may not cover those expenses with savings offset payments. It proposed to require the Board of Directors of Dirigo Health, with input from the working group, to make recommendations to the Joint Standing Committee on Insurance and Financial Services regarding how to finance Dirigo Health's administrative expenses and authorizes the committee to report out a bill after reviewing the board's recommendation.

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Committee Amendment "B" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-687) proposed to incorporate the changes proposed by House Amendment "A" to Committee Amendment "A" with the following additional changes:

House Amendment "A" to Committee Amendment "A" proposed to specify that, not later than the effective date of the bill, the Board of Directors of Dirigo Health is required to file with the Superintendent of Insurance its determination of the aggregate measurable cost savings and the superintendent is then required to hold a public hearing and issue an order approving or disapproving the filing. This amendment proposed to place that requirement in statute, thus making it an ongoing requirement for the annual determination of aggregate measurable cost savings.

Consistent with current law, Committee Amendment "A" requires Dirigo Health to determine whether unused payments may be returned to insurance carriers. This amendment proposed to require the unused payments to be used to reduce the next savings offset payment charged to health insurance carriers, 3rd-party administrators and employee benefit excess insurance carriers according to a formula developed by the board.

House Amendment "A" to Committee Amendment "A" (H-681) proposed to strike the emergency preamble and emergency clause and to adjust certain dates within the bill as amended by Committee Amendment "A" accordingly. This amendment also proposed to:

1. Replace language in Committee Amendment "A" regarding legislative jurisdiction. In its place, this amendment proposed to require Dirigo Health to report twice annually to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters regarding the Dirigo Health Program and its budget and require the Board of Directors of Dirigo Health to provide minutes of its meetings to all members of the joint standing committees of the legislature having jurisdiction over insurance and financial services matters, health and human services matters and appropriations and financial affairs;
2. Change the process for the determination of aggregate measurable cost savings in the first assessment year by requiring the Board of Directors of Dirigo Health, after making its determination of cost savings, to file that determination and supporting information with the Superintendent of Insurance. The superintendent is then required to hold a public hearing and issue an order approving or disapproving the filing; and
3. Add an appropriations and allocations section.

House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "C" to Committee Amendment "A" (H-688) proposed to shift responsibility for the determination of cost savings from the Board of Directors of Dirigo Health to the Superintendent of Insurance. The amendment also proposed to add an appropriations and allocations section. House Amendment "C" to Committee Amendment "A" was not adopted.

House Amendment "D" to Committee Amendment "A" (H-689) proposed to require the cost of an experience modification program to be considered a general administrative expense, thus not includable in the savings offset amount calculation. This amendment also proposed to specify that after December 31, 2006, Dirigo

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Health may not include in its contracts with carriers or 3rd-party administrators any experience modification program or other similar arrangement. House Amendment "D" to Committee Amendment "A" was not adopted.

House Amendment "E" to Committee Amendment "A" (H-690) proposed to remove the deadline by which the Board of Directors of Dirigo Health is to determine the amount of the savings offset payment, instead requiring the board to make its determination as soon as possible following the adjudicatory hearing required by law. House Amendment "E" to Committee Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-370) proposed to specify that, for purposes of determining cost savings, "bad debt" includes payments not received by hospitals for services rendered to a person enrolled in both Dirigo Health and MaineCare. Senate Amendment "A" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2005, chapter 400 amends the law governing savings offset payments and certain other provisions of the Dirigo Health Act as follows.

1. It changes the term "Dirigo Health Insurance" to "Dirigo Health Program" which is defined as a program of services that includes health benefits coverage.
2. It requires Dirigo Health to report twice annually to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters regarding the Dirigo Health Program and its budget and requires the Board of Directors of Dirigo Health to provide minutes of its meetings to all members of the joint standing committees of the legislature having jurisdiction over insurance and financial services matters, health and human services matters and appropriations and financial affairs.
3. It amends the Dirigo Health Act to ensure consistency with federal requirements related to pooling of funds for providing a state match for federal Medicaid dollars.
4. It changes the process for the determination of aggregate measurable cost savings in the health care system by adding a provision to require the Board of Directors of Dirigo Health, after making its determination of cost savings, to file that determination and supporting information with the Superintendent of Insurance. The superintendent is then required to hold a public hearing and issue an order approving or disapproving the filing.
5. It specifies that the calculation of the savings offset payment amount is limited to the amount of funds necessary to provide subsidies and to support the Maine Quality Forum and may not include general administrative expenses of Dirigo Health.
6. It changes the base for computing savings offset payments from premiums to paid claims for health insurance carriers and employee benefit excess insurance carriers and establishes paid claims as the assessment base for savings offset payments required from 3rd-party administrators.
7. It delays start of savings offset payments from July 1, 2005 to January 1, 2006. It provides an exception to the quarterly savings offset payment requirement for the first 3 months of 2006, during which time monthly savings offset payments, due not less than 60 days after the close of the month, are required for plan years

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starting during those months. It also provides an exception to allow 3rd-party administrators for groups of 500 or fewer members to make savings offset payments annually.

8. It provides an exception for calendar year 2006 to allow health insurers to give policy holders 30 days' notice of rate increases instead of the 60 days' or 90 days' notice required under current law.
9. It requires Dirigo Health to reconcile annual savings offset payments and to apply any unused amounts to reduce the next savings offset payment charged to health insurance carriers, 3rd-party administrators and employee benefit excess insurance carriers according to a formula developed by the board.
10. It requires that the definition of paid claims for the purpose of savings offset payments be determined through major substantive rules, except for the first year in which the rules are routine technical.
11. It establishes a 10-member working group, convened by the Superintendent of Insurance, to advise the Board of Directors of Dirigo Health on issues relating to savings offset payments, including the definition of "subsidy," the definition of "paid claims," the process for implementing and invoicing paid claims, the board's proposed methodology for calculating aggregate measurable cost savings and a funding strategy for Dirigo Health's administrative expenses. The working group is required to provide monthly reports to the Joint Standing Committee on Insurance and Financial Services.
12. It specifies that Dirigo Health may use the \$53,000,000 in start-up funds it received pursuant to Public Law 2003, chapter 469 to cover administrative expenses and prohibits Dirigo Health from using savings offset payments to cover such expenses. It requires the Board of Directors of Dirigo Health, with input from the working group, to make recommendations to the Joint Standing Committee on Insurance and Financial Services regarding how to finance Dirigo Health's administrative expenses and authorizes the committee to report out a bill after reviewing the board's recommendation.

LD 1593 **Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance** **RESOLVE 51 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1593, a resolve, proposed to provide for legislative review of Portions of Chapter 750: Standardized Health Plans, a major substantive rule of the Bureau of Insurance.

Enacted law summary

Resolve 2005, chapter 51 authorizes final adoption of portions of Chapter 750: Standardized Health Plans, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2005, chapter 51 was passed as an emergency measure effective May 25, 2005.

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LD 1638

An Act Concerning the Regulation of Certain Information to Protect Privacy

ONTP

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

Currently, state law conforms to the opt-out provisions of the federal Gramm-Leach-Bliley Act regarding the disclosure of nonpublic personal information. LD 1638 proposed to put in place an opt-in requirement so that financial services providers, including banks, credit unions, securities firms and mortgage companies, must have permission from individuals before disclosing nonpublic personal information to nonaffiliated 3rd parties, but only upon approval by voters at a statewide referendum.

Committee Amendment "A" (H-516) is the minority report of the committee. The amendment proposed to remove a provision of the bill that eliminates certain opt-in requirements for disclosures under the Insurance Information and Privacy Protection Act. The amendment adds a provision to account for the enactment of the Maine Uniform Securities Act effective December 31, 2005. The amendment also removes the provision of the bill that required approval of voters at a statewide referendum before the Act could take effect. Committee Amendment "A" was not adopted.

LD 1671

An Act To Protect Maine Citizens from Identity Theft

PUBLIC 379

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER- SIMPSON HOBBINS	OTP-AM	H-654

LD 1671 proposed to require an entity engaged in business in Maine that is in possession of electronic data containing personal information to disclose any unauthorized acquisition or suspected unauthorized acquisition of that personal information to a person whose personal information may have been acquired.

Committee Amendment "A" (H-654) proposed to replace the bill. The amendment proposed to establish notification requirements for information brokers, defined as persons or entities engaged in the business of collecting personal information for the purpose of providing such information to 3rd parties, in the event of a security breach, which is defined as unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of personal information. It proposed to require information brokers to provide notice to residents of the State whose personal information has been affected by a security breach, to state regulatory agencies and, in the event that at least 1,000 persons are affected, to consumer reporting agencies. The amendment proposed to provide for enforcement penalties for violations of notification requirements. The amendment proposed an effective date for the security breach notification requirements of January 31, 2006. The amendment proposed to require the Department of Professional and Financial Regulation to conduct a study with interested persons to examine additional issues related to data security and security breach requirements and to report to the Joint Standing Committee on Insurance and Financial Services. It also proposed to require the Chief Information Officer to report to the committee regarding the State's policies to protect the privacy and security of personal information maintained by State Government.

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Enacted law summary

Public Law 2005, chapter 379 establishes notification requirements for information brokers, defined as persons or entities engaged in the business of collecting personal information for the purpose of providing such information to 3rd parties, in the event of a security breach, which is defined as unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of personal information. It requires information brokers to provide notice to residents of the State whose personal information has been affected by a security breach, to state regulatory agencies and, in the event that at least 1,000 persons are affected, to consumer reporting agencies. The law provides for enforcement and penalties for violations of the notification requirements. The effective date for the security breach notification requirements is January 31, 2006.

Public Law 2005, chapter 379 requires the Department of Professional and Financial Regulation to conduct a study with interested persons to examine additional issues related to data security and security breach requirements and to report to the Joint Standing Committee on Insurance and Financial Services. It also requires the Chief Information Officer to report to the committee regarding the State's policies to protect the privacy and security of personal information maintained by State Government.

LD 1680

An Act to Improve Dirigo Health

CARRIED OVER

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

LD 1680 a concept draft pursuant to Joint Rule 208. The bill proposes to:

1. Require the Dirigo Health Agency to develop a method for including a health savings account option as part of DirigoChoice and to report its recommendation for such inclusion to the Joint Standing Committee on Insurance and Financial Services;
2. Require the Governor's Office of Health Policy and Finance to develop options for financing the cost of conforming state tax law to federal tax law regarding health savings accounts and to report its recommendations to the Joint Standing Committee on Insurance and Financial Services;
3. Require the Department of Professional and Financial Regulation, Bureau of Insurance to develop a method for insurance carriers to report new business, categorized by insurance status. The report would include categories for insured, underinsured and uninsured people. The bureau would report its recommendations to the Joint Standing Committee on Insurance and Financial Services;
4. Expand the membership of the Advisory Council on Health Systems Development to include a practicing nurse, a small business and a large business that purchases employee health coverage; and
5. Clarify that the Dirigo Health Agency is authorized to make and administer grants.

LD 1680 was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Insurance and Financial Services

SUBJECT INDEX

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Enacted

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Not Enacted

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Enacted

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Enacted

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Enacted

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LD 376	An Act To Enhance Uniformity of Insurance Producer Licensing	PUBLIC 43	Page 97
LD 409	An Act To Clarify the Superintendent of Insurance's Authority To Assess Civil Penalties	PUBLIC 41	Page 98
LD 464	An Act To Prohibit Certain Uses of a Financial Institution's Name	PUBLIC 46	Page 100
LD 541	An Act To Amend the Laws Related to Cancellation and Nonrenewal of Insurance	PUBLIC 114	Page 102
LD 933	An Act To Amend the Maine Life and Health Insurance Guaranty Association Act	PUBLIC 346	Page 109
LD 966	An Act To Conform the Insurance Information and Privacy Protection Act to Federal Privacy Rules	PUBLIC 127	Page 115
LD 1472	An Act To Amend the Laws Governing the Rural Medical Access Program	PUBLIC 122	Page 121

LD 1499	An Act To Amend the Laws Related to Health Insurance and Confidentiality of Property and Casualty Filings	PUBLIC 121	Page 124
LD 1561	Resolve, To Study the Feasibility of Establishing an Insurance Fraud Unit within the Bureau of Insurance	RESOLVE 47	Page 126
<u>Not Enacted</u>			
LD 65	An Act To Protect Consumers from Unfair Cancellation of Property Insurance Coverage	ONTP	Page 87
LD 136	An Act To Allow an Appeal for Cancellation of Commercial Insurance	ONTP	Page 91
LD 543	An Act To Prohibit an Insurer from Cancelling an Insurance Policy due to Ownership of Certain Breeds of Dog	ONTP	Page 103
LD 590	An Act Regarding Medical Malpractice Insurance Rate Filings	ONTP	Page 105
LD 909	An Act To Help Home Day Care Providers Obtain Homeowners and Liability Insurance	ONTP	Page 108
LD 920	An Act To Require Insurance Companies To Provide Truthful Information	ONTP	Page 109
LD 1108	An Act To Protect Maine Foster and Adoptive Parents	ONTP	Page 116
LD 1144	Resolve, Directing the Maine State Retirement System To Develop a Proposal To Provide Relief for Retired State Employees	ONTP	Page 116
LD 1192	An Act To Extend Insurance Notification and Protection to Small Businesses and Farms	ONTP	Page 117
LD 1222	An Act Regarding Cancellation of Disability Insurance	ONTP	Page 118

Insurance, Workers' Compensation

Enacted

LD 346	An Act To Amend Group Insurance Funding Requirements	PUBLIC 98	Page 96
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Not Enacted

LD 97	An Act To Terminate Payments to the Maine Workers' Compensation Residual Market Pool from the Maine Insurance Guaranty Association	ONTP	Page 88
LD 568	An Act To Eliminate the Minimum Premium for Workers' Compensation Insurance	ONTP	Page 103
LD 770	An Act To Provide Disclosure Related to Workers' Compensation Insurance	ONTP	Page 107
LD 1046	An Act To Place Seasonal Businesses in a Lower Workers' Compensation Bracket than Year-round Businesses	ONTP	Page 116

Securities

Enacted

LD 509	An Act To Adopt the Maine Uniform Securities Act	PUBLIC 65	Page 101
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Not Enacted

None

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on*

Business, Research and Economic Development

August 2005

Members:

Sen. Lynn Bromley, Chair

Sen. Barry J. Hobbins

Sen. Dana L. Dow

Rep. Nancy E. Smith, Chair

Rep. Lillian LaFontaine O'Brien

Rep. Stephen R. Beaudette

Rep. Charles Earl Crosby, III

Rep. David W. Farrington

Rep. Christopher Rector

Rep. Susan M. Austin

Rep. Robert A. Berube

Rep. Lawrence E. Jacobsen

Rep. John C. Robinson

Staff:

Natalie Haynes, Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670

**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	101	94.4%	6.0%
<u><i>Bills Carried Over</i></u>	6	5.6%	0.4%
Total Bills referred	107	100.0%	6.3%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	107	100.0%	6.3%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	7.9%	0.5%
<i>Ought to Pass as Amended</i>	40	39.6%	2.6%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>38</u>	<u>37.6%</u>	<u>2.5%</u>
Total unanimous reports	86	85.1%	5.7%
B. Divided committee reports			
<i>Two-way reports</i>	15	14.9%	1.0%
<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>
Total divided reports	15	14.9%	1.0%
Total committee reports	101	94.4%	6.7%
III. CONFIRMATION HEARINGS	8	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	43	40.2%	2.5%
<i>Private and Special Laws</i>	4	3.7%	0.2%
<i>Resolves</i>	8	7.5%	0.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	55	51.4%	3.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Business, Research and Economic Development

LD 24 **An Act To Provide for the Efficient Administration of Family Development Accounts** **PUBLIC 4**

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

LD 24 proposed to allow members of the Advisory Committee on Family Development Accounts to serve for consecutive terms. It also proposed to allow expenses to be paid for members of the advisory committee representing account holders as was enacted by Public Law 2003, chapter 673, Part QQ, section 1.

Enacted law summary

Public Law 2005, chapter 4 allows members of the Advisory Committee on Family Development Accounts to serve for consecutive terms. It allows expenses to be paid for members of the advisory committee representing account holders as was enacted by Public Law 2003, chapter 673, Part QQ, section 1.

LD 49 **Resolve, To Reduce Forgery and Fraud in Obtaining Prescription Drugs** **ONTP**

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

LD 49 proposed to require the Department of Professional and Financial Regulation, Maine Board of Pharmacy to adopt rules by October 15, 2005 requiring prescribers of medication to include the written word for any number used in the prescription. The bill proposed to require that rules adopted by the Department would be routine technical rules.

LD 58 **An Act To Support Payroll Processors** **ONTP**

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

LD 58 proposed to repeal the surety bond requirement for payroll processors, as well as related statutory enforcement provisions.

Joint Standing Committee on Business, Research and Economic Development

LD 110 **An Act To Implement the Recommendations of the Commission
To Study Public Health Concerning Chain Restaurants** **ONTP**

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

LD 110 proposed to require restaurants that are part of chains with 20 or more locations nationally to provide caloric information for food and drink items on menus or menu boards. The bill proposed to specify the size and placement of this information. The bill also proposed to exempt telephone orders from the requirements and allow for reasonable variation of calories in food items from the provided caloric information due to the assembly of items by hand or changes or substitutions made at the request of the customer.

LD 159 **An Act To Restrict Undocumented Mortgage Agreements** **PUBLIC 161**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN RECTOR	OTP-AM	S-129

LD 159 proposed to prohibit real estate buyers, sellers and closing agents from agreeing to side deals not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price.

Committee Amendment "A" (S-129) proposed to remove licensed real estate professionals from the prohibition on agreeing to side deals that are not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price. It also proposed to establish that violations of this section constitute violations of the Maine Unfair Trade Practices Act.

Enacted law summary

Public Law 2005, chapter 161 prohibits real estate buyers, sellers and settlement agents from agreeing to side deals not reflected on closing documents if those side deals have the effect of overstating the value of the contract sales price. It establishes that any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

LD 164 **An Act To Amend the Laws Governing Signs at Service Stations** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT-DESCHENE DAMON	ONTP	

LD 164 proposed to allow retail sellers of gasoline to use digital or electronic signs to post price information for gasoline.

Joint Standing Committee on Business, Research and Economic Development

LD 191

An Act Requiring Internet Auction Registration

ONTP

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 191 proposed to require an Internet auction listing service to register with the Department of Professional and Financial Regulation, Office of Licensing and Registration if that service, user of the service, personal property, or a service offered for sale or lease is located or provided in the State. As part of this registration, among other requirements, the bill proposed to require that covered Internet auction listing services collect and maintain users' contact information and have policies enabling complaints to be made and users to be suspended. The bill proposed to make operation of a covered Internet auction listing service without registering a Class E crime, and proposed to establish grounds for denial or suspension of a registration and provide the Commissioner of Professional and Financial Regulation with the authority to adopt rules to implement the registration process.

LD 192

An Act To Establish the Pine Tree Recreation Zone

CARRIED OVER

<u>Sponsor(s)</u> MOODY DAVIS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 192 proposed to establish the Pine Tree Recreation Zone as the area of the State north and east of the Androscoggin River. Businesses that establish or expand within the Pine Tree Recreation Zone operations involving outdoor recreation, such as providing services or merchandise relating to guiding, hunting, fishing, skiing, snowboarding, snowmobiling or water sports, would be eligible for tax benefits equal to those offered to businesses under the Pine Tree Development Zone program. The bill proposed to provide that these benefits would include sales tax exemptions for certain building materials and tangible personal property, exclusion from the calculation of a municipality's tax increment financing district within the Pine Tree Recreation Zone, employment tax increment financing for a fixed period of years and state income tax credits for a fixed number of years.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 208

An Act To Lower the Surety Bond Requirement for Payroll Processors

ONTP

<u>Sponsor(s)</u> O'BRIEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 208 proposed to lower the minimum amount of surety bonding required to be purchased by payroll processors from \$100,000 to \$10,000 and lower the maximum required surety bonding from \$500,000 to \$50,000.

Joint Standing Committee on Business, Research and Economic Development

LD 225 An Act To Regulate Pharmaceutical Detailers ONTP

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

LD 225 proposed to require the annual registration of pharmaceutical detailers with the Maine Board of Pharmacy beginning October 1, 2005. A pharmaceutical detailer is a person who acts in an educational role on behalf of a pharmaceutical manufacturer or labeler regarding its drugs, supplies and other products, but a pharmaceutical detailer is not registered as a lobbyist for a pharmaceutical manufacturer or labeler. The bill proposed to require a registration fee not to exceed \$50 and proposed to authorize the board to adopt rules regarding the registration of pharmaceutical detailers.

LD 226 An Act To Amend the Applied Technology Development Centers PUBLIC 19
Statutes

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

LD 226 proposed to amend the names of the Applied Technology Development Centers and its coordinating board, remove the position of Applied Technology Development Center System Director and transfer the responsibilities of the Department of Economic and Community Development for marketing and recruiting tenants to the centers. The bill also proposed to establish a funding cap on the initial funding of a center and remove old references to named centers for the purpose of the initial funding allocations.

Enacted law summary

Public Law 2005, chapter 19 changes the names of the Applied Technology Development Centers and its coordinating board, removes the position of Applied Technology Development Center System Director and transfers the responsibilities of the Department of Economic and Community Development for marketing and recruiting tenants to the centers. It also establishes a funding cap on the initial funding of a center and removes old references to named centers for the purpose of the initial funding allocations.

LD 259 An Act To Require Water Tests prior to the Sale of Homes ONTP

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

LD 259 proposed to require that, if a property has a private water supply, the seller of residential real property would be required to provide to the purchaser the results of a water test. The bill also proposed to require the Real Estate Commission to adopt rules to ensure consistency with the requirements of disclosure of water test results.

Joint Standing Committee on Business, Research and Economic Development

LD 267 **An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board** **P & S 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM MAJ ONTP MIN	S-114

LD 267 proposed to provide an Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

Committee Amendment "A" (S-114) proposed to replace the bill. It proposed to increase the Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

Enacted law summary

Private and Special Law 2005, chapter 25 increases the Other Special Revenue funds allocation for one Manufactured Housing Inspector position and related All Other effective October 1, 2005.

LD 288 **Resolve, To Improve Maine's Economic Competitiveness** **ONTP**

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

LD 288 proposed to direct the Department of Economic and Community Development to review existing regulatory and tax laws to identify areas where businesses in the State are placed in a competitive disadvantage in relation to other states and suggest necessary reforms to correct apparent problems in a report to the Legislature due December 7, 2005.

LD 304 **An Act To Allow People To Buy Motor Vehicles on Sundays** **ONTP**

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

LD 304 proposed to remove the current prohibition on sales of motor vehicles on Sunday. Due to the repeal of the Maine Revised Statutes, Title 17, section 3203, the current exception for the sale of motor homes on Sundays is no longer necessary and was proposed to be repealed in this bill.

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LD 341

An Act To Change the Definition of "Academic Medical Center"

PUBLIC 168

<u>Sponsor(s)</u> PERRY J DUNN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-135
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LD 341 proposed to change the definition of academic medical center to allow more hospitals to qualify for funding consideration as academic medical centers.

Committee Amendment "A" (S-135) proposed to replace the bill. The amendment proposed to provide that applicants created after July 1, 2001 could be eligible for funding from the Maine Biomedical Research Fund if an affiliate of the applicant is able to satisfy the eligibility requirements for funding. The amendment also proposed to define "affiliate" for the purposes of the Maine Biomedical Research Program.

Enacted law summary

Public Law 2005, chapter 168 amends the Maine Biomedical Research Program's eligibility requirements to provide that applicants created after July 1, 2001 may be eligible for funding from the Maine Biomedical Research Fund if an affiliate of the applicant is able to satisfy the eligibility requirements for funding. The law defines "affiliate" for the purposes of the Maine Biomedical Research Program.

LD 366

An Act To Protect Consumers by Requiring Retail Businesses To Post Complaint Contacts

ONTP

<u>Sponsor(s)</u> SULLIVAN O'BRIEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 366 proposed to require every retail business in the State to place a sign at the point of sale with the name of the owner or parent company of the business and a telephone number in case of consumer complaints. The bill proposed to require that the contact be someone of authority other than the manager on duty.

LD 369

An Act To Require the Disclosure of the State's Implied Warranty Laws

ONTP

<u>Sponsor(s)</u> COWGER DUDLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 369 proposed to require sellers of service contracts for consumer goods to provide information to potential buyers on the State's implied warranty law.

Joint Standing Committee on Business, Research and Economic Development

LD 391

**An Act To Amend the Maine Motor Vehicle Franchise Board
Laws**

PUBLIC 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR HOBBINS	OTP-AM	H-90

LD 391 proposed to make technical amendments to the Maine Motor Vehicle Franchise Board laws to provide for alternate members and proposed to clarify that the board has adopted its own adjudicatory rules that make the board exempt from parallel Maine Administrative Procedure Act requirements.

Committee Amendment "A" (H-90) proposed to provide for 5-year term limits for alternate members appointed to the Maine Motor Vehicle Franchise Board.

Enacted law summary

Public Law 2005, chapter 61 makes technical amendments to the Maine Motor Vehicle Franchise Board laws to provide for alternate members and to clarify that the board has adopted its own adjudicatory rules, which makes the board exempt from parallel Maine Administrative Procedure Act requirements. The law also establishes 5-year term limits for alternate members appointed to the Maine Motor Vehicle Franchise Board.

LD 398

**An Act To Make Technical Changes to the Medical Licensure
Laws**

PUBLIC 162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-318

LD 398 proposed to make the following technical changes to the law concerning the Board of Licensure in Medicine:

1. Clarify and provide specific grounds for disciplining physician assistants;
2. Change the postgraduate training requirements for licensure for applicants who have graduated from an accredited or unaccredited medical school on or after July 1, 2004 to require the completion of at least 36 months in a graduate educational program;
3. Repeal sections of law referring to a state examination and reexamination of physician licensure applicants since the board now uses the national standardized examination set;
4. Change the nomenclature of the "locum tenens" license; and
5. Require physicians 70 years of age or older who continue active practice to pay license registration fees.

Committee Amendment "A" (H-318) proposed to provide that an applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate

Joint Standing Committee on Business, Research and Economic Development

education program in Maine is considered to have satisfied the postgraduate training requirements if the applicant continues in that program and completes 36 months of postgraduate training.

Enacted law summary

Public Law 2005, chapter 162 makes a number of technical changes to the law concerning the Board of Licensure in Medicine. The law clarifies and provides specific grounds for disciplining physician assistants. It changes the postgraduate training requirements for licensure for applicants who have graduated from an accredited or unaccredited medical school on or after July 1, 2004 to require the completion of at least 36 months in a graduate educational program. The law also provides that an applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate education program in Maine is considered to have satisfied the postgraduate training requirements if the applicant continues in that program and completes 36 months of postgraduate training. The law repeals sections of law referring to a state examination and reexamination of physician licensure applicants since the board now uses the national standardized examination set. It changes the nomenclature of the "locum tenens" license. The law also requires physicians 70 years of age or older who continue active practice to pay license registration fees.

LD 399 **An Act To Recruit and Retain College Graduates through Loan Repayment** **PUBLIC 427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ	H-553
MITCHELL	ONTP MIN	S-400 ROTUNDO

LD 399 proposed to establish the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work in occupations and industries facing labor shortages in the State. The bill proposed to provide that the program would issue loan repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or in occupations or industries that are facing labor shortages. The bill proposed to direct the Finance Authority of Maine to administer the program.

Committee Amendment "A" (H-553) proposed to provide that an "eligible employment position" may include a position as an employee of a technology-based business developed within any statewide recognized economic development entity. It proposed to delete the provision in the bill that allows eligibility based on full-time employment within a labor shortage area. It also proposed to require the Finance Authority of Maine to identify the eligibility rules for the program in consultation with the Governor.

Senate Amendment "A" (S-400) proposed to strike the appropriation of \$1,000,000 per year to the Future for Youth in Maine Loan Repayment Program. The amendment proposed to allow the Finance Authority of Maine to receive money from sources other than the State to be used to provide loans.

Enacted law summary

Public Law 2005, chapter 427 establishes the Future for Youth in Maine Loan Repayment Program to recruit and retain college graduates to start new technology-based businesses and to work as employees of technology-based businesses within any statewide recognized economic development entity. The program will provide loan

Joint Standing Committee on Business, Research and Economic Development

repayments of up to \$5,000 per year for a maximum of 4 years for graduates who are employed in new technology-based businesses within the Applied Technology Development Center System or other statewide recognized economic development entities. The law directs the Finance Authority of Maine to administer the program and allows the Finance Authority of Maine to receive money from sources other than the State to provide the loans.

The law requires the Finance Authority of Maine to report on the program to the Department of Economic and Community Development, the Joint Standing Committee of the Legislature having jurisdiction over education matters and to the Joint Standing Committee of the Legislature having jurisdiction over business matters no later than January 15, 2007 and annually thereafter.

LD 449

An Act To Make Changes to the Pine Tree Development Zones

**PUBLIC 351
EMERGENCY**

Sponsor(s)
MITCHELL
ROBINSON

Committee Report
OTP-AM

Amendments Adopted
S-297

LD 449 proposed to make the following changes to the Pine Tree Development Zone laws:

1. Clarify the base period prior to a business applying for Pine Tree Development Zone status;
2. Add the utility benefits enacted by Public Law 2003, chapter 610;
3. Remove the authority of the Department of Administrative and Financial Services, Bureau of Revenue Services to review a business certification statement;
4. Clarify the type of land included in the 5,000-acre cap;
5. Allow the Department of Economic and Community Development to add acreage to a zone in order to meet specific project needs;
6. Remove the limit on the number of parcels allowed within a zone;
7. Simplify the amendment process for a zone; and
8. Set criteria for the department to determine when to add acreage to a Pine Tree Development Zone.

Committee Amendment "A" (S-297) proposed to replace the bill and make the following changes to the laws governing the Pine Tree Development Zone, or "zone," program:

1. Clarify the method for determining baseline information, add language to adjust employment seasonality and align definitions with the Maine Employment Tax Increment Financing Program, or "ETIF program;"
2. Update a statutory reference made obsolete by changes made in this amendment;

Joint Standing Committee on Business, Research and Economic Development

3. Add the utility benefits enacted by Public Law 2003, chapter 610;
4. Clarify the requirement for a business to add a new employee, align the qualifying criteria with those under the ETIF program by assigning determination duties to the Department of Economic and Community Development and removing Department of Administration and Financial Services responsibility and redefines "qualified Pine Tree Development Zone employees" to restore the meaning originally used under the ETIF program in order to align programs and match past practice. This section also proposed to clarify the status of shifted employees and assign antishifting oversight to the Department of Economic and Community Development;
5. Clarify that under the 5,000-acre limit, acres need not be contiguous and only developable acres may be counted, align the antipiracy and antishifting provisions by including property in both and clarify the language regarding antipiracy and antishifting if companies move from nonqualified to qualified activities. It also proposed to repeal the limitation on the number of parcels allowed within a zone, opting instead for a cap on total acres. This would permit more communities to participate in each zone as they respond to development project needs;
6. Clarify that zones were legally constituted when the commissioner issued preliminary designations;
7. Simplify the amendment process and clarify that all aspects of a zone's development program may be amended by majority vote of the participating municipalities. Voting responsibilities could be delegated to the zone's governing body. It also proposed to permit municipalities to independently shift or delete acres within their own boundaries and clarify that amendments could not be enacted that would jeopardize existing benefits to qualified businesses;
8. Repeal the sales and use tax exemption for sales to contractors of Pine Tree Development Zone businesses and establish a reimbursement program under which the contractors may recover the tax paid on qualifying purchases;
9. Limit eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarify the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
10. Limit eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarify the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities;
11. Limit the amount of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity;
12. Redefine "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;
13. Repeal the definition of "affiliated group" under the ETIF program and define "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change would allow measurement of employment at the end of each quarter during the year, and create a more accurate employment picture;

Joint Standing Committee on Business, Research and Economic Development

14. Redefine "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change would allow measurement of employment at the end of each quarter during the year, and create a more accurate employment picture;
15. Update a statutory reference made obsolete by the changes in this amendment;
16. Add a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
17. Repeal the section of law that describes the shifting limitation for the ETIF program. The limitation was moved to Title 36, section 6753, subsection 12 in this amendment; and
18. Amend the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

Enacted law summary

Public Law 2005, chapter 351 makes the following changes to the laws governing the Pine Tree Development Zone, or "zone," program:

1. It clarifies the method for determining baseline information, adds language to adjust employment seasonality and aligns definitions with the Maine Employment Tax Increment Financing Program, or "ETIF program." It updates a statutory reference made obsolete by changes made in this amendment, and adds the utility benefits enacted by Public Law 2003, chapter 610;
2. It clarifies the requirement for a business to add a new employee, aligns the qualifying criteria with those under the ETIF program by assigning determination duties to the Department of Economic and Community Development and removing Department of Administration and Financial Services responsibility and redefines "qualified Pine Tree Development Zone employees" to restore the meaning originally used under the ETIF program in order to align programs and match past practice. The law also clarifies the status of shifted employees and assigns antishifting oversight to the Department of Economic and Community Development;
3. It establishes that under the 5,000-acre limit, acres need not be contiguous and only developable acres may be counted. It aligns the antipiracy and antishifting provisions by including property in both and clarifies the language regarding antipiracy and antishifting if companies move from nonqualified to qualified activities. The law also repeals the limitation on the number of parcels allowed within a zone, opting instead for a cap on total acres. This permits more communities to participate in each zone as they respond to development project needs;
4. It clarifies that zones were legally constituted when the commissioner issued preliminary designations;
5. It simplifies the amendment process and clarifies that all aspects of a zone's development program may be amended by majority vote of the participating municipalities. Voting responsibilities may be delegated to the zone's governing body. It also permits municipalities to independently shift or delete acres within their own boundaries and clarifies that amendments may not be enacted that jeopardize existing benefits to qualified businesses;

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6. It repeals the sales and use tax exemption for sales to contractors of Pine Tree Development Zone businesses and establishes a reimbursement program under which the contractors may recover the tax paid on qualifying purchases;
7. It limits eligibility for Pine Tree Development Zone credit against the insurance premium tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by companies that engage in both qualified and nonqualified activities;
8. It limits eligibility for Pine Tree Development Zone credit against the corporate income tax to 10 years from the commencement of the qualified business activity and clarifies the rules regarding apportionment of the credit by corporations that engage in both qualified and nonqualified activities. The law limits the amount of Pine Tree Development Zone credit for a member of a pass-through entity to the amount of tax attributable to taxable income derived from the pass-through entity. The law redefines "affiliated business" under the ETIF program to match the definition under the Maine Revised Statutes, Title 36, Part 8;
9. It repeals the definition of "affiliated group" under the ETIF program and defines "average employment during the base period" for purposes of the ETIF program. Existing law measures employment on December 31st of each year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture;
10. It redefines "base level of employment" for purposes of the ETIF program. Existing law measures employment on December 31st of the previous year. This change allows measurement of employment at the end of each quarter during the year, creating a more accurate employment picture. The law updates a statute reference made obsolete by the changes in this amendment;
11. It adds a limitation to the ETIF program stating that "qualified employees" does not include those employees that are shifted to a qualified activity from elsewhere in the company or from an affiliate of the company. This limitation currently exists in a separate section of law;
12. It repeals the section of law that describes the shifting limitation for the ETIF program. The limitation is moved to Title 36, section 6753, subsection 12 in this amendment; and
13. Finally, the law amends the ETIF law to reflect the increase in the top percentage of employment tax increment available to employers for qualified employees in a Pine Tree Development Zone tax increment from 75% to 80%.

Public Law 2005, chapter 351 was enacted as an emergency measure effective June 9, 2005.

LD 472

An Act To Amend the Statewide Building Code

PUBLIC 200

<u>Sponsor(s)</u> KOFFMAN COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-295
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LD 472 proposed to require towns, cities or municipalities that adopt the Maine Model Building Code to also adopt the International Existing Building Code, which is a building rehabilitation code.

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Committee Amendment "A" (H-295) proposed to require towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. It also proposed to authorize the State Planning Office to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The amendment proposed to require the State Planning Office to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Public Law 2005, chapter 200 requires towns, cities or municipalities that adopt a building rehabilitation code to adopt the International Existing Building Code, which is a building rehabilitation code. The law also provides that the State Planning Office is authorized to obtain public and private funds to conduct a project that would harmonize the codes and standards currently in law with the Maine Model Building Code and the International Existing Building Code within 3 years. The law requires the State Planning Office is required to report back on the status of the project to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 552 **Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials** **RESOLVE 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DOW	OTP-AM	H-256

LD 552 proposed to allow dental hygienists to prescribe fluoride and chlorhexidine or their derivatives without a dentist present.

Committee Amendment "A" (H-256) proposed to replace the bill with a resolve directing the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that would describe the conditions under which dental hygienists with public health supervision status would be authorized to administer fluoride or other antimicrobials.

Enacted law summary

Resolve 2005, chapter 39 directs the Department of Professional and Financial Regulation, Board of Dental Examiners to establish by rule protocols that describe the conditions under which dental hygienists with public health supervision status are authorized to administer fluoride or other antimicrobials.

Joint Standing Committee on Business, Research and Economic Development

LD 566

An Act To Amend the Definition of "Chiropractic Acupuncture"

**DIED ON
ADJOURNMENT**

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

LD 566 proposed to amend the definition of "chiropractic acupuncture" to include the use of microelectric current, magnetic stimulation, moxibustion and other forms of heat therapy, therapeutic uses of sound and light, cupping techniques and acupressure techniques.

LD 581

An Act Regarding Identity Theft Deterrence

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-187
KOFFMAN		

LD 581 proposed to prohibit a consumer reporting agency from furnishing a consumer report or disclosing information about a consumer unless the consumer authorized the disclosure and provided a copy of a police report prepared by a law enforcement agency in investigation of identity theft involving the consumer to the consumer reporting agency.

Committee Amendment "A" (S-187) proposed to replace the bill. The amendment proposed to allow consumers to implement security freezes on their consumer reports and described the requirements for requesting and removing security freezes temporarily and permanently. This amendment proposed to establish strict timelines for compliance by consumer reporting agencies and would permit consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, it proposed to identify exceptions to the security freeze requirements based on federal law and state enforcement requirements.

Enacted law summary

Public Law 2005, chapter 243 allows consumers to implement a security freeze on their consumer reports and describes the requirements for requesting and removing a security freeze temporarily or permanently. This law establishes strict timelines for compliance by consumer reporting agencies and permits consumer reporting agencies to assess a fee to consumers who are not victims of identity theft for each freeze-related action taken with respect to a consumer report. In addition, the law identifies exceptions to the security freeze requirements based on federal law and state enforcement requirements.

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LD 585

An Act To Reauthorize the Petroleum Market Share Act

**PUBLIC 155
EMERGENCY**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-128
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LD 585 proposed to remove provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It also proposed to repeal laws that establish and govern the Petroleum Advisory Committee.

Committee Amendment "A" (S-128) proposed to reduce the frequency of refiner reports from quarterly to annually and clarify that the required reports may be made by affiliates. The amendment also proposed to provide that, although the Attorney General is required to consult with industry stakeholders concerning any future proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation would be entirely within the Attorney General's discretion.

Enacted law summary

Public Law 2005, chapter 155 removes provisions of the Petroleum Market Share Act that otherwise would repeal certain portions of that Act. It repeals laws that establish and govern the Petroleum Advisory Committee. The law reduces the frequency of refiner reports from quarterly to annually and clarifies that the required reports may be made by affiliates. The law provides that, although the Attorney General is required to consult with industry stakeholders concerning any future proposed legislative changes to the Act, the final decision regarding the substance of any legislative recommendation is entirely within the Attorney General's discretion.

Public Law 2005, chapter 155 was enacted as an emergency measure effective May 20, 2005.

LD 601

An Act To License Real Estate Rental Agents

ONTP

<u>Sponsor(s)</u> PILON SULLIVAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 601 proposed to require an individual or business engaged in the rental of residences in buildings consisting of one to 4 dwelling units to be licensed by the Real Estate Commission within the Department of Professional and Financial Regulation. It also proposed to require the Real Estate Commission to establish routine technical rules for license qualifications.

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LD 633

An Act To Improve the Surety Bond Requirement for Small Payroll Companies

**PUBLIC 278
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDELL DOW	OTP-AM	H-417

LD 633 proposed to amend the laws that provide an exemption for certain payroll processors from the requirement of surety bonding to provide that a payroll processor that does not have custody of a client's funds would not be required to obtain a surety bond. It proposed to lower the initial application and annual renewal application fee to \$100 for payroll processors with fewer than 100 employers as payroll processing clients.

Committee Amendment "A" (H-417) proposed to replace the bill and change the title. It proposed to alter the sliding scale for initial application and annual renewal application fees for payroll processors and lower the minimum surety bond requirement from \$100,000 to \$50,000. It also proposed to provide an exemption from the requirement of surety bonding if the payroll processor arranges for the transfer of funds from an employer's account directly to taxing authorities for payment of the employer's taxes, as long as the payroll processor is not authorized to arrange for the transfer of the client's funds for any other use or to any other accounts.

Enacted law summary

Public Law 2005, chapter 278 alters the sliding scale for initial application and annual renewal application fees for payroll processors and lowers the minimum surety bond requirement from \$100,000 to \$50,000. The law also provides an exemption for certain payroll processors from the requirement of surety bonding if the payroll processor arranges for the transfer of funds from an employer's account directly to taxing authorities for payment of the employer's taxes, as long as the payroll processor is not authorized to arrange for the transfer of the client's funds for any other uses or to any other accounts.

Public Law 2005, chapter 278 was enacted as an emergency measure effective June 2, 2005.

LD 641

An Act To Create a Limited License for Solar Electric Generation System Installers

ONTP

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

LD 641 proposed to establish a limited electrician's license that would allow a person to install solar electric generation systems. The bill proposed to authorize the Electricians' Examining Board to determine certification requirements that would demonstrate adequate knowledge in solar electric generation installation.

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LD 647

An Act To Provide Incentives to Businesses That Locate to Existing Buildings

ONTP

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

LD 647, a concept draft pursuant to Joint Rule 208, proposed to provide incentives to businesses that move into existing vacant buildings instead of constructing new buildings. Incentives would include, but not be limited to:

1. Expedited approval of zoning or other local ordinance changes necessary for the business to occupy the building; and
2. Tax incentives, such as a reduced property tax rate.

LD 653

An Act To Improve Warranty Practices for Farm Machinery Dealerships

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE SMITH N	OTP-AM	S-258

LD 653 proposed to require that franchisors of power equipment, machinery and appliances reimburse franchisees at the franchisees' retail rates for parts or labor supplied in satisfaction of the franchisors' warranties. The bill also proposed to require that franchisors approve or disapprove franchisees' reimbursement claims within 30 days of submission and pay claims within 30 days of approval. Finally, the bill proposed to enable franchisees who bring successful legal actions for reimbursement to receive costs and legal fees and prohibit agreements that would impair their ability to perform warranty work in a professional manner.

Committee Amendment "A" (S-258) proposed to replace the bill and provide for specific warranty obligations for farm machinery dealerships. It proposed to establish minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

Enacted law summary

Public Law 2005, chapter 317 provides for specific warranty obligations for farm machinery dealerships. The law establishes minimum compensation rates for labor and parts that a supplier must compensate a dealer for when warranty work is performed.

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LD 661 **An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures** **PUBLIC 198**

<u>Sponsor(s)</u> SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-294
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LD 661 proposed to allow a dental hygienist to perform a temporary filling procedure without a dentist present.

Committee Amendment "A" (H-294) proposed to specify that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

Enacted law summary

Public Law 2005, chapter 198 establishes that dental hygienists with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners.

LD 673 **An Act To Require Agricultural Representation on the Maine Tourism Commission** **PUBLIC 33**

<u>Sponsor(s)</u> SMITH N BROMLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 673 proposed to add a member representing agricultural producers to the Maine Tourism Commission.

Enacted law summary

Public Law 2005, chapter 33 adds a member representing a statewide organization of agricultural producers to the Maine Tourism Commission.

LD 680 **An Act To Provide for the Efficient Administration of Scholarship Resources** **PUBLIC 109
EMERGENCY**

<u>Sponsor(s)</u> GAGNON THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-123
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LD 680 proposed to eliminate the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and create an identical fund to be administered by the Board of Trustees of the University of Maine System. The bill also proposed to require the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005.

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Committee Amendment "A" (S-123) proposed to clarify that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine. It also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 109 eliminates the University of Maine System Scholarship Fund currently held by the Finance Authority of Maine and creates an identical fund to be administered by the Board of Trustees of the University of Maine System. The law requires the Finance Authority of Maine to transfer the funds from the old fund to the new fund by July 1, 2005. The law clarifies that fees credited from the University of Maine System registration plate may not be distributed as scholarships to students attending the University of Maine.

Public Law 2005, chapter 109 was enacted as an emergency measure effective May 13, 2005.

LD 684 **An Act To Expand the Availability of Pine Tree Development Zone Benefits** **ONTP**

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

LD 684 proposed to designate the entire State a "Pine Tree Development Zone," enabling qualifying businesses anywhere in the State to access Pine Tree Development Zone benefits.

LD 686 **An Act To Amend the Maine Consumer Credit Code - Credit Services Organizations** **PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-198
GLYNN	OTP-AM MIN	

LD 686 proposed to change the title of the Maine Revised Statutes, Title 9-A, article 10 from "Maine Consumer Credit Code - Credit Services Organizations" to "Maine Consumer Credit Code - Loan Brokers." It proposed to enhance regulation of loan brokers. It proposed to change references to "credit services organization" to "loan broker," a descriptive term better understood by the industry and consumers. It also proposed to change the state application process from a registration process to a licensure process and from an annual to a biennial application. Because the current \$10,000 bond has proven inadequate to cover losses caused by loan brokers in several cases in 2004, the bill proposed to increase the surety bond to \$25,000. The bill proposed to require that license numbers appear in print advertising placed by a loan broker. The bill also proposed to permit regulators to establish a system of continuing education for loan brokers.

Committee Amendment "A" (S-198) was the majority report of the committee. It proposed to provide that the administrator may adopt rules requiring supervised lenders to satisfy initial and continuing educational requirements. The reasonable costs of meeting these educational requirements would be assessed to applicants.

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Enacted law summary

Public Law 2005, chapter 274 changes the title of the Maine Revised Statutes, Title 9-A, article 10 from "Maine Consumer Credit Code - Credit Services Organizations" to "Maine Consumer Credit Code - Loan Brokers." The law enhances regulation of loan brokers and changes references to "credit services organization" to "loan broker," a descriptive term better understood by the industry and consumers. The law changes the state application process from a registration process to a licensure process and from an annual application to a biennial application. Because the current \$10,000 bond has proven inadequate to cover losses caused by loan brokers in several cases in 2004, the law increases the surety bond to \$25,000. The law requires that license numbers appear in print advertising placed by a loan broker and permits the administrator to establish a system of continuing education for loan brokers. The law also provides that the administrator may adopt rules requiring supervised lenders to satisfy initial and continuing educational requirements. The reasonable costs of meeting these educational requirements will be assessed to applicants.

LD 689 **An Act To Exempt from License Fees Small Businesses That** **ONTP**
Collect Returnable Bottles

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

LD 689 proposed to exempt from the license fee small retailers that accept bottles for redemption. Current law requires an establishment that accepts bottles for redemption to be licensed by the Department of Agriculture, Food and Rural Resources. Under rules adopted by the department, the annual license fee for redemption centers is \$50.

LD 697 **An Act To Clarify Reporting Responsibilities to Licensing Boards** **PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS SMITH N	OTP-AM	S-130

LD 697 proposed to specify the information to be reported by providers of health care to licensing boards regarding health-care-related discipline of licensed professionals by the providers. It proposed to clarify that all health care entities are covered by this reporting requirement and it proposed to confirm the ability of the practitioner's board of licensure to share otherwise confidential investigative information with health care providers who credential licensees.

Committee Amendment "A" (S-130) proposed to broaden the scope of information that must be provided by a health care provider or health care entity to the relevant board or authority following an adverse action against a practitioner. It also proposed to increase the fine for a civil violation of the provision of law from \$1,000 to \$5,000.

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Enacted law summary

Public Law 2005, chapter 221 broadens the scope of information that must be provided by a health care provider or health care entity to the relevant board or authority following health-care related discipline of licensed professionals. The law also increases the fine for the failure of any health care provider or entity to report this information from \$1,000 to \$5,000. It clarifies that all health care entities are covered by this reporting requirement and it confirms the ability of the practitioner's board of licensure to share otherwise confidential investigative information with health care providers who credential licensees.

LD 737 **An Act To Ensure the Success of Pine Tree Development Zones** **ONTP**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 737 proposed to extend the Pine Tree Development Zone to include as a qualified business an existing business that makes a significant capital investment, such as modernizing a manufacturing process, that would provide job retention at the facility. It proposed to require those businesses to meet criteria that parallel the criteria for new job creation. The bill also proposed to provide that any effect that a qualified business has on waters of the State would be considered a qualified business activity.

LD 750 **An Act To Clarify the Authority of Podiatrists To Use Assistants** **PUBLIC 77
EMERGENCY**

<u>Sponsor(s)</u> BROMLEY O'BRIEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-115 SMITH N
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LD 750 proposed to amend the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The bill also proposed to clarify that when a podiatrist delegates activities to a podiatric assistant, the podiatrist is liable for the medical activities of that assistant.

House Amendment "A" (H-115) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 77 amends the laws governing podiatric practice by clarifying that podiatrists are authorized to use podiatric assistants in all aspects of podiatric medicine if each podiatric assistant is in training or has completed training and has received a competency evaluation approved by the Board of Licensure of Podiatric Medicine. The law provides that a podiatrist who delegates activities to a podiatric assistant creates an agency relationship and the podiatrist is liable for the medical activities of that assistant.

Public Law 2005, chapter 77 was enacted as an emergency measure effective May 5, 2005.

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LD 776

An Act Requiring the Disclosure of Odometer Changes

ONTP

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

LD 776 proposed to require used car dealers to disclose to consumers when an odometer has been replaced, even if the odometer was replaced to change the measuring of distance from kilometers to miles.

LD 788

**Resolve, Authorizing the Office of Consumer Credit Regulation
To Study the Payday Advance Industry and Related Consumer
Credit Lending Issues in Maine**

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE SULLIVAN	OTP-AM	H-241

LD 788 proposed to establish a regulatory mechanism for deferred deposit loans. The bill proposed to designate the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation as the regulator of lenders making deferred deposit loans. It proposed to set forth necessary licensing, fees and bond requirements for lenders. The bill also proposed to establish requirements for lender reporting and examination of these lenders.

The bill also proposed to specifically provide a number of consumer protections, including disclosure requirements for written loan agreements, maximum loan amounts, limitations on fees charged to consumers, maximum and minimum terms for loan agreements and requirements for collection practices.

Committee Amendment "A" (H-241) proposed to replace the bill with a resolve. It proposed to direct the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It proposed to direct the office to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Resolve 2005, chapter 24 directs the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation, in consultation with the Office of the Attorney General, the banking and lending industry and consumers, to study the current market for payday advance services and sub-prime lending practices in the State. It also directs the department to report its findings, along with any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

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LD 825

Resolve, To Improve Statewide Business Assistance Services

RESOLVE 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON MAYO	OTP-AM	H-475

LD 825 proposed to require the Department of Economic and Community Development to apply for exclusive use of the 3-1-1 phone number to use that phone number as a means of providing access to the Business Answers program operated by the department. This resolve also proposed to require the department to expand the hours of operation of the Business Answers phone line from 7 a.m. to 9 p.m.

Committee Amendment "A" (H-475) proposed to replace the bill. This amendment proposed to direct the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services that are being offered by this program. This amendment proposed to require the department to report its findings, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Resolve 2005, chapter 76 directs the Department of Economic and Community Development to develop a proposal for promoting and marketing the Business Answers program, with a special focus on promoting its publicly accessible website and toll-free telephone service to the public to increase the public's awareness of the valuable services offered by this program. This resolve directs the department to report its findings, along with a written proposal identifying ways to improve the promotion and marketing of the Business Answers program, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 832

An Act To Amend the Laws Regulating the Practice of Optometry

ONTP

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

LD 832 proposed to do the following:

1. Eliminate the prohibition on optometric practice on premises where nonoptometric materials are dispensed;
2. Eliminate the existing prohibition on mercantile employment of optometrists by clarifying related provisions;
3. Eliminate the prohibition on association by any optometrist with a person, firm or corporation who is not a registered optometrist;
4. Permit optometrists to practice under a trade name like other medical professionals; and

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5. Authorize contracts for the practice of optometry in or on the premises of an optical shop or commercial or mercantile establishment and permits the joint marketing of the optometrist and mercantile or retail establishment.

LD 837 **Resolve, Regarding a New Certification for Health Care Attendants** **ONTP**

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

LD 837 proposed to direct the Department of Health and Human Services and the State Board of Nursing to adopt routine technical rules for a new classification of health care workers named health care attendants.

LD 905 **An Act To Modernize the Innkeeping Statutes** **PUBLIC 185**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MOODY	OTP-AM	S-160

LD 905 proposed to amend several sections of the law dealing with innkeeping and lodging. The bill proposed to amend the provision requiring all guests to register. The bill also proposed to require that a guest who is overcharged must be reimbursed the amount charged minus the posted rate for the room. The bill also proposed to amend the law to make optional the requirement that an innkeeper or campground owner accept a credit card from a minor to cover guest expenses. Lastly, the bill proposed to permit the owner of a lodging house or hotel that has 10 or fewer guest rooms to decline to admit children as occupants.

Committee Amendment "A" (S-160) proposed to replace the bill. It proposed to remove the treble damages provision for overcharges by keepers of hotels, inns and lodging houses and instead proposed to require that a guest who is overcharged be reimbursed the amount charged minus the posted rate for the room. It also proposed to require that a person conducting any hotel or lodging house maintain a register of all persons renting, but not occupying, the room. This amendment also proposed to provide that innkeepers or campground owners have the discretion to deny accommodations to minors.

Enacted law summary

Public Law 2005, chapter 185 removes the treble damages provision for overcharges by keepers of hotels, inns and lodging houses and instead requires that a guest who is overcharged be reimbursed the amount charged minus the posted rate for the room. The law also removes the requirement that a person operating a hotel or lodging house must maintain a register of all persons occupying the room and only requires the name of the person renting the room. This law provides that innkeepers or campground owners have the discretion to deny accommodations to minors.

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LD 906

**An Act To Amend the Laws Regarding the Licensure of Dentists,
Dental Hygienists and Denturists**

PUBLIC 45

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

LD 906 proposed to provide the Board of Dental Examiners with the authority to waive a personal interview and conduct a telephone interview for applicants seeking licensure by endorsement in cases where the applicant is serving on military deployment overseas. Current law allows dentists to administer general anesthetics. The bill proposed to allow dentists to administer general anesthetics and conscious sedation only with a permit issued by the board. The bill proposed to clarify language concerning the payment of license renewal fees if an existing licensee applies late or if a new applicant applies for licensure in the 2nd year of the biennial license period. Finally, the bill proposed to eliminate outdated language concerning temporary denturist permits, which the board ceased to issue after January 1, 2000.

Enacted law summary

Public Law 2005, chapter 45 provides the Board of Dental Examiners with the authority to waive a personal interview and conduct a telephone interview for applicants seeking licensure by endorsement in cases where the applicant is serving on military deployment overseas. The law requires dentists to receive permits issued by the board prior to administering general anesthetics and conscious sedation. The law clarifies language concerning the payment of license renewal fees if an existing licensee applies late, or if a new applicant applies for licensure in the 2nd year of the biennial license period. It also eliminates outdated language concerning temporary denturist permits, which the board ceased to issue after January 1, 2000.

LD 956

An Act To Prevent Identity Theft

ONTP

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

LD 956 proposed to allow a consumer to restrict the release of any information regarding that consumer by a consumer reporting agency without the express authorization of the consumer. The bill proposed to provide that a consumer reporting agency may charge a reasonable fee for this service unless the consumer has been a victim of identity theft.

Joint Standing Committee on Business, Research and Economic Development

LD 957

An Act To Limit Faxes from Telemarketers

PUBLIC 197

<u>Sponsor(s)</u> CRESSEY WOODCOCK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 957 proposed to amend the telephone solicitation laws by expanding the definition of automated telephone calling device to include a facsimile machine. Current law prohibits a person from using an automated telephone calling device to make solicitation calls to telephone numbers in the State except on weekdays between the hours of 9 a.m. and 5 p.m.

Enacted law summary

Public Law 2005, chapter 197 amends the telephone solicitation laws by expanding the definition of automated telephone calling device to include a facsimile machine. The law prohibits a person from using an automated telephone calling device to make solicitation calls to telephone numbers in the State except on weekdays between the hours of 9 a.m. and 5 p.m.

LD 964

Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones

ONTP

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 964 proposed to direct the Department of Economic and Community Development to extend the Pine Tree Development Zone program to offer benefits to people who invest in fisheries, fish habitat, access and infrastructure on the Androscoggin River from the New Hampshire border to Bethel, on Moosehead Lake and on a body of water in Washington County or Hancock County to be determined by the department. The bill proposed to require the Department of Inland Fisheries and Wildlife to designate the projects on each program body of water that would qualify for program benefits, approve project applications to participate in the program and create a process for designating additional zones on other bodies of water. The bill proposed to require the Department of Economic and Community Development and the Department of Inland Fisheries and Wildlife to report no later than December 7, 2005 on the progress of the extension of the program and submit any proposed legislation.

Joint Standing Committee on Business, Research and Economic Development

LD 993 Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code ONTP

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

LD 993 proposed to direct the Department of Professional and Financial Regulation, Plumbers' Examining Board to update the state plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.

LD 994 An Act To Increase Access to Dental Care by Accepting All Regional Board Examinations for Initial Licensure of Dentists ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CLARK	ONTP MAJ OTP-AM	

LD 994 proposed to require the Board of Dental Examiners to accept as part of its requirements for licensure a passing grade from any regional testing agency as an alternative to an examination by a northeast regional testing agency.

**LD 1010 An Act To Modify the Transition Provision for Renewal of Social Worker Licenses PUBLIC 173
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BEAUDETTE	OTP-AM	S-161

LD 1010 proposed to permit social workers licensed as of the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, to fulfill this 96-hour standard by counting consultation hours that were obtained prior to September 1, 2004 from a licensed social worker in a group setting regardless of the group size. As of August 2, 2004, the Board of Social Worker Licensure required that the consultation must be provided either individually or in a group of not more than 8 members. The board's prior practices had recognized consultation in groups of 20 members or more.

Committee Amendment "A" (S-161) proposed to replace the bill. It proposed to provide that social workers employed in long-term care settings and licensed as of September 13, 2003, the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, may fulfill the consultation requirements by counting consultation hours that were obtained prior to August 3, 2004. Consultation hours obtained prior to August 3, 2004 that would satisfy the standards set by the Department of Health and Human Services would be recognized and accepted by the State Board of Social Worker Licensure.

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Enacted law summary

Public Law 2005, chapter 173 provides that social workers employed in long-term care settings and licensed as of September 13, 2003, the effective date of Public Law 2003, chapter 429, which extended a 96-hour consultation requirement to all social workers, may fulfill the consultation requirements by counting consultation hours that were obtained prior to August 3, 2004. Consultation hours obtained prior to August 3, 2004 that satisfy the standards set by the Department of Health and Human Services will be recognized and accepted by the State Board of Social Worker Licensure. As of August 2, 2004, the board required that the consultation must be provided either individually or in a group of not more than 8 members. The board's prior practices had recognized consultation in groups of 20 members or more.

Public Law 2005, chapter 173 was enacted as an emergency measure effective May 20, 2005.

LD 1014 Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN SNOWE-MELLO	ONTP	

LD 1014 proposed to direct the Department of Economic and Community Development to identify those businesses that contract out work to individuals within the State for completion of the work off-site and proposed to require the department to make that information available on a publicly accessible site on the Internet.

LD 1015 Resolve, To Increase Small Business Access to State Contracts RESOLVE 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N DOW	OTP-AM	H-400

LD 1015 proposed to direct all state agencies with assistance from the Department of Economic and Community Development to do more outreach to the small business community and to assist small businesses in making contacts with the Market Development Center.

Committee Amendment "A" (H-400) proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2005, chapter 122 directs all state agencies with assistance from the Department of Economic and Community Development to do more outreach to the small business community and to assist small businesses in making contacts with the Market Development Center.

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LD 1016 An Act Regarding Dental Hygienists and Public Health ONTP
Supervision Status

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

LD 1016 proposed to provide that a dental hygienist does not need permission from the Board of Dental Examiners to perform work when under public health supervision status. The bill proposed to require dental hygienists to give notice to the board prior to performing work when under public health supervision status.

LD 1023 An Act Requiring Stores of 500 Square Feet To Make Existing ONTP
Bathroom Facilities Available for Public Use

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

LD 1023 proposed to require retail stores of 500 square feet to make their existing toilet facilities available for public use.

LD 1056 Resolve, To Amend the Rule-making Process for the State's RESOLVE 81
Plumbing Code

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN SMITH N	OTP-AM MAJ OTP-AM MIN	S-132

LD 1056 proposed to require the Plumbers' Examining Board to adopt the International Plumbing Code as the new plumbing code for the State.

Committee Amendment "B" (S-132) was the minority report of the committee. This resolve proposed to provide that the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

Enacted law summary

Resolve 2005, chapter 81 provides that the rules provisionally adopted by the Plumbers' Examining Board updating the plumbing code to the current version of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials are considered finally adopted.

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LD 1078 Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones ONTP

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

LD 1078 proposed to direct the Department of Economic and Community Development to develop guidelines and criteria for the creation of urban enterprise zones and to report back to the Joint Standing Committee on Business, Research and Economic Development by January 15, 2006.

LD 1083 Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments RESOLVE 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-525

LD 1083 proposed to amend the definition of "funeral establishment" to make the definition more specific and proposed to direct the State Board of Funeral Service to adopt rules for the creation of satellite or branch facilities of funeral establishments.

Committee Amendment "A" (H-525) was the majority report of the committee. The amendment proposed to replace the bill with a resolve. It proposed to direct the Department of Professional and Financial Regulation, State Board of Funeral Service to review the regulation of and the nature of public disclosures required to be made by licensed funeral establishments and branches and whether the current rules adequately address these public disclosure requirements.

Enacted law summary

Resolve 2005, chapter 106 directs the Department of Professional and Financial Regulation, State Board of Funeral Service to review the regulation and nature of public disclosures required to be made by licensed funeral establishments and branches, as well as whether the current rules adequately address these public disclosure requirements.

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LD 1135 **An Act To Safeguard Federalism in Trade** **CARRIED OVER**

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

LD 1135 proposed to require that two legislative points of contact be appointed at the beginning of each legislative session to serve as the State’s official liaison for all federal trade agreement matters. The bill proposed to require legislative approval before the State signs on to any trade agreement and would require the Attorney General to notify the United States Trade Representative of the provisions of this bill along with the leadership of the Legislature and the State's congressional delegation.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1139 **An Act To Identify the Benefits and Costs of Adjustments to Building Codes** **ONTP**

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

LD 1139 proposed to require the Commissioner of Public Safety to report to the Legislature on the costs and benefits of any proposed rule or legislation that would affect or enact a building code administered by the State Fire Marshal.

LD 1167 **An Act To Ensure the Health and Safety of All Maine Citizens by Licensing Drug Wholesalers** **ONTP**

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

LD 1167 proposed to create a licensing structure for wholesale distributors of prescription drugs to be regulated by the Maine Board of Pharmacy. Provisions of this licensing structure would include:

1. Definitions;
2. Licensing requirements for wholesale distributors of prescription drugs;
3. Restrictions on transactions for wholesale distributors of prescription drugs;
4. Requirements for pedigrees for prescription drugs;

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5. Enforcement and authority for the Maine Board of Pharmacy to issue an order to cease distribution of a prescription drug; and
6. Prohibited acts and penalties for violations of the provisions of this bill.

LD 1190 Resolve, To Study the Establishment of a Controlled Substances RESOLVE 102
Act for the State of Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-521

LD 1190 proposed to establish the Controlled Substances Board to assist in the regulation of controlled substances. The board would consist of one representative each from the Department of Professional and Financial Regulation, Board of Licensure in Medicine, Board of Pharmacy and Board of Osteopathic Licensure; the advanced practice registered nurse member of the State Board of Nursing; and one representative each from the Department of Public Safety, Maine Drug Enforcement Agency; Department of Health and Human Services, Office of Substance Abuse; and Office of the Attorney General. The board would assist in the regulation of controlled substances through adoption of routine technical rules for the prescribing, labeling and dispensing of controlled substances listed on federal Schedules II through V. This bill proposed to require that the rules be more restrictive than federal requirements regarding benzodiazepines and must place benzodiazepines on a state schedule II.

Committee Amendment "A" (H-521) proposed to replace the bill with a resolve that directs the Director of the Office of Substance Abuse within the Department Health and Human Services to determine, in consultation with the Department of Professional and Financial Regulation, the Office of the Attorney General and interested parties, the feasibility of establishing a controlled substances act. It proposed to direct the director to submit a report, along with any proposed legislation, to the Joint Standing Committee on Health and Human Services by January 30, 2006. The joint standing committee may report out legislation to the Second Regular Session of the 122nd Legislature to establish a controlled substances act.

Enacted law summary

Resolve 2005, chapter 102 directs the Director of the Office of Substance Abuse within the Department Health and Human Services to determine, in consultation with the Department of Professional and Financial Regulation, the Office of the Attorney General and interested parties, the feasibility of establishing a controlled substances act. This resolve requires the director to submit a report, along with any proposed legislation, to the Joint Standing Committee on Health and Human Services by January 30, 2006. The joint standing committee may report out legislation to the Second Regular Session of the 122nd Legislature to establish a controlled substances act.

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LD 1205 An Act To Amend the Laws Governing the Board of Dental Examiners ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CLARK	ONTP MAJ OTP-AM MIN	

LD 1205 proposed to eliminate the affiliated status of the Board of Dental Examiners and establish the Board as part of the Department of Professional and Financial Regulation, Office of Licensing and Registration. The bill also proposed to eliminate one dentist member position from the Board of Dental Examiners and adds an additional public member position to the Board of Dental Examiners.

LD 1215 Resolve, To Benefit the Creative Economy ONTP

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

LD 1215 proposed to direct the Commissioner of Economic and Community Development and the Maine Creative Economy Council to study ways to further the economic development of artists, craftspeople, musicians and people conducting other creative activities.

LD 1225 An Act To Amend and Update Laws Regulating the Practice of Nursing PUBLIC 163

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

LD 1225 proposed to clarify sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. The bill proposed to correct the name of the national licensing examination for nurses and update the exception to licensure for students.

Enacted law summary

Public Law 2005, chapter 163 clarifies sections of law pertaining to the Maine State Board of Nursing by eliminating several outdated sections. It also corrects the name of the national licensing examination for nurses and updates the exception to licensure for students.

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LD 1261

**An Act To Allow Physicians Licensed in Other States but Trained
outside the United States To Practice Medicine in Maine**

PUBLIC 363

<u>Sponsor(s)</u> SCHNEIDER CROSBY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-239
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LD 1261 proposed to allow the Board of Licensure in Medicine, under exceptional circumstances, to waive the postgraduate training requirements for licensure as a physician in this State. The bill proposed to allow a physician to be considered for a waiver if the physician was a graduate of a foreign medical school, not including a school in Canada or Great Britain, was licensed in another state and had at least 2 years working experience in the area of expertise. If the physician met these requirements, the board could consider the physician for a waiver using criteria such as the completion of a fellowship, academic employment in a medical school in the United States and the number of years in practice.

Committee Amendment "A" (S-239) proposed to increase the requirements for consideration of a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the physician's area of expertise. It also proposed to provide that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The amendment placed the burden of proof on the applicant to prove the quality and content of the fellowship. It also proposed to require the board to consider publication in a peer-reviewed clinical medical journal that is recognized by the board and the number of years in clinical practice. The amendment proposed to require that costs associated with the board's determination of licensing eligibility must be borne by the applicant.

Enacted law summary

Public Law 2005, chapter 363 increases the requirements for consideration for a waiver of the postgraduate training requirements for licensure as a physician in this State from a minimum of 2 years of working experience to at least 3 years of clinical experience in the area of expertise. The law provides that once the Board of Licensure in Medicine has determined that the physician has met the basic requirements for consideration of a waiver, it shall consider physicians that have completed a 3-year clinical fellowship in the area of expertise. The burden of proof is placed on the applicant to prove the quality and content of the fellowship. The law also requires the board to consider publication in a peer-reviewed clinical medical journal recognized by the board and the number of years in clinical practice. The costs associated with the board's determination of licensing eligibility must be borne by the applicant.

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LD 1263

An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses

PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	H-678 SMITH N S-348

LD 1263 proposed to establish a Small Business Ombudsman position in the Governor's office that would utilize existing resources to advocate for the small business community and provide technical assistance to the Maine Regulatory Fairness Board. The bill also proposed to add 2 members to the board, one appointed by the President of the Senate and one appointed by the Speaker of the House. The bill proposed to change the frequency of the board's reports to the Governor and the Legislature from 2 times a year to 6 times a year and would require the Small Business Ombudsman to report certain information to the Governor and the joint standing committees of the Legislature having jurisdiction over business and economic development matters and state and local government matters. The bill also proposed to require the board to meet 6 times a year as opposed to 2 times.

Committee Amendment "A" (S-348) proposed to delete the provisions in the bill that would establish the Small Business Ombudsman position within the Governor's office. It also proposed to delete the provision that would have increased the Maine Regulatory Fairness Board's reporting requirements to the Governor and the Legislature from annually to 6 times a year. It would decrease the board's meeting requirements from 6 times a year to at least 3 times a year. It also provides that the Governor's appointees to the board must represent at least 2 members from businesses with fewer than 50 employees and at least 2 members from businesses with less than 20 employees. It also proposed to broaden the title of the Deputy Commissioner of Economic and Community Development to include Chief Executive of Small Business and Entrepreneurship. It also proposed to change the title of the Office of Business Development to the Office of Business Development and Entrepreneurship. It would expand the requirement that the Office of Business Development and Entrepreneurship focus on not only attracting, but also supporting, particular types of businesses that have potential for Maine and that are considered to be compatible with Maine's environment and interests. It also proposed to provide that when the office conducts an analysis of the various industrial sectors of the economy, the office would analyze the types of businesses to be targeted for support as well as attraction.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to direct the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and outline the duties of the Director of the Office of Small Business and Entrepreneurship. The amendment also proposed to strike language that would change the name of the Office of Business Development to the Office of Business Development and Entrepreneurship. It also proposed to strike language in the amendment that broadens the title of the Deputy Commissioner of Economic and Community Development. This amendment also proposed to reestablish the Maine Regulatory Fairness Board.

Enacted law summary

Public Law 2005, chapter 458 directs the Commissioner of Economic and Community Development to create within existing budgeted resources the Office of Small Business and Entrepreneurship and requires the appointment of a director to operate the Office of Small Business and Entrepreneurship. The director of the office will be responsible for advocating for policies and programs that will stimulate investment and growth in

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small business and entrepreneurship in Maine. The director will be required to assist in the oversight of the State's investments in small business and entrepreneurship initiatives, chair the Maine Entrepreneurship Working Group, prepare a biennial report to the Legislature on the status of small business and entrepreneurship in Maine and oversee the Business Answers program. This law also reestablishes the Maine Regulatory Fairness Board.

LD 1267 An Act To Extend the Kim Wallace Adaptive Equipment Loan Program PUBLIC 191 EMERGENCY

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

LD 1267 proposed to amend the Kim Wallace Adaptive Equipment Loan Program in the following ways:

1. It authorizes a state agency other than the Finance Authority of Maine to administer the program fund.
2. It authorizes the program board to employ individuals as needed.
3. It clarifies how loans are approved or ratified by the board and provides that the board exercises the powers of a lender or creditor upon entering loan agreements.
4. It continues the transportation assistance program that would otherwise cease on June 30, 2005.

Enacted law summary

Public Law 2005, chapter 191 amends the Kim Wallace Adaptive Equipment Loan Program in the following ways:

1. It authorizes a state agency other than the Finance Authority of Maine to administer the program fund;
2. It authorizes the program board to employ individuals as needed;
3. It clarifies how loans are approved or ratified by the board and provides that the board exercises the powers of a lender or creditor upon entering loan agreements; and
4. It continues the transportation assistance program that would otherwise cease on June 30, 2005.

Public Law 2005, chapter 191 was enacted as an emergency measure effective May 20, 2005.

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LD 1273

An Act To Improve the Economic Development of the Indian Tribes

PUBLIC 451

Sponsor(s)
SOCKALEXIS
SNOWE-MELLO

Committee Report
OTP-AM

Amendments Adopted
H-565

LD 1273 proposed to expand the Penobscot Valley Pine Tree Development Zone to include all land held or acquired by the Penobscot Nation. Current law designates the Penobscot Valley region, including up to 500 acres of land reserved for the Penobscot Nation, as a Pine Tree Development Zone.

Committee Amendment "A" (H-565) replaced the bill and proposed to remove the current tribal property from the Pine Tree Development Zone 5,000-acre limit and would allow the tribes to designate any part of their land, up to the statutory 500 acres, or 100 acres for the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, as Pine Tree Development Zones.

Enacted law summary

Public Law 2005, chapter 451 removes the current tribal property from the Pine Tree Development Zone 5,000-acre limit and allows the tribes to designate any part of their land, up to the statutory 500 acres, or 100 acres for the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians, as Pine Tree Development Zones.

LD 1277

An Act Regarding Speech-language Pathology Aides

**P & S 12
EMERGENCY**

Sponsor(s)
SHERMAN
MILLS P

Committee Report
OTP-AM

Amendments Adopted
H-272

LD 1277 proposed to provide speech-language pathology aides additional time to meet the requirements for registration as speech-language pathology assistants.

Committee Amendment "A" (H-272) proposed to specify the exact date, instead of a range of years, by which speech-language pathology aides have to meet the requirements for registration as speech-language pathology assistants.

Enacted law summary

Private and Special Law 2005, chapter 12 provides speech-language pathology aides additional time to meet the requirements for registration as speech-language pathology assistants.

Private and Special Law 2005, chapter 12 was enacted as an emergency measure effective May 20, 2005.

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LD 1283

**An Act To Allow Applicants for Limited Radiographer Licenses
To Take Qualifying Views**

**PUBLIC 166
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM PINKHAM	OTP-AM	H-319

LD 1283 proposed to permit the Radiologic Technology Board of Examiners to allow applicants for a limited radiographer license to take their qualifying views.

Committee Amendment "A" (H-319) proposed to replace the bill. The amendment proposed to provide that individuals concurrently obtaining the education and clinical training required by the Radiologic Technology Board of Examiners by rule may take qualifying views for the purpose of obtaining a limited radiographer license. This amendment proposed to add an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 2005, chapter 166 provides that individuals concurrently obtaining the education and clinical training required by the Radiologic Technology Board of Examiners by rule may take qualifying views for the purpose of obtaining a limited radiographer license.

Public Law 2005, chapter 166 was enacted as an emergency measure effective May 20, 2005.

LD 1299

**Resolve, To Establish the Commission to Study the Efficiency of
State Business Assistance Services**

ONTP

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

LD 1299 proposed to create the Commission to Study the Efficiency of State Business Assistance Services and direct the commission to submit a report to the Joint Standing Committee on Business, Research and Economic Development.

LD 1306

**An Act To Authorize the Department of Professional and
Financial Regulation To Develop a Model for Registration of
Home Building and Improvement Contractors**

P & S 18

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON COWGER	OTP-AM MAJ ONTP MIN	H-257

LD 1306 proposed to create the Maine Home Contractor Licensing Act. The bill proposed to do the following:

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1. Establish 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;
2. Provide certain specific exemptions from licensure; require qualifications for general and specialty licenses;
3. Provide requirements for criminal and financial disclosures;
4. Establish the Maine Home Contractor Licensing Board;
5. Create fees for licensing;
6. Adopt a model building code; and
7. Establish a mechanism for phasing in a registration program, followed by a licensing program, upon adoption of the model building code by 56 of a list of 83 specified municipalities.

Committee Amendment "A" (H-257) was the majority report of the committee. It proposed to authorize the Department of Professional and Financial Regulation to work in consultation with the Attorney General, home building and improvement industry representatives and appropriate stakeholders to develop a model registration process for home building and improvement contractors. The amendment proposed to require the department to report its findings concerning the registry, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

Enacted law summary

Private and Special Law 2005, chapter 18 authorizes the Department of Professional and Financial Regulation to work in consultation with the Attorney General, home building and improvement industry representatives and appropriate stakeholders to develop a model registration process for home building and improvement contractors. The law requires the department to report its findings concerning the registry, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

LD 1339 An Act To Amend the Laws Governing the Powers and Duties of PUBLIC 367
the Washington County Development Authority

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE MCFADDEN	OTP-AM	H-623 SMITH N S-296

LD 1339 proposed to amend the laws governing the powers and duties of the Washington County Development Authority. It proposed to expand the powers of the authority to include buying, selling, developing, redeveloping and leasing property for the purpose of further developing the economy of Washington County. The bill also proposed to enable the membership of the board of trustees to expand to 13 members. The bill proposed to expand the definition of "primary impact community" to include all of the municipalities and unorganized territories in the county.

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Committee Amendment "A" (S-296) proposed to change the composition of the board of trustees of the Washington County Development Authority to include 13 members. The amendment proposed that nine of the members be selected from candidates who are residents of Washington County and are nominated by private, nonprofit, countywide, federally recognized Washington County-based economic development organizations other than the authority. It proposed to provide that primary impact communities also may make nominations. It proposed to require that the Governor ensure that all regions of the county, as defined by the 3 county commissioner districts, are equally represented on the board of trustees. A municipality could not have more than 2 trustees sitting on the board of trustees. It also proposed to provide for staggered terms for the newly appointed members of the board of trustees and describe the manner in which trustees may be removed from the board. The amendment provides that trustees may not serve more than 2 consecutive 4-year terms on the board.

House Amendment "A" (H-623) proposed to make a technical correction to correct subject and verb agreement.

Enacted law summary

Public Law 2005, chapter 367 amends the laws governing the powers and duties of the Washington County Development Authority. It expands the powers of the authority to include buying, selling, developing, redeveloping and leasing property for the purpose of further developing the economy of Washington County. The law also expands the definition of "primary impact community" to include all of the municipalities and unorganized territories in the county.

The law changes the composition of the board of trustees of the Washington County Development Authority to include 13 members. Nine of the members must be selected from candidates who are residents of Washington County and are nominated by private, nonprofit, countywide, federally recognized Washington County-based economic development organizations other than the authority. The law provides that primary impact communities also may make nominations. It requires that the Governor ensure that all regions of the county, as defined by the 3 county commissioner districts, are equally represented on the board of trustees and prohibits a municipality from having more than 2 trustees sitting on the board. It provides for staggered terms for the newly appointed members of the board and describes the manner in which trustees may be removed from the board. It also provides that trustees may not serve more than 2 consecutive 4-year terms on the board.

LD 1340

An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS PERCY	OTP-AM	S-216

LD 1340 proposed to make the following changes to the laws governing licensure for interpreters for the deaf and hard-of-hearing:

1. It provides that achieving a score of 3.5 on the Educational Interpreter Performance Assessment may be used as an additional method of obtaining licensure as a limited interpreter for the deaf or hard-of-hearing or a limited transliterator;

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2. It eliminates the requirement that an interpreter disclose the interpreter's training and experience to a consumer or persons utilizing the services of the interpreter in order to make the disclosure more meaningful to the consumer and less burdensome for the interpreter;
3. It decreases the initial and renewal license fees for applicants who are deaf from \$300 to \$100;
4. It increases from 15 to 20 the annual number of hours of continuing education that must be completed by persons licensed as limited interpreters, limited transliterators and limited deaf interpreters; and
5. It repeals transitional language relating to qualifications for limited licenses.

Committee Amendment "A" (S-216) proposed to increase the fee cap for initial and renewal license fees, except for applicants who are deaf, from \$300 to \$325.

Enacted law summary

Public Law 2005, chapter 267 makes the following changes to the laws governing licensure for interpreters for the deaf and hard-of-hearing:

1. It provides that achieving a score of 3.5 on the Educational Interpreter Performance Assessment may be used as an additional method of obtaining licensure as a limited interpreter for the deaf or hard-of-hearing or a limited transliterator;
2. It eliminates the requirement that an interpreter disclose the interpreter's training and experience to a consumer or persons utilizing the services of the interpreter in order to make the disclosure more meaningful to the consumer and less burdensome for the interpreter;
3. It increases the fee cap for initial and renewal license fees, except for applicants who are deaf, from \$300 to \$325;
4. It decreases the initial and renewal license fees for applicants who are deaf from \$300 to \$100;
5. It increases from 15 to 20 the annual number of hours of continuing education that must be completed by persons licensed as limited interpreters, limited transliterators and limited deaf interpreters; and
6. It repeals transitional language relating to qualifications for limited licenses.

LD 1352

An Act To Establish the Office of the Small Business Ombudsman

ONTP

Sponsor(s)
RECTOR
DOW

Committee Report
ONTP

Amendments Adopted

LD 1352, a concept draft pursuant to Joint Rule 208, proposed to establish the Office of the Small Business Ombudsman in the Department of Economic and Community Development. The responsibilities of the ombudsman would be to:

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1. Assist businesses in obtaining permits and licenses and meeting other state requirements for the business;
2. Analyze the permitting process and recommend changes to streamline that process;
3. Review proposed legislation to determine the impact of that legislation on small business in the State;
4. Report all recommendations regarding changes to the permitting process and determinations regarding the impact of proposed legislation to the joint standing committee of the Legislature having jurisdiction over the subject matter of the recommended changes or legislation; and
5. Report annually to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

LD 1358 Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities CARRIED OVER

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

LD 1358 proposed to establish the Commission to Study Incentives that Foster Small Business Practices that Support the Economic Growth and Well-being of Maine People and Communities.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1383 An Act Regarding the Licensing of Foresters ONTP

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

LD 1383 proposed to require the Board of Licensure of Foresters to administer the forester examination at least once a month. It also proposed to require the board to issue a forestry license to an applicant who is licensed in good standing in New Hampshire or Vermont.

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LD 1385

An Act To Amend Dental Hygienist Licensing Requirements

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS DAVIS P	OTP-AM	H-418

LD 1385 proposed to decrease from 5 to 3 years the active clinical practice experience that a dental hygienist must have in order to be considered for licensure by endorsement. This would match the endorsement for dentists. It proposed to require the hygienist to be interviewed by the Board of Dental Examiners, Subcommittee on Dental Hygienist Submissions.

Committee Amendment "A" (H-418) proposed to correct an additional cross-reference required by the bill.

Enacted law summary

Public Law 2005, chapter 289 decreases from 5 to 3 years the active clinical practice experience that a dental hygienist must have in order to be considered for licensure by endorsement. This matches the endorsement for dentists. The law requires a hygienist who is an applicant for licensure by endorsement to be interviewed by the Board of Dental Examiners, Subcommittee on Dental Hygienist Submissions.

LD 1403

An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing

ONTP

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

LD 1403 proposed to require a homeowner to provide written notice of each alleged construction defect to the manufacturer or dealer of manufactured housing 90 days before a suit is filed and to provide evidence supporting the claim. The bill would require a claimant to provide the manufacturer or dealer of the manufactured housing reasonable access to the residence to determine the nature and extent of the defect. The manufacturer or dealer of manufactured housing would be required to respond to the claimant within 30 days of the notice and could offer to inspect the property, remedy the defect, compromise by payment or reject in whole or in part the claim. The bill proposed to provide that a court must dismiss an action commenced against a manufacturer or dealer of manufactured housing if the claimant has failed to comply with the notice and opportunity to repair requirements. This bill would require a manufacturer or dealer of manufactured housing contractor to provide notice of the provisions of this bill to a homeowner upon entering a home construction contract.

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LD 1412 An Act To Protect Consumers Regarding Motor Vehicle Rentals ONTP

<u>Sponsor(s)</u> PELLETIER-SIMPS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1412 proposed to require verification of the mileage of a motor vehicle before that motor vehicle is rented for a period of less than one year.

LD 1423 Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work RESOLVE 105

<u>Sponsor(s)</u> BURNS BARTLETT	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 1423 proposed to direct the Department of Professional and Financial Regulation and the Maine Community College System to jointly develop a proposal to establish a certification program for home repair and renovation tradespersons to perform limited plumbing and electrical work. This resolve proposed to require the department and the system to solicit input from interested parties, including, but not limited to, the Electricians' Examining Board, the Plumbers' Examining Board and consumers of home repair, plumbing and electrical services.

Enacted law summary

Resolve 2005, chapter 105 directs the Department of Professional and Financial Regulation and the Maine Community College System to jointly develop a proposal to establish a certification program for home repair and renovation tradespersons to perform limited plumbing and electrical work. The resolve directs the department and the system to solicit input from interested parties, including, but not limited to, the Electricians' Examining Board, the Plumbers' Examining Board and consumers of home repair, plumbing and electrical services.

LD 1427 An Act Regarding the Scope of Practice of Registered Cardiovascular Invasive Specialists ONTP

<u>Sponsor(s)</u> CLOUGH BARTLETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1427 proposed to establish laws governing registered cardiovascular invasive specialists. The bill proposed to require cardiovascular invasive specialists to work within written practice protocols and under the supervision of a cardiologist. The bill lists functions and duties that a cardiovascular invasive specialist may perform and it would require that a cardiovascular invasive specialist wear an identification badge.

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LD 1441 **An Act Concerning the Measurement of Firewood** **DIED BETWEEN HOUSES**

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

LD 1441 proposed to allow the sale of firewood only according to the definition of a standard cord. This bill proposed to delete the definition of a loose cord of firewood.

LD 1443 **An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant** **ONTP**

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

LD 1443 proposed to allow an owner of a service dog to bring the dog into food stores and restaurants only if the owner shows the store or restaurant a certificate of completion for the dog from a basic obedience class administered by a service dog trainer.

LD 1445 **An Act To Protect the Integrity of Maine State Housing Authority Funds** **PUBLIC 261**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-429

LD 1445 proposed to allow the Maine State Housing Authority, after notice and hearing, to withhold, suspend or revoke the funds granted to any person or organization who violates any health, safety or sanitation standard of the Maine State Housing Authority or the municipality in which the subject housing is located.

Committee Amendment "A" (H-429) proposed to provide that the Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

Enacted law summary

Public Law 2005, chapter 261 provides that the Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant

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or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

LD 1461 **An Act To Increase Access to Certain Dental Services** **PUBLIC 322**

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-601
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LD 1461 proposed to establish a new category of dental assistant, "expanded function dental assistant," with authority to perform certain reversible intraoral procedures under the direct supervision of and assignment of duties by a licensed dentist. The bill proposed to provide that a certified dental assistant or a licensed registered dental hygienist may qualify for certification as an expanded function dental assistant by successfully completing training in a school or program approved by the Board of Dental Examiners.

Committee Amendment "A" (H-601) proposed to limit the number of procedures the expanded function dental assistant may perform to the procedures listed in the bill and provides that the Board of Dental Examiners may further expand through rulemaking other reversible procedures that an expanded function dental assistant may perform. It also proposed to provide that the Board of Dental Examiners may establish an application fee, not to exceed \$100, as well as a certification renewal fee of not more than \$100. The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2005, chapter 322 establishes a new category of dental assistant, "expanded function dental assistant," with authority to perform certain reversible intraoral procedures under the direct supervision of a licensed dentist. The law provides that the Board of Dental Examiners may further expand through rulemaking other reversible procedures that an expanded function dental assistant may perform. A certified dental assistant or a licensed registered dental hygienist may qualify for certification as an expanded function dental assistant by successfully completing training in a school or program approved by the Board of Dental Examiners. The law establishes an application fee to be determined by the Board of Dental Examiners, not to exceed \$100, as well as a certification renewal fee of not more than \$100.

LD 1471 **An Act To Update the Membership of Certain Professional Licensing Boards** **PUBLIC 235**

<u>Sponsor(s)</u> SMITH N BROMLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-356
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LD 1471 proposed to eliminate the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. This bill also proposed to amend the State Board of Social Worker Licensure by removing restrictive language with regard to license types. Finally, the bill proposed to eliminate one position from the Board of Barbering and Cosmetology currently designated for an owner of a barbering or cosmetology school located in the State.

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Committee Amendment "A" (H-356) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 235 eliminates the position on the Electricians' Examining Board designated for the Commissioner of Professional and Financial Regulation or the commissioner's designee. The law also amends the State Board of Social Worker Licensure by removing restrictive language with regard to license types to provide greater flexibility to appoint members with significant clinical social work experience. Finally, the law eliminates the position from the Board of Barbering and Cosmetology that is currently designated for an owner of a barbering or cosmetology school located in the State.

LD 1480

An Act Regarding Licensing Boards

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP-AM	S-208

LD 1480 proposed to increase the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The bill proposed to provide for a standardized approach to licensure renewal procedures.

Committee Amendment "A" (S-208) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2005, chapter 262 increases the statutory fee caps with respect to the Board of Chiropractic Licensure, the Maine Board of Pharmacy, the Board of Licensure for Professional Land Surveyors and the Board of Real Estate Appraisers. The law also provides for a standardized approach to licensure renewal procedures.

LD 1482

An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds

**P & S 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RECTOR	OTP-AM	S-115

LD 1482 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-115) proposed to add a fiscal note to the bill.

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Enacted law summary

Private and Special Law 2005, chapter 5 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2005 and 2006. Under federal law, a maximum of \$239,180,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year in 2005 and 2006. The law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2005, chapter 5 was enacted as an emergency measure effective May 10, 2005.

LD 1484 **An Act To Protect Consumers and Enhance Real Estate Practice** **ONTP**

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

LD 1484 proposed to amend various statutes affecting real estate brokerage agencies. The bill proposed to add commercial leasing to the definition of "real estate brokerage."

The bill proposed to provide several methods to protect consumers from unlicensed real estate activity. It would give the Real Estate Commission the authority to investigate and prosecute unlicensed real estate activity. It also proposed to create a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed real estate activity. The bill would not affect the authority of the Attorney General's office to investigate and prosecute unlicensed real estate activity.

The bill proposed to provide minimum service standards for real estate brokerage agencies and amend the educational provisions for real estate brokerage licensees. The bill would increase the continuing education requirement for licensees from 15 hours to 21 hours and remove the requirement that associate real estate brokerage license applicants take an examination. Additionally, the bill proposed to require that applicants for a real estate sales agent license both complete a course of study of no less than 84 hours and take an examination.

The bill proposed to require that real estate brokerage licensees, as well as owners selling their own homes, provide property disclosures containing certain information. It also proposed to update the seller's mandatory disclosures involving reference to heating systems and sources rather than to insulation. The bill also proposed to authorize the Real Estate Commission to adopt other mandatory disclosures through rulemaking.

LD 1503 **An Act To Amend the Economic Development Statutes** **PUBLIC 425**

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

LD 1503 proposed to make changes to Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of interest for the board of directors and clarifying the required municipal participation in a project. The bill also

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proposed to remove the sunset from the Maine Technology Institute law, change the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarify the board liability insurance coverage. The bill also proposed to create designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and remove the commissioner as a nonvoting trustee from the Maine Community College System board.

The bill would remove the office directors within the Department of Economic and Community Development as major policy-influencing positions and establish that the Director of the Office of Innovation serves as the State Science Advisor. It proposed to remove a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establish the Small Enterprise Growth Board as a corporate entity. Finally, the bill proposed to repeal the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

Committee Amendment "A" (H-683) proposed to specify that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It also proposed to establish that the position responsible for the administration of the tax incentive programs is a classified state employee position. It would repeal the sunset provision on the Maine Research and Development Evaluation Fund and remove the involvement of the State Budget Officer from the process for assessing the contributing organizations. It would require that the Office of Innovation provide to agencies the annual budget for the fund, as well as a detailed account of each institution's required assessment. It also proposed to remove the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Enacted law summary

Public Law 2005, chapter 425 makes changes to the Maine rural development law, including changing the name of the community industrial building program to the speculative industrial building program, clarifying conflicts of interest for the board of directors and clarifying the required municipal participation in a project. The law removes the sunset from the Maine Technology Institute law, makes changes to the board members as a result of the dissolution of the Maine Science and Technology Foundation and clarifies the board liability insurance coverage. The law creates designee authority for the Commissioner of Economic and Community Development on the Maine Rural Development Authority, Finance Authority of Maine, Energy Resources Council and Maine Small Business and Entrepreneurship Commission and removes the commissioner as a nonvoting trustee from the Maine Community College System board.

The law also removes the office directors within the Department of Economic and Community Development as major policy-influencing positions and specifies that the office directors within the Department of Economic and Community Development serve at the pleasure of the commissioner. It establishes that the Director of the Office of Innovation serves as the State Science Advisor. The law removes a representative from the department as a nonvoting member from the allocation committee for determining the private activity bond ceiling and establishes the Small Enterprise Growth Board as a corporate entity.

The law also establishes that the position responsible for the administration of the tax incentive programs is a classified state employee position. The law repeals the sunset provision on the Maine Research and Development Evaluation Fund and removes the involvement of the State Budget Officer from the process for assessing the contributing organizations. The law requires that the Office of Innovation provide to agencies the

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annual budget for the fund, as well as a detailed account of each institution's required assessment. It also removes the previous requirement that transfers to the Maine Research and Development Evaluation Fund must be implemented by financial order contingent upon the recommendation of the State Budget Officer and approval of the Governor and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Finally, the law repeals the language requiring the department to develop and implement a marketing campaign to attract and retain youth in Maine.

LD 1509 **An Act To Amend the Laws Governing the Manufactured Housing Board** **PUBLIC 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS MILLETT	OTP-AM	S-260

LD 1509 proposed to amend the laws governing the Manufactured Housing Board. The bill proposed to amend the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The bill also proposed to enact definitions for the terms "developer dealer" and "manufacturer's agent." It proposed to require licensing of developer dealers and manufacturer's agents.

Committee Amendment "A" (S-260) proposed to delete all references to the term "manufacturer's agent" in the bill. It also proposed to clarify that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

Enacted law summary

Public Law 2005, chapter 344 amends the laws governing the Manufactured Housing Board. The law amends the definitions of "dealer," "installer," "mechanic" and "manufactured housing." The law also enacts a definition for the term "developer dealer" and requires licensing of developer dealers. The law also clarifies that active licensees of the Real Estate Commission are exempt from the licensing requirements for selling or brokering used manufactured housing and new manufactured housing if such housing is sold or offered for sale by a licensee of the Manufactured Housing Board.

LD 1522 **An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card** **ONTP**

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

LD 1522 proposed to require that a person, firm, partnership, association, corporation or limited liability company that accepts a credit card or debit card for the retail purchase of gasoline must provide to the purchaser at the gasoline pump a receipt that includes the total number of gallons purchased and the price per gallon.

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LD 1524

An Act To Update Professional and Occupational Licensing Laws

PUBLIC 347

<u>Sponsor(s)</u> FARRINGTON BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-522
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LD 1524 proposed several statutory changes in laws regarding occupational licensing standards, electrician licensing, veterinary medicine, accountancy practice, transient seller registration and the jurisdiction of state propane inspectors over dispensing stations. The bill proposed to do the following:

1. Expand the list of licensing entities that may consider an applicant's prior criminal conviction history in the professional licensing process;
2. Remove an inaccurate and unnecessary reference to the definition of "household";
3. Simplify references to the Maine Revised Statutes, Title 17-A in the Maine Veterinary Medicine Practice Act; references to Title 17-A provisions setting forth grounds for disciplinary action are replaced with narrative descriptions of those provisions;
4. Remove unnecessary transition language from the statute regulating accountancy practice. Language is added to authorize the Board of Accountancy to recognize an applicant's work completed under the supervision of a licensed professional of another country as satisfying the required work experience to obtain a certified public accountant license;
5. Amend the definition of "merchandise" in the transient seller registration laws to exclude insurance products from the definition because the insurance industry is already regulated by the Bureau of Insurance; and
6. Clarify the jurisdiction of state propane and natural gas inspectors.

Committee Amendment "A" (H-522) proposed to change the definition of "merchandise," as amended by Public Law 2005, chapter 65, and it also proposed to add the Maine Board of Pharmacy to the list of licensing programs that may consider criminal convictions for sexual misconduct by an applicant or licensee.

Enacted law summary

Public Law 2005, chapter 347 makes the following changes to professional and occupational licensing laws:

1. It expands the list of state licensing entities that may consider in the professional licensing process prior criminal convictions that involve sexual misconduct of an applicant or licensee;
2. It removes an inaccurate and unnecessary reference to the definition of "household";
3. It simplifies references to civil and criminal laws and rules in the Maine Veterinary Medicine Practice Act and provides narrative descriptions of provisions setting forth grounds for disciplinary action;
4. It removes outdated transition language from the statute regulating accountancy practice. It also authorizes the Board of Accountancy to recognize an applicant's work completed under the supervision of a licensed

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professional of another country as satisfying the required work experience to obtain a certified public accountant license;

5. It amends the definition of "merchandise" in the transient seller registration laws to exclude insurance products from the definition because the insurance industry is already regulated by the Bureau of Insurance; and
6. It clarifies the jurisdiction of state propane and natural gas inspectors.

LD 1525

An Act To Amend the Real Estate Brokerage Laws

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N DOW	OTP-AM	H-583 H-638 SMITH N

LD 1525 proposed to amend the real estate brokerage license laws as follows:

1. Clarify the definitions of the words "real estate brokerage agency" and "agency";
2. Repeal the current real estate brokerage contract section and enact a section titled "Brokerage agreements." Brokerage agreements between a real estate company providing brokerage services to a client seller or buyer would be required to be in writing, to include 4 specific contract provisions and to terminate a real estate company's rights to enforce an agreement after the expiration date against a client who engages the services of another real estate brokerage agency;
3. Amend the trust account section to permit brokerage trust accounts to be maintained only in a federally insured financial institution authorized to do business in this State, as defined in the Maine Revised Statutes, Title 9-B, section 131, subsection 17-A, or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A, and authorize the Real Estate Commission to adopt rules to establish standards by which trust account records are to be maintained;
4. Enact a section that authorizes the Real Estate Commission to adopt rules establishing the requirements for real estate companies to maintain brokerage records, including a retention schedule;
5. Amend the agency relationship subchapter and establish a nonagent presumption standard for real estate brokerage companies called "transaction broker." The roles of the transaction broker, buyer agent, seller agent and disclosed dual agent are clarified and the responsibilities to buyers and sellers are established; and
6. Adopt an effective date of January 1, 2006 for the bill.

Committee Amendment "A" (H-583) proposed to provide for a sunrise review of commercial leasing by the Department of Professional and Financial Regulation. It also proposed to create a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed activity. The amendment does not affect the authority of the Attorney General's office to investigate and prosecute unlicensed activity. It also proposed to amend the education provisions for real estate brokerage licensees by increasing the continuing education requirement for licensees from 15 hours to 21 hours and makes the commensurate adjustment to the

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continuing education required for reinstatement. It proposed to remove the requirement that associate real estate brokerage license applicants take an examination and require that applicants for a real estate sales agent license both complete a course of study and take an examination.

This amendment also proposed to require that all sellers provide property disclosures containing certain information, whether or not a person licensed to practice real estate brokerage is involved in the transfer. The requirement that persons licensed to practice real estate brokerage provide such disclosures remains unchanged. It also proposed to update the seller's mandatory disclosures involving reference to heating systems and sources rather than insulation. It proposed to change the effective date to July 1, 2006 and include transition language for sales agents and associate brokers.

House Amendment "A" to Committee Amendment "A" (H-638) proposed to add a correction for the session in which the Joint Standing Committee on Business, Research and Economic Development is authorized to introduce a bill and proposed to correct the effective date.

Enacted law summary

Public Law 2005, chapter 378 amends the real estate brokerage license laws as follows:

1. It clarifies the definitions of the words "real estate brokerage agency" and "agency";
2. It repeals the current real estate brokerage contract section and enacts a section titled "Brokerage agreements." Brokerage agreements between a real estate company providing brokerage services to a client seller or buyer are required to be in writing, to include 4 specific contract provisions and to terminate a real estate company's rights to enforce an agreement after the expiration date against a client who engages the services of another real estate brokerage agency;
3. It amends the trust account section to permit brokerage trust accounts to be maintained only in a federally insured financial institution authorized to do business in this State, as defined in the Maine Revised Statutes, Title 9-B, section 131, subsection 17-A, or a credit union authorized to do business in this State as defined in Title 9-B, section 131, subsection 12-A, and authorizes the Real Estate Commission to adopt rules to establish standards by which trust account records are to be maintained;
4. It enacts a section that authorizes the Real Estate Commission to adopt rules establishing the requirements for real estate companies to maintain brokerage records, including a retention schedule;
5. It amends the agency relationship subchapter and establishes a nonagent presumption standard for real estate brokerage companies called "transaction broker." The roles of the transaction broker, buyer agent, seller agent and disclosed dual agent are clarified and the responsibilities to buyers and sellers are established;
6. It provides for a sunrise review of commercial leasing by the Department of Professional and Financial Regulation;
7. It creates a private cause of action by which an affected party may seek a court-ordered injunction to prohibit unlicensed activity. The law does not affect the authority of the Attorney General's office to investigate and prosecute unlicensed activity;

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8. It amends the education provisions for real estate brokerage licensees by increasing the continuing education requirement for licensees from 15 hours to 21 hours and makes the commensurate adjustment to the continuing education required for reinstatement. It removes the requirement that associate real estate brokerage license applicants take an examination and requires that applicants for a real estate sales agent license both complete a course of study and take an examination;
9. It requires that all sellers provide property disclosures containing certain information, whether or not a person licensed to practice real estate brokerage is involved in the transfer. The requirement that persons licensed to practice real estate brokerage provide such disclosures remains unchanged;
10. It updates the seller's mandatory disclosures involving reference to heating systems and sources rather than insulation; and
11. It also adopts an effective date of July 1, 2006 and includes transition language for sales agents and associate brokers.

LD 1548

An Act To Amend the Laws Concerning Registration of Engineers

PUBLIC 315

<u>Sponsor(s)</u> BROMLEY FARRINGTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-257
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LD 1548 proposed to change the name of the board from "State Board of Registration for Professional Engineers" to "State Board of Licensure for Professional Engineers" and proposed to change all references to "certificate of registration" to "license." It also proposed to codify the practice of having the Chief Engineer of the Department of Transportation serve as an ex officio voting member of the board. It proposed to authorize the board to grant hardship exemptions to licensees who are unable to fulfill continuing education requirements. It proposed to delete outdated provisions no longer in effect. Finally, it proposed to change the title of chairman to chair and vice-chairman to vice-chair.

Committee Amendment "A" (S-257) proposed to delete the provision in the bill that would require a licensed professional engineer to be responsible for the design of marine vessels used for public conveyance and commercial vessels. Under current law, a person who performs work only on vessels under 200 feet long is exempt from the licensure requirements of professional engineers.

Enacted law summary

Public Law 2005, chapter 315 changes the name of the board from "State Board of Registration for Professional Engineers" to "State Board of Licensure for Professional Engineers" and changes all references to "certificate of registration" to "license." It also codifies the practice of having the Chief Engineer of the Department of Transportation serve as an ex officio voting member of the board. The law authorizes the board to grant hardship exemptions to licensees who are unable to fulfill continuing education requirements due to an extenuating situation, hardship or disability. The law also deletes outdated provisions no longer in effect.

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LD 1549 **An Act To Require Funeral Establishments To Counsel Next of Kin on Embalming** **ONTP**

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

LD 1549 proposed to provide that a funeral establishment or person licensed for the practice of funeral service shall provide, orally and in writing, timely counseling on embalming to the next of kin or legal representative of a person who has died in order to enable the next of kin or legal representative to make an informed decision regarding embalming. The counseling proposed by this bill would include the fact that embalming is not performed automatically, the implications and consequences of a decision to embalm or not to embalm, including the fact that embalming may be necessary in order to have a funeral with viewing, and the importance of making a timely decision of whether to embalm.

LD 1629 **An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MARTIN		

LD 1629, a concept draft pursuant to Joint Rule 208, proposed to provide the Maine State Housing Authority with bonding authority to enable the purchase of heating oil in bulk from qualified vendors, at a discount, for persons eligible to receive assistance from the federal Low-Income Home Energy Assistance Program in advance of receipt of federal funds for that heating oil.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1651 **An Act To Register Canadian Pharmacies To Provide Safe Reimportation of Prescription Drugs** **ONTP**

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

LD 1651 proposed to authorize the Maine Board of Pharmacy to register Canadian pharmacies to provide prescription drugs by mail order to residents of the State and direct Canadian pharmacies that have been registered be included on a website established and maintained by the Department of Health and Human Services. The bill proposed to require the website to provide information to consumers concerning the Canadian pharmacies approved by the board and the web links for those pharmacies. In addition, this bill proposed to limit the drugs sold, distributed or furnished through mail order service by pharmacies located outside of Maine to Maine residents.

Joint Standing Committee on Business, Research and Economic Development

LD 1653 **Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels** **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1653 proposed to require the Department of Professional and Financial Regulation to suspend recently enacted rules pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1663 **An Act To Establish the Maine Higher Education Employer Initiative** **CARRIED OVER**

<u>Sponsor(s)</u> ROTUNDO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1663, a concept draft pursuant to Joint Rule 208, proposed to establish the Maine Higher Education Employer Initiative to assist and provide incentives to employers that adopt policies that encourage their employees to attend college and obtain associate and bachelor's degrees. The bill proposed to require the Maine Development Foundation to coordinate and manage the initiative and the Finance Authority of Maine to adopt routine technical rules to implement the tax credit authorized by the initiative.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1670 **An Act To Exempt Internet Services from Auctioneer Licensure** **PUBLIC 349
EMERGENCY**

<u>Sponsor(s)</u> BROMLEY EBERLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-259
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LD 1670 proposed to clarify that sales of goods or real estate occurring over the Internet would not be considered auctions for purposes of regulation of auctions.

Committee Amendment "A" (S-259) proposed to replace the bill. It proposed to provide an exemption from the requirements of auctioneer licensure for an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet. This amendment proposed to repeal this exemption on May 15, 2007.

Joint Standing Committee on Business, Research and Economic Development

Enacted law summary

Public Law 2005, chapter 349 provides an exemption from the requirements of auctioneer licensure for an individual who takes possession of goods pursuant to a contract for the exclusive purpose of selling those goods over the Internet. This exemption is repealed May 15, 2007.

Public Law 2005, chapter 349 was enacted as an emergency measure effective June 8, 2005.

LD 1678 An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	

LD 1678 proposed to replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council, whose membership would be designed to better coordinate and establish statewide policies on homelessness.

Committee Amendment "A" (S-320) proposed to delete the provision that would allow members of the Interagency Task Force on Homelessness and Housing Opportunities to continue to serve out the remainder of their terms on the Statewide Homeless Council.

Enacted law summary

Public Law 2005, chapter 380 repeals the Interagency Task Force on Homelessness and Housing Opportunities and establishes in its place the Statewide Homeless Council. The membership of the council is designed to better coordinate and establish statewide policies on homelessness.

Joint Standing Committee on Business Research and Economic Development

SUBJECT INDEX

Bonds

Enacted

LD 1482	An Act To Provide for the 2005 and 2006 Allocations of the State Ceiling on Private Activity Bonds	P & S 5 EMERGENCY	Page 181
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Not Enacted

None

Business Regulation

Enacted

LD 391	An Act To Amend the Maine Motor Vehicle Franchise Board Laws	PUBLIC 61	Page 141
LD 585	An Act To Reauthorize the Petroleum Market Share Act	PUBLIC 155 EMERGENCY	Page 149
LD 653	An Act To Improve Warranty Practices for Farm Machinery Dealerships	PUBLIC 317	Page 151
LD 686	An Act To Amend the Maine Consumer Credit Code - Credit Services Organizations	PUBLIC 274	Page 153
LD 905	An Act To Modernize the Innkeeping Statutes	PUBLIC 185	Page 158
LD 1263	An Act To Contain Costs, Reduce Paperwork and Streamline the Regulatory Process for Maine's Small Businesses	PUBLIC 458	Page 169

Not Enacted

LD 164	An Act To Amend the Laws Governing Signs at Service Stations	ONTP	Page 136
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LD 304	An Act To Allow People To Buy Motor Vehicles on Sundays	ONTP	Page 139
LD 366	An Act To Protect Consumers by Requiring Retail Businesses To Post Complaint Contacts	ONTP	Page 140
LD 689	An Act To Exempt from License Fees Small Businesses That Collect Returnable Bottles	ONTP	Page 154
LD 1023	An Act Requiring Stores of 500 Square Feet To Make Existing Bathroom Facilities Available for Public Use	ONTP	Page 163
LD 1441	An Act Concerning the Measurement of Firewood	DIED BETWEEN HOUSES	Page 179

Consumer Protection

Enacted

LD 581	An Act Regarding Identity Theft Deterrence	PUBLIC 243	Page 148
LD 788	Resolve, Authorizing the Office of Consumer Credit Regulation To Study the Payday Advance Industry and Related Consumer Credit Lending Issues in Maine	RESOLVE 24	Page 693
LD 957	An Act To Limit Faxes from Telemarketers	PUBLIC 197	Page 160

Not Enacted

LD 110	An Act To Implement the Recommendations of the Commission To Study Public Health Concerning Chain Restaurants	ONTP	Page 136
LD 259	An Act To Require Water Tests prior to the Sale of Homes	ONTP	Page 138
LD 369	An Act To Require the Disclosure of the State's Implied Warranty Laws	ONTP	Page 140
LD 776	An Act Requiring the Disclosure of Odometer Changes	ONTP	Page 156
LD 956	An Act To Prevent Identity Theft	ONTP	Page 159

LD 1403	An Act To Create an Alternative Method of Dispute Resolution in Homeowner Claims of Defective Workmanship or Materials for Manufactured Housing	ONTP	Page 177
LD 1412	An Act To Protect Consumers Regarding Motor Vehicle Rentals	ONTP	Page 178
LD 1522	An Act To Provide Consumers an Itemized Receipt for Gasoline Purchased with a Credit or Debit Card	ONTP	Page 184

Economic Development - Agencies

Enacted

LD 24	An Act To Provide for the Efficient Administration of Family Development Accounts	PUBLIC 4	Page 135
LD 673	An Act To Require Agricultural Representation on the Maine Tourism Commission	PUBLIC 33	Page 152
LD 1015	Resolve, To Increase Small Business Access to State Contracts	RESOLVE 122	Page 162
LD 1339	An Act To Amend the Laws Governing the Powers and Duties of the Washington County Development Authority	PUBLIC 367	Page 173
LD 1503	An Act To Amend the Economic Development Statutes	PUBLIC 425	Page 182

Not Enacted

LD 288	Resolve, To Improve Maine's Economic Competitiveness	ONTP	Page 139
LD 1014	Resolve, Directing the Department of Economic and Community Development To Develop a Clearinghouse of Maine Businesses That Contract Out Work for Completion Off-site within the State	ONTP	Page 162
LD 1078	Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones	ONTP	Page 164

LD 1299	Resolve, To Establish the Commission to Study the Efficiency of State Business Assistance Services	ONTP	Page 172
LD 1352	An Act To Establish the Office of the Small Business Ombudsman	ONTP	Page 175

Economic Development – Programs

Enacted

LD 226	An Act To Amend the Applied Technology Development Centers Statutes	PUBLIC 19	Page 138
LD 341	An Act To Change the Definition of "Academic Medical Center"	PUBLIC 168	Page 140
LD 399	An Act To Recruit and Retain College Graduates through Loan Repayment	PUBLIC 427	Page 142
LD 449	An Act To Make Changes to the Pine Tree Development Zones	PUBLIC 351 EMERGENCY	Page 143
LD 680	An Act To Provide for the Efficient Administration of Scholarship Resources	PUBLIC 109 EMERGENCY	Page 152
LD 825	Resolve, To Improve Statewide Business Assistance Services	RESOLVE 76	Page 157
LD 1267	An Act To Extend the Kim Wallace Adaptive Equipment Loan Program	PUBLIC 191 EMERGENCY	Page 170
LD 1273	An Act To Improve the Economic Development of the Indian Tribes	PUBLIC 451	Page 171

Not Enacted

LD 192	An Act To Establish the Pine Tree Recreation Zone	CARRIED OVER	Page 137
LD 647	An Act To Provide Incentives to Businesses That Locate to Existing Buildings	ONTP	Page 151
LD 684	An Act To Expand the Availability of Pine Tree Development Zone Benefits	ONTP	Page 153
LD 737	An Act To Ensure the Success of Pine Tree Development Zones	ONTP	Page 155

LD 964	Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones	ONTP	Page 160
LD 1135	An Act To Safeguard Federalism in Trade	CARRIED OVER	Page 165
LD 1215	Resolve, To Benefit the Creative Economy	ONTP	Page 167
LD 1358	Resolve, To Establish the Commission To Study Incentives That Foster Small Business Practices That Support the Economic Growth and Well-being of Maine People and Communities	CARRIED OVER	Page 176
LD 1663	An Act To Establish the Maine Higher Education Employer Initiative	CARRIED OVER	Page 190

Housing

Enacted

LD 1445	An Act To Protect the Integrity of Maine State Housing Authority Funds	PUBLIC 261	Page 179
LD 1678	An Act To Replace the Interagency Task Force on Homelessness and Housing Opportunities with the Statewide Homeless Council	PUBLIC 380	Page 191

Not Enacted

LD 1629	An Act To Enable Bulk Purchasing of Heating Oil Eligible for Federal Reimbursement	CARRIED OVER	Page 189
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Occupational and Professional Regulation

Enacted

LD 159	An Act To Restrict Undocumented Mortgage Agreements	PUBLIC 161	Page 136
LD 267	An Act To Ensure Sufficient Staffing To Properly Enforce the Laws and Rules of the Manufactured Housing Board	P & S 25	Page 139
LD 398	An Act To Make Technical Changes to the Medical Licensure Laws	PUBLIC 162	Page 141

LD 472	An Act To Amend the Statewide Building Code	PUBLIC 200	Page 146
LD 552	Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials	RESOLVE 39	Page 147
LD 633	An Act To Improve the Surety Bond Requirement for Small Payroll Companies	PUBLIC 278 EMERGENCY	Page 150
LD 661	An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures	PUBLIC 198	Page 152
LD 697	An Act To Clarify Reporting Responsibilities to Licensing Boards	PUBLIC 221	Page 154
LD 750	An Act To Clarify the Authority of Podiatrists To Use Assistants	PUBLIC 77 EMERGENCY	Page 155
LD 906	An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists	PUBLIC 45	Page 159
LD 1010	An Act To Modify the Transition Provision for Renewal of Social Worker Licenses	PUBLIC 173 EMERGENCY	Page 161
LD 1056	Resolve, To Amend the Rule-making Process for the State's Plumbing Code	RESOLVE 81	Page 163
LD 1083	Resolve, To Direct the State Board of Funeral Service To Consider the Need To Amend Its Rules with Regard to Licensed Funeral Establishments	RESOLVE 106	Page 164
LD 1190	Resolve, To Study the Establishment of a Controlled Substances Act for the State of Maine	RESOLVE 102	Page 166
LD 1225	An Act To Amend and Update Laws Regulating the Practice of Nursing	PUBLIC 163	Page 167
LD 1261	An Act To Allow Physicians Licensed in Other States but Trained outside the United States To Practice Medicine in Maine	PUBLIC 363	Page 168
LD 1277	An Act Regarding Speech-language Pathology Aides	P & S 12 EMERGENCY	Page 171
LD 1283	An Act To Allow Applicants for Limited Radiographer Licenses To Take Qualifying Views	PUBLIC 166 EMERGENCY	Page 172

LD 1306	An Act To Authorize the Department of Professional and Financial Regulation To Develop a Model for Registration of Home Building and Improvement Contractors	P & S 18	Page 172
LD 1340	An Act To Amend the Law Governing the Licensure of Interpreters for the Deaf and Hard-of-hearing	PUBLIC 267	Page 174
LD 1385	An Act To Amend Dental Hygienist Licensing Requirements	PUBLIC 289	Page 177
LD 1423	Resolve, Directing the Department of Professional and Financial Regulation and the Maine Community College System To Develop a Proposal To Certify Home Repair Tradespersons To Perform Limited Plumbing and Electrical Work	RESOLVE 105	Page 178
LD 1461	An Act To Increase Access to Certain Dental Services	PUBLIC 322	Page 180
LD 1471	An Act To Update the Membership of Certain Professional Licensing Boards	PUBLIC 235	Page 180
LD 1480	An Act Regarding Licensing Boards	PUBLIC 262	Page 181
LD 1509	An Act To Amend the Laws Governing the Manufactured Housing Board	PUBLIC 344	Page 184
LD 1524	An Act To Update Professional and Occupational Licensing Laws	PUBLIC 347	Page 185
LD 1525	An Act To Amend the Real Estate Brokerage Laws	PUBLIC 378	Page 186
LD 1548	An Act To Amend the Laws Concerning Registration of Engineers	PUBLIC 315	Page 188
LD 1670	An Act To Exempt Internet Services from Auctioneer Licensure	PUBLIC 349 EMERGENCY	Page 190
 <u>Not Enacted</u>			
LD 49	Resolve, To Reduce Forgery and Fraud in Obtaining Prescription Drugs	ONTP	Page 135
LD 58	An Act To Support Payroll Processors	ONTP	Page 135
LD 191	An Act Requiring Internet Auction Registration	ONTP	Page 137

LD 208	An Act To Lower the Surety Bond Requirement for Payroll Processors	ONTP	Page 137
LD 225	An Act To Regulate Pharmaceutical Detailers	ONTP	Page 138
LD 566	An Act To Amend the Definition of "Chiropractic Acupuncture"	DIED ON ADJOURNMENT	Page 148
LD 601	An Act To License Real Estate Rental Agents	ONTP	Page 149
LD 641	An Act To Create a Limited License for Solar Electric Generation System Installers	ONTP	Page 150
LD 832	An Act To Amend the Laws Regulating the Practice of Optometry	ONTP	Page 157
LD 837	Resolve, Regarding a New Certification for Health Care Attendants	ONTP	Page 158
LD 993	Resolve, Directing the Plumbers' Examining Board to Update the State Plumbing Code to the Current Version of the Uniform Plumbing Code	ONTP	Page 161
LD 994	An Act To Increase Access to Dental Care by Accepting All Regional Board Examinations for Initial Licensure of Dentists	ONTP	Page 161
LD 1016	An Act Regarding Dental Hygienists and Public Health Supervision Status	ONTP	Page 163
LD 1139	An Act To Identify the Benefits and Costs of Adjustments to Building Codes	ONTP	Page 165
LD 1167	An Act To Ensure the Health and Safety of All Maine Citizens by Licensing Drug Wholesalers	ONTP	Page 165
LD 1205	An Act To Amend the Laws Governing the Board of Dental Examiners	ONTP	Page 167
LD 1383	An Act Regarding the Licensing of Foresters	ONTP	Page 176
LD 1427	An Act Regarding the Scope of Practice of Registered Cardiovascular Invasive Specialists	ONTP	Page 178
LD 1443	An Act To Require the Owner of a Service Dog To Show a Certificate of Completion of a Basic Obedience Class from a Service Dog Trainer in Order for That Dog To Be Admitted to a Retail Establishment or Restaurant	ONTP	Page 179

LD 1484	An Act To Protect Consumers and Enhance Real Estate Practice	ONTP	Page 182
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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Criminal Justice and Public Safety*

August 2005

Members:

*Sen. Bill Diamond, Chair
Sen. John M. Nutting
Sen. Dean F. Clukey*

*Rep. Patricia A. Blanchette, Chair
Rep. Stan Gerzofsky
Rep. Carol A. Grose*

*Rep. Rosaire "Ross" Paradis, Jr.
Rep. Stephen P. Hanley
Rep. Richard M. Sykes
Rep. John W. Churchill
Rep. Christian D. Greeley
Rep. Kimberly J. Davis
Rep. Gary E. Plummer*

Staff:

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

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	93	96.9%	5.5%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>3.1%</u>	<u>0.2%</u>
Total Bills referred	96	100.0%	5.7%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	96	100.0%	5.7%
Orders and Resolutions referred to Committee			
<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</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	4.3%	0.3%
<i>Ought to Pass as Amended</i>	30	32.3%	2.0%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>39</u>	<u>41.9%</u>	<u>2.6%</u>
Total unanimous reports	73	78.5%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	20	21.5%	1.3%
<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>
Total divided reports	20	21.5%	1.3%
Total committee reports	93	96.9%	6.2%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	33	34.4%	2.0%
<i>Private and Special Laws</i>	1	1.0%	0.1%
<i>Resolves</i>	4	4.2%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	38	39.6%	2.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.5%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	4.5%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Criminal Justice and Public Safety

LD 10 **Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 10 proposed to appropriate \$75,000 to the Maine Fire Protection Services Commission to contract for services to conduct a study regarding the provision of health care benefits to firefighters in this State.

LD 10 was carried over by H.P. 1203 to the next regular or special session of the 122nd Legislature. The Maine Fire Protection Services Commission, with the help of the Department of Administrative and Financial Services, Bureau of Health Insurance, will work on the bill during the interim.

LD 17 **An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR SNOWE-MELLO	OTP-AM MAJ ONTP MIN	

LD 17 proposed to repeal the language that established MaineCare rates as the reimbursement rate for medical services provided to state inmates outside of correctional or detention facilities. By repealing this section, the bill proposed to require the State or its contracted medical provider to negotiate fair reimbursement rates for medical care provided to state inmates.

Committee Amendment "A" (H-118) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to limit the damages that may be awarded against a medical service provider on a tort claim arising out of the provision of medical services to a person being held in a state, county or municipal correctional or detention facility and applies to services provided inside the facility and outside the facility. This amendment would have been analogous to the provisions limiting damages awards against governmental employees and entities found in the Maine Tort Claims Act, including a provision that makes its limits applicable to wrongful death actions. The amendment also proposed to provide that the Maine Health Security Act's provisions, including those governing the mandatory prelitigation screening process, continue to apply.

The amendment also proposed to require that a payment for a medical service provided to a person residing in a Department of Corrections facility that is provided outside the facility and for which the department or its contracted medical provider is liable must be made within 30 days of receipt of proof of the service rendered. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-127) proposed to provide that the Department of Corrections or the department's contracted medical service provider shall pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no less than 150% of the reimbursement

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rate applicable to that provider and that service as established for the Medicare program. The amendment also proposed to add an appropriations and allocations section. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-247) proposed to provide that the Department of Corrections or the department's contracted medical service provider shall pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no less than 125% of the reimbursement rate applicable to that provider and that service as established for the Medicare program. The amendment proposed to add an appropriations and allocations section. This amendment was not adopted.

LD 17 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 29 **An Act To Provide Justice to Those Found Not Guilty Due to Mental Disease or Defect and Decrease Costs to the State** **ONTP**

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 29 proposed to specify that proper use of prescribed medications may be a condition of release for a person found not criminally responsible by reason of mental disease or mental defect. LD 29 proposed to lessen the burden of proof for a petitioner seeking the release or discharge of a person hospitalized after having been found not criminally responsible by reason of mental disease or mental defect for committing a Class B, C, D or E crime. For discharge or release, the bill proposed that a petitioner must demonstrate by a preponderance of the evidence that the modified release treatment program, release on conditions or discharge may be granted without likelihood that the person will cause injury to that person or to others due to mental disease or mental defect. The petitioner's burden of proof in a case for release or discharge where a person was found not criminally responsible by reason of mental disease or defect for murder or a Class A crime would remain proof by clear and convincing evidence. (Taylor v. Commissioner of Mental Health and Mental Retardation, 481 A.2d 139 (1984)) LD 29 also proposed to make technical changes to the statutes, including making terminology consistent.

LD 53 **An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs** **PUBLIC 69**

<u>Sponsor(s)</u> FISCHER DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-119
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LD 53 proposed to amend the law regarding interference with law enforcement dogs by applying the crime to any person who harms a dog that the person knows or reasonably should have known is used for law enforcement purposes.

Committee Amendment "A" (H-119) proposed to replace the bill and to make 2 parallel changes to the Maine Revised Statutes, Title 17-A, section 752-B, subsection 1, paragraphs A and B. First, it proposed to add to each

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an element currently there by implication, which is that the dog intentionally or knowingly mistreated is in fact certified for law enforcement use. Second, it proposed to eliminate from each the current element that the actor knows or should know of the dog's certification and replaces it with a requirement that the actor knows or should know that the dog is used for law enforcement purposes.

Enacted law summary

Public Law 2005, chapter 69 makes 2 parallel changes to the Maine Revised Statutes, Title 17-A, section 752-B regarding interference with law enforcement dogs. First, it adds to each of the 2 offenses an element currently there by implication, which is that the dog intentionally or knowingly mistreated is in fact certified for law enforcement use. Second, Public Law 2005, chapter 69 eliminates from each of the 2 offenses the current element that the actor knows or should know of the dog's certification and replaces it with a requirement that the actor knows or should know that the dog is used for law enforcement purposes.

LD 83

An Act to Prohibit Payment Card Skimming

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO FLETCHER	OTP-AM	S-67

LD 83 proposed to create the Class C crime of unlawful use of a scanning device or reencoder. LD 83 proposed that a person is guilty of this crime if, without the card user's permission, the person intentionally or knowingly uses a scanning device or a reencoder to capture encoded information from a magnetic strip or stripe on a credit card, debit card or other payment card with the intent to defraud the card user, issuer or merchant. The bill further proposed that a person who has 2 or more convictions for this offense commits a Class B crime.

Committee Amendment "A" (S-67) proposed to replace the bill and to create the Class D crime of misuse of a scanning device or a reencoder. The amendment proposed that a person is guilty of misuse of a scanning device or a reencoder if the person intentionally or knowingly uses a scanning device or a reencoder without the permission of an authorized payment card user to capture encoded information from the user's payment card with the intent to defraud that authorized payment card user, the issuer of the authorized payment card user's payment card or another person.

Enacted law summary

Public Law 2005, chapter 72 creates the Class D crime of misuse of a scanning device or a reencoder. A person is guilty of misuse of a scanning device or a reencoder if the person intentionally or knowingly uses a scanning device or a reencoder without the permission of an authorized payment card user to capture encoded information from the user's payment card with the intent to defraud that authorized payment card user, the issuer of the authorized payment card user's payment card or another person.

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LD 102

An Act To Allow the Part-time Assignment of State Police Officers to Municipalities

PUBLIC 53

<u>Sponsor(s)</u> BLANCHETTE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-97
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LD 102 proposed to clarify current law by making it clear that the Chief of the State Police may provide police services to requesting municipalities on a full-time or part-time basis by assigning one or more officers. The municipality would have to pay the cost of providing the assigned officer or officers.

Committee Amendment "A" (H-97) proposed to amend one of 2 provisions of law relating to a municipality's authority to contract for law enforcement services. This amendment proposed to make certain clarifying changes to the other provision to avoid ambiguity, ensure consistency and provide a cross-reference. The amended provision related to municipal authority to contract for law enforcement services with either the State Police or a sheriff's department. For clarity, the amendment proposed to move the provision to its own section of law. It also proposed to make explicit that a municipality may contract with the State Police or a sheriff's department for law enforcement services, including, but not limited to, enforcement of local ordinances. Finally, the amendment proposed to provide a cross-reference to the Maine Revised Statutes, Title 25, section 1502, which governs municipal authority to contract with the State Police.

Enacted law summary

Public Law 2005, chapter 53 clarifies current law by making it clear that the Chief of the State Police may provide police services to requesting municipalities on a full-time or part-time basis by assigning one or more officers. The municipality must pay the cost of providing the assigned officer or officers. Public Law 2005, chapter 53 also makes explicit that a municipality may contract with the State Police or a sheriff's department for law enforcement services, including, but not limited to, enforcement of local ordinances.

LD 104

An Act To Require Cigarettes Sold in Maine To Be Fire-safe

ONTP

<u>Sponsor(s)</u> RINES COWGER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 104 proposed to provide that, beginning January 1, 2006, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State. The bill proposed to create the following civil violations and minimum fines.

1. A wholesaler who knowingly sold cigarettes that were not fire-safe would be subject to a \$10,000 fine for each sale.
2. A manufacturer who knowingly misrepresented that cigarettes were fire-safe would be subject to a \$10,000 fine for each misrepresentation.
3. A retailer who sold 5 or fewer cartons of cigarettes that were not fire-safe would be subject to a \$500 fine.

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4. A retailer who sold more than 5 cartons of cigarettes that were not fire-safe would be subject to a \$1,000 fine.

The bill also proposed to direct the State Fire Marshal to adopt standards for fire-safe cigarettes that ensure that cigarettes will stop burning within a specific time period or that cigarettes meet performance standards to limit the risk that they will ignite upholstered furniture. The bill proposed that the Fire Marshal consider health risks in adopting the safety standards. The bill also proposed to dedicate fines to fire safety and prevention programs and authorize the Fire Marshal to adopt routine technical rules to ensure that the standards are in place by January 1, 2006.

LD 106 An Act To Provide Equity in the State Contribution to County Jail Expenses ONTP

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

LD 106 proposed to provide that persons sentenced to more than 6 months incarceration must be committed to the Department of Corrections and those sentenced to less than 6 months must be committed to county jail. If a sentence includes incarceration, current law provides that a person convicted of a Class D or E crime must be committed to a county jail and for a Class A, B or C crime the court must specify a county jail if the person is sentenced to less than 9 months or must commit the person to DOC if the sentence is for more than 9 months. The bill also proposed to require that if the court imposes consecutive terms of imprisonment and the aggregate length of the terms is 6 months or more, they must be served in a DOC facility.

LD 106 also proposed to require that the Legislature appropriate amounts to supplement distributions from the County Jail Prisoner Support and Community Corrections Fund so that the combined funding would reimburse the county for the average total cost of the support of prisoners committed by court to that county's correctional facilities and the full cost of the support of prisoners committed to the Department of Corrections but who, as a result of violation of probation or parole, are housed in the county jail.

Committee Amendment "A" (H-223) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 194 An Act To Restrict Personal Benefit by Public Employees ONTP

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

LD 194 proposed to designate as a Class E crime the use of public office information for personal benefit by a public servant.

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LD 212

An Act To Amend the Laws Governing Patronizing Prostitution of a Minor

PUBLIC 444

<u>Sponsor(s)</u> SMITH N	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-321
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Current law provides that a person promotes prostitution if, among other things, the person causes or aids another to commit or engage in prostitution, other than as a patron. This bill proposed to remove from the definition of "promotes prostitution" the phrase "other than as a patron." This change would treat the conduct of engaging a prostitute the same as promoting prostitution.

Committee Amendment "A" (H-321) proposed to replace the bill and create a new Class C crime of patronizing prostitution of a minor. The amendment proposed that a person commits the Class C crime of patronizing prostitution of a minor if that person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person, the person whose prostitution is sought has not yet attained 18 years of age and the person knows that the person whose prostitution is sought has not attained 18 years of age.

Enacted law summary

Public Law 2005, chapter 444 creates a new Class C crime of patronizing prostitution of a minor. A person commits the Class C crime of patronizing prostitution of a minor if that person, in return for another's prostitution:

1. Gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person;
2. The person whose prostitution is sought has not yet attained 18 years of age; and
3. The person knows that the person whose prostitution is sought has not attained 18 years of age.

LD 218

An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board

PUBLIC 22

<u>Sponsor(s)</u> DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-21
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LD 218 proposed to make sexual exploitation of minors a crime compensable by the Victims' Compensation Board.

Committee Amendment "A" (S-21) proposed to incorporate a fiscal note.

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Enacted law summary

Public Law 2005, chapter 22 makes sexual exploitation of minors a crime compensable by the Victims' Compensation Board.

LD 232 An Act To Enhance Highway Safety PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN DOW	OTP-AM	H-578

Under current law a person who operates a vehicle in a grossly negligent manner and causes the death of another person commits the Class A crime of manslaughter. If the person drives the vehicle with exactly the same kind of gross negligence but does not cause a death, the only crime available for prosecution is driving to endanger, a Class E crime, even if a person suffers significant and permanent injury. LD 232 proposed to increase the sentencing level to Class C and to impose a license suspension period of not less than 180 days and not more than 2 years if the State both pleads and proves that the criminally negligent driving caused serious bodily injury.

Committee Amendment "A" (H-578) proposed to incorporate a fiscal note.

Enacted law summary

Under current law a person who operates a vehicle in a grossly negligent manner and causes the death of another person commits the Class A crime of manslaughter. If the person drives the vehicle with exactly the same kind of gross negligence but does not cause a death, the only crime available for prosecution is driving to endanger, a Class E crime, even if a person suffers significant and permanent injury. Public Law 2005, chapter 441 increases the sentencing level to Class C and imposes a motor vehicle license suspension period of not less than 180 days and not more than 2 years if the State both pleads and proves that the criminally negligent driving caused serious bodily injury.

LD 242 An Act To Amend the Maine Juvenile Code PUBLIC 87

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM MAJ ONTP MIN	H-114 H-125 FAIRCLOTH

LD 242 proposed to amend the Juvenile Code in the following 3 ways:

1. Create a new juvenile offense of violation of conditional release;
2. Amend the period of the statute of limitations for the crimes of gross sexual assault and unlawful sexual contact committed by juveniles. Current law limits prosecution to a period of 6 years for juvenile crimes that would be Class A, B or C crimes and 3 years for juvenile crimes that would be Class C or D crimes if committed by an adult. However, prosecution of offenses involving gross sexual

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assault or unlawful sexual contact if the actor is an adult and the victim is under 16 years of age may be commenced at any time. This bill proposed to allow prosecution of serious sexual offenses if committed by a juvenile at any time; and

3. Amend the standard of proof so that juvenile crimes involving illegal drugs or drug paraphernalia and those involving intoxicating liquor that, if committed by an adult, would constitute civil offenses, are established by a preponderance of evidence rather than proof beyond a reasonable doubt.

Committee Amendment "A" (H-114) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to do the following:

1. Add the former crime of unlawful sexual contact under the Maine Revised Statutes, Title 17-A, section 255 to the list of sex offenses for which the statute of limitations is being repealed. Title 17-A, section 255 was repealed and Title 17-A, section 255-A enacted in its place pursuant to Public Law 2001, chapter 383;
2. Add to the list of juvenile crimes for which prosecution must be commenced within one year after being committed the willful refusal to obey a court order resulting from a conviction of a crime for a violation of a provision of Title 12 or Title 29-A that is not specifically included in the list of juvenile crimes in Title 15, section 3103, subsection 1, paragraph E or F;
3. Return the juvenile crime in Title 15, section 3103, subsection 1, paragraph D to the list of crimes requiring proof beyond a reasonable doubt. This crime was inadvertently added to the list of crimes requiring proof by a preponderance of the evidence; and
4. Add an application section to specify that the repeal of the statute of limitations applies to juvenile crimes of unlawful sexual contact and gross sexual assault committed on or after the effective date of the Act and to juvenile crimes of unlawful sexual contact and gross sexual assault not already barred by the previous statute of limitations.

House Amendment "A" to Committee Amendment "A" (H-125) proposed to remove language that eliminated the statute of limitations for the juvenile crimes of unlawful sexual contact and gross sexual assault in cases in which the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age. The amendment proposed to provide instead that the statute of limitations does not apply to such crimes if the attorney for the State first presents evidence based on DNA to the court in a closed hearing that implicates the defendant in the crime by a preponderance of the evidence.

Enacted law summary

Public Law 2005, chapter 87 provides that the statute of limitations does not apply for the juvenile crimes of unlawful sexual contact and gross sexual assault in cases where the victim had not attained 18 years of age at the time of the crime and the juvenile offender had attained 16 years of age, if the attorney for the State first presents evidence based on DNA to the court in a closed hearing that implicates the defendant in the crime by a preponderance of the evidence.

Public Law 2005, chapter 87 adds to the list of juvenile crimes for which prosecution must be commenced within one year after being committed the willful refusal to obey a court order resulting from a conviction of a crime for a violation of a provision of Title 12 or Title 29-A that is not specifically included in the list of juvenile crimes in Title 15, section 3103, subsection 1, paragraph E or F.

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Public Law 2005, chapter 87 also amends the standard of proof so that juvenile crimes involving illegal drugs or drug paraphernalia and those involving intoxicating liquor that, if committed by an adult, would constitute civil offenses, are established by a preponderance of evidence rather than proof beyond a reasonable doubt.

LD 251 An Act To Amend the Laws Governing Custodian Release ONTP
Conditions

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

LD 251 proposed to clarify the laws governing custodian release conditions to specify that the condition of preconviction bail requiring supervision of the defendant does not mean that the defendant must be in the presence of the supervisor 24 hours a day, seven days a week.

LD 280 An Act To Amend the Penalties Involving High-speed Vehicle ONTP
Pursuits

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

LD 280 proposed to create a mandatory minimum sentence of one year of imprisonment for eluding a police officer and a mandatory minimum sentence of 2 years of imprisonment if serious bodily injury results to another person.

LD 282 An Act To Prohibit a Registered Sex Offender from Residing DIED BETWEEN
within 1,000 Feet of the Residence of Any Child, a School, Day HOUSES
Care Center or Playground

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

LD 282 proposed to prohibit a registrant under the Sex Offender Registration and Notification Act of 1999 from residing within 1,000 feet of the residence of any child, a school, licensed day care center or playground.

Committee Amendment "A" (H-471) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to prohibit a registrant under the Sex Offender Registration and Notification Act of 1999 who committed a sex offense or sexually violent offense against a child less than 12 years of age from residing or establishing a domicile within 500 feet of a public or private elementary school. This amendment was not adopted.

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LD 285 An Act To Prohibit Convicted Sex Offenders from Establishing ONTP
Residency in Certain Municipalities

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

LD 285 proposed to prohibit a person who is convicted and sentenced as a 10-year registrant or as a lifetime registrant under the Sex Offender Registration and Notification Act of 1999 from establishing or maintaining a residence or a domicile in a municipality that does not have its own police department or other law enforcement agency that is capable of responding to any call within 5 minutes.

LD 310 An Act To Require a 10-day Waiting Period for the Purchase of ONTP
Firearms by a Person under 22 Years of Age

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

LD 310 proposed to require a 10-day waiting period before a firearm may be sold or transferred to any person who has not attained 22 years of age.

Committee Amendment "A" (H-264) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to repeal the current provisions regarding transferring a firearm to a minor and regarding transferring a handgun to a minor and combine them into one section to prohibit the transfer without parental consent of any firearm to a person under 18 years of age. The amendment proposed to describe the prohibited conduct and create affirmative defenses to the crime, some of which currently exist as affirmative defenses in the Maine Revised Statutes, Title 17-A, section 554-A and some of which currently exist as exceptions to the crime in Title 17-A, section 554-B. The amendment also proposed to change the title to reflect the intent of the amendment. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-282) proposed to require a 5-day waiting period before a firearm may be sold to any person who has not attained 19 years of age. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-141) proposed to do the same as House Amendment "A" to Committee Amendment "A." This amendment was not adopted.

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LD 326 **An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses** **ONTP**

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

LD 326 proposed to require a minimum sentence of 10 years in prison for a crime of gross sexual assault or sexual abuse of a minor and 20 years for a 2nd or subsequent offense. This bill also proposed to prohibit the reduction of the minimum sentence through suspension or plea bargaining.

Committee Amendment "A" (H-384) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 333 **An Act Regarding the Sale of Firearms at Gun Shows** **ONTP**

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

LD 333 proposed to require that a national instant criminal background check be performed prior to the sale or transfer of a firearm at a gun show. The bill proposed to require gun show operators to post signs at gun shows to notify exhibitors of the background check requirement, to notify in writing all exhibitors that a background check must be completed prior to each sale or transfer and to provide unlicensed sellers and transferors with access to licensed sellers and transferors who will undertake the required background checks for them.

LD 333 proposed that a failure to perform any of these requirements may result in a fine of up to \$10,000 for each such failure. The bill also proposed to define “gun show,” “licensed firearms dealer” and “national instant criminal background check” for purposes of this statute.

Committee Amendment "A" (H-383) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to replace the penalty provision of the bill, which would have allowed the court to adjudge a fine of not more than \$10,000 for any violation, to allow the court to adjudge a fine of not more than \$1,000 for the first violation, not more than \$2,500 for a 2nd violation and not more than \$5,000 for a 3rd or subsequent violation. This amendment was not adopted.

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LD 344 **An Act To Authorize the Regulation of Firearms on Public Property** **ONTP**

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

LD 344 proposed to explicitly authorize all public entities, including those with jurisdiction over civic centers, hospitals, universities, libraries, schools and municipal offices, to regulate the possession of firearms on public property under those entities' jurisdictions. Current law's one exception to the state preemption of the regulation of firearms is the right of a municipality to regulate the discharge of firearms within that municipality.

Committee Amendment "A" (S-236) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. It proposed to establish a basic prohibition against possessing or carrying firearms on public property. It also proposed to provide exceptions to that basic policy for:

1. A law enforcement officer authorized to carry a firearm;
2. A person authorized to carry a firearm on public property by order, ordinance, rule or regulation of the governing body of the public property;
3. A person who possessed a hunting license and who was on property where hunting was lawfully permitted; and
4. A person whose firearm was located inside a motor vehicle if that person was otherwise lawfully entitled to possess that firearm.

This amendment was not adopted.

LD 348 **An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness** **PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY	OTP-AM	H-120
STRIMLING		

LD 348 proposed to amend the supervised community confinement program to expand the options for release to the community of a prisoner who is terminally ill when the release is medically appropriate. The bill proposed to allow a prisoner to be transferred to a private residence with in-home medical hospice care, subject to approval by the Commissioner of Corrections.

Committee Amendment "A" (H-120) proposed to expand the options for release to the community of a county jail inmate who is terminally ill when the release is medically appropriate. The amendment proposed to allow a

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county jail inmate to be transferred to a private residence with in-home medical hospice care, subject to approval by the sheriff. This amendment also proposed to make technical changes to the bill.

Enacted law summary

Public Law 2005, chapter 68 amends the supervised community confinement program to expand the options for release to the community of a prisoner who is terminally ill when the release is medically appropriate. Public Law 2005, chapter 68 allows a prisoner to be transferred to a private residence with in-home medical hospice care, subject to approval by the Commissioner of Corrections. Public Law 2005, chapter 68 also amends the home-release monitoring program to expand the options for release to the community of a county jail inmate who is terminally ill when the release is medically appropriate. Public Law 2005, chapter 68 allows a county jail inmate to be transferred to a private residence with in-home medical hospice care, subject to approval by the sheriff.

LD 351 **An Act To Provide the Portland Harbor Commission with the Authority To Arrest** **P & S 4**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS BARTLETT	OTP-AM	H-98

LD 351 proposed to give the Portland Harbor Commission the power to arrest, making its powers consistent with those of other harbor commissions around the State.

Committee Amendment "A" (H-98) proposed to clarify that the Portland Harbor Commission harbor master not only enjoys all the authority of harbor master with general law, but is subject to all the same duties and liabilities of harbor masters.

Enacted law summary

Private and Special Law 2005, chapter 4 gives the Portland Harbor Commission the power to arrest, making its powers consistent with those of other harbor commissions around the State. Private and Special Law 2005, chapter 4 specifies that the Portland Harbor Commission harbor master not only enjoys all the authority of harbor master with general law, but is subject to all the same duties and liabilities of harbor masters.

LD 357 **An Act Regarding Bail Conditions** **PUBLIC 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROSE STRIMLING	OTP-AM	H-322

LD 357 proposed to amend the Maine Bail Code by:

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1. Allowing as a condition of bail that a person enter and remain in a long-term residential facility for substance abuse. The bill proposed that a violation of this condition by a person whose underlying crime is punishable by a year or more in prison is a Class C crime; and
2. Allowing a judge or justice to revoke an order of preconviction bail that has been set by a bail commissioner.

Committee Amendment "A" (H-322) proposed to renumber the new bail condition in the bill that a person enter and remain in a long-term residential facility for substance abuse so that it would follow a similar preconviction bail condition for treatment and precede the general provision that allows for any other condition reasonably necessary in the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (18). The amendment also proposed to clarify the provision regarding revocation of a preconviction bail order. Specifically, the amendment proposed to authorize a judge or justice to revoke the preconviction bail order of a bail commissioner and also to authorize a judge or justice to revoke preconviction bail entered by another judge or justice of the same court.

Enacted law summary

Public Law 2005, chapter 449 amends the Bail Code by:

3. Allowing as a condition of bail that a person enter and remain in a long-term residential facility for substance abuse. A violation of this condition by a person whose underlying crime is punishable by a year or more in prison is a Class C crime; and
4. Authorizing a judge or justice to revoke the preconviction bail order of a bail commissioner and authorizing a judge or justice to revoke preconviction bail entered by another judge or justice of the same court.

LD 384 **An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit** **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 384 proposed to allow an appeal of a denial of a concealed weapons permit to the Chief of the State Police if the issuing authority who denied the application is other than the Chief of the State Police. The bill proposed that the appeal be in writing, that it be filed within 21 days of the denial and that the fee be \$25, payable to the Chief of the State Police.

LD 390 **An Act To Improve Maine's Sex Offender Notification Laws** **INDEF PP**

<u>Sponsor(s)</u> MARLEY ANDREWS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 390 proposed to amends the Sex Offender Registration and Notification Act of 1999 by:

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1. Eliminating the time period cut-off in which a conviction must have occurred, making registration apply retroactively to persons who have been convicted of a sex offense or sexually violent offense at any time;
2. Creating a Class C crime for a registrant's failure to register or update information after being notified of the duty to do so;
3. Upgrading from a Class D crime to a Class B crime a subsequent violation for failing to register or update information;
4. Requiring law enforcement officials to notify the public upon the conviction of a person for a sexually violent act; and
5. Forbidding a registrant from residing within 1,000 feet of a school, child care facility or recreational facility where minors congregate, violation of which would be a Class C crime.

Committee Amendment "A" (H-618) proposed to replace the bill. The amendment proposed to apply the requirements of the Sex Offender Registration and Notification Act of 1999 to persons sentenced in Maine on or after January 1, 1982 for sex offenses or sexually violent offenses as adults or as juveniles sentenced as adults and to persons sentenced in another jurisdiction as adults or as juveniles sentenced as adults at any time for offenses that require registration in the jurisdiction of conviction pursuant to that jurisdiction's sex offender registration laws, or that would have required registration had the persons remained there, or on or after January 1, 1982 for offenses that contain the same essential elements of a sex offense or sexually violent offense. The amendment also proposed to change the penalty section to specify that failure to comply with any duty imposed under the Sex Offender Registration and Notification Act of 1999 or a rule adopted pursuant thereto commits a Class D crime, for a 2nd violation a Class C crime and for a 3rd or subsequent violation a Class B crime.

This amendment was not adopted but the provision making registration retroactive to persons sentenced on or after January 1, 1982 was incorporated into Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999. (See also Public Law 2005, chapter 423.)

LD 417

**An Act To Improve the Role of Boards of Visitors for State
Correctional Facilities**

PUBLIC 216

<u>Sponsor(s)</u> DIAMOND GERZOFSKY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-194
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LD 417 proposed to repeal the current provisions regarding boards of visitors and replace them with provisions to do the following.

1. Provide 3-year terms for members of boards of visitors of correctional facilities with the initial terms staggered;
2. Prohibit an employee of the Department of Corrections from serving on a board of visitors;

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3. Authorize the Department of Corrections to prescribe departmental policies regarding volunteer activities of board members;
4. Require the Governor to appoint a chair for each board of visitors;
5. Clarify the meeting and reporting responsibilities of the boards of visitors by specifying that each board shall:
 - A. Inspect correctional facilities and be provided access to staff, clients and the facilities;
 - B. Review the management of its assigned facility and provide an annual report to the chief administrative officer of that facility, the commissioner, the Joint Standing Committee on Criminal Justice and Public Safety and to the other boards;
 - C. Appear before the Criminal Justice and Public Safety Committee upon request; and
 - D. Meet at least quarterly; and
6. Direct the Department of Corrections to provide its response to each board's report to the Criminal Justice Committee within one month after receiving the report.

Committee Amendment "A" (S-194) proposed to make the following changes to the bill:

1. Specify that at least one member of each board be a licensed provider of mental health services;
2. Create an application provision to allow current board members who work for the Department of Corrections to continue to serve for a period of time after the enactment of the bill to allow for continuity of board work until new appointments are made; and
3. Make organizational changes to improve readability.

Enacted law summary

Public Law 2005, chapter 216 does the following:

1. Provides 3-year terms for members of boards of visitors of correctional facilities with the initial terms staggered and specifies that at least one member of each board be a licensed provider of mental health services;
2. Prohibits an employee of the Department of Corrections from serving on a board of visitors;
3. Requires the Governor to appoint a chair for each board of visitors;
4. Clarifies the meeting and reporting responsibilities of the boards of visitors;
5. Provides that volunteer activities of a member of a board of visitors may be prescribed by departmental policies regarding volunteer activities generally; and

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6. Creates an application provision to allow current board members who work for the Department of Corrections to continue to serve for a period of time after the enactment of the bill to allow for continuity of board work until new appointments are made.

LD 462 An Act To Make the 3rd Violation of OUI a Class C Crime PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL GERZOFSKY	OTP-AM	S-77

LD 462 proposed to increase the class of crime of a 3rd OUI offense within a 10-year period from Class D to Class C.

Committee Amendment "A" (S-77) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 438 increases from a Class D to a Class C the class of crime for a 3rd OUI offense within a 10-year period.

LD 500 An Act To Decrease Correctional Costs and To Increase the ONTP
Number of Probation Officers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH RICHARDSON J	ONTP MAJ OTP-AM MIN	

LD 500 proposed to require the Department of Corrections to establish a GPS tracking release program for certain nonviolent prisoners. Eligibility for the program would be limited to prisoners with no history of violent or sexual crimes who have earned good time while in prison, have served more than half of their prison terms, have fewer than 36 months left to serve and agree to be fitted with a GPS tracking device. The bill proposed that a prisoner accepted into the program be fitted with the tracking device for the remainder of the prisoner's prison term plus an additional 2 months. The bill proposed that the department contract with a firm with appropriate expertise, which the department must choose through a competitive bidding process, to create the GPS tracking system.

LD 500 proposed that net savings anticipated by the program be directed as follows: 40% to the General Fund; 40% to hire new probation officers; 10% to fund DNA analysis under the DNA Data Base and Data Bank Act; and 10% to fund computer crime law enforcement officers.

LD 500 also proposed that the commissioner report to the Criminal Justice and Public Safety and Appropriations and Financial Affairs Committees annually by January 15th each year regarding the savings that result from implementation of the program.

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Committee Amendment "A" (H-614) was the minority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 502 **An Act To Enable Police Departments To Solicit Donations for Colleagues Suffering from Catastrophic Illnesses** **ONTP**

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

LD 502 proposed to allow a law enforcement agency, law enforcement association or law enforcement officer to solicit funds for a law enforcement officer who is suffering from a catastrophic illness after the law enforcement agency, association or officer obtains the approval of the governing body of the area in which the solicitation will occur and the Attorney General. LD 502 proposed that funds collected be retained in an escrow account maintained solely for the benefit of the ill law enforcement officer or the heirs of that officer if the officer dies.

LD 530 **An Act To Prevent Convicted Felons from Possessing Firearms** **ONTP**

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

LD 530 proposed to prohibit a person convicted of a felony from possessing firearms. Current law allows a person whose sentence has been completely discharged for at least 5 years to apply to the Commissioner of DPS for a permit to possess a firearm. This bill proposed to remove the commissioner's discretion to grant such a permit to possess. Because the federal government prohibits possession of firearms by all felons but creates an exception for possession of antique firearms, the ultimate result of LD 530 would have been that the commissioner could no longer authorize an applicant to possess black powder long guns.

LD 534 **An Act To Clarify the Authority of the Maine State Police** **ONTP**

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

LD 534 proposed to repeal the authority for the State Police to contract with municipalities to provide law enforcement services.

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LD 542

**An Act To Encourage Greater Efficiencies in the Delivery of
County Correctional Services**

ONTP

<u>Sponsor(s)</u> DAMON BARSTOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 542 was a concept draft pursuant to Joint Rule 208.

This bill proposed to encourage greater efficiencies in the delivery of county correctional services using one or more of the following:

1. State funds for cost-benefit analyses and start-up expenses of innovative and cost-saving correctional facilities and programs, including those shared by 2 or more counties;
2. State financial incentives through the community corrections provisions of the Maine Revised Statutes, Title 34-A, section 1210-A for a county or group of counties that demonstrate an ability to reduce the cost of providing correctional services while maintaining the level of service required by state and federal rules, laws and constitutional requirements;
3. Reductions in existing legal, geographic, technological and other impediments to the more efficient delivery of correctional services, including, but not limited to:
 - A. Legal barriers to holding pretrial judicial proceedings and trials in the court nearest the place of incarceration in order to reduce inmate transport costs; and
 - B. Increased utilization of video circuits for arraignments and other proceedings; and
4. A state-administered county correctional facility construction agency modeled along the lines of the programs that finance the construction of public schools or state government facilities.

LD 548

An Act To Enhance the Prosecution of Child Pornography Cases

PUBLIC 345

<u>Sponsor(s)</u> SYKES		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-577
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Under current law, it is illegal to depict a person under 14 years of age in sexually explicit material. This bill proposed to raise the age to under 16 years of age. This bill also proposed to create the affirmative defenses to the crimes of dissemination of sexually explicit material and possession of sexually explicit material that the alleged minor depicted is not an actual person or is not a minor.

Committee Amendment "A" (H-132) proposed to incorporate a fiscal note. This amendment was not adopted.

Committee Amendment "B" (H-577) proposed to strike from the bill the affirmative defense that the alleged minor depicted is not an actual person or is not a minor. The amendment instead proposed to amend the

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permissible inference provision that, subject to Rule 303 of the Maine Rules of Evidence, authorizes one to draw an inference that the person depicted is an actual person.

Enacted law summary

Under current law, it is illegal to depict a person under 14 years of age in sexually explicit material. Public Law 2005, chapter 345 raises the age to under 16 years of age. Public Law 2005, chapter 345 also amends the permissible inference provision that, subject to Rule 303 of the Maine Rules of Evidence, authorizes one to draw an inference that the person depicted is an actual person.

LD 554 **An Act To Strengthen Probation Requirements for Convicted Sex Offenders** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE SNOWE-MELLO	ONTP	

LD 554 proposed to increase the period of probation to life for persons convicted of more than one sex offense.

LD 619 **Resolve, Directing the Department of Health and Human Services, Bureau of Health To Review Youth Camp Counselor Hiring Practices** **RESOLVE 99**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW MAYO	OTP-AM	H-575

LD 619 proposed to require owners and operators of camps established for recreational or educational activities for children to conduct background checks on employees and applicants for employment.

Committee Amendment "A" (H-575) proposed to replace the bill. The amendment proposed to create a resolve that directs the Department of Health and Human Services, Bureau of Health, in cooperation with the Maine Coalition Against Sexual Assault, the Maine State Police, the Maine Youth Camping Association and the YMCA Alliance of Maine, to evaluate the effectiveness of the bureau's rules concerning camp counselor hiring practices to protect children attending youth camps from sexual abuse. The amendment proposed that no later than January 15, 2006, the Bureau of Health shall report its findings and any proposed recommendations regarding camp counselor hiring practices to protect children attending youth camps from sexual abuse to the Joint Standing Committee on Criminal Justice and Public Safety. The amendment also proposed that upon receiving the bureau's recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation if necessary.

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Enacted law summary

Resolve 2005, chapter 99 directs the Department of Health and Human Services, Bureau of Health, in cooperation with the Maine Coalition Against Sexual Assault, the Maine State Police, the Maine Youth Camping Association and the YMCA Alliance of Maine, to evaluate the effectiveness of the bureau's rules concerning camp counselor hiring practices to protect children attending youth camps from sexual abuse. No later than January 15, 2006, the Bureau of Health shall report its findings and any proposed recommendations regarding camp counselor hiring practices to protect children attending youth camps from sexual abuse to the Joint Standing Committee on Criminal Justice and Public Safety. Upon receiving the bureau's recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may report out implementing legislation if necessary.

LD 620

An Act To Clarify the Liquor Enforcement Laws

PUBLIC 139

<u>Sponsor(s)</u> BARSTOW BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-179
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LD 620 proposed to authorize law enforcement officers to enforce the liquor laws, which were previously enforced by liquor enforcement agents.

Committee Amendment "A" (H-179) proposed to replace the bill and to allow the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize them to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. The amendment also proposed to allow the commissioner to authorize contract officers to perform the same function. Contract officers would be exempt from the basic law enforcement training requirements.

Enacted law summary

Public Law 2005, chapter 139 allows the Commissioner of Public Safety to reach agreements with law enforcement agencies to authorize those agencies to enforce administrative sanctions against liquor licensees and the licensees' agents and employees. Public Law 2005, chapter 139 also allows the commissioner to authorize contract officers to perform the same function. The contract officers are exempt from the basic law enforcement training requirements.

LD 638

**An Act To Protect Public Safety and Help Offenders Return
Safely to the Community**

ONTP

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 638 proposed to expand the list of Class D and Class E offenses for which sentencing alternative of probation may be imposed to include:

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1. A Class D or Class E crime that was initially charged by the attorney for the State as a Class A, Class B or Class C crime;
2. A Class D crime committed by a person who has a prior conviction for a Class A, Class B, Class C or Class D crime under the Maine Revised Statutes, Title 17-A; a prior conviction under the laws governing operating under the influence; or a prior conviction under the laws governing habitual offenders;
3. A Class D crime for failure to control or report a dangerous fire;
4. A Class D crime for possession of a schedule W drug; and
5. A Class D crime for cruelty to animals.

The bill also proposed to expand the list of Class A, Class B and Class C offenses for which the former statutory length of probation, which is 6 years for Class A crimes and 4 years for Class B and C crimes, may be imposed. The bill proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of a Class A, Class B or Class C crime and has a prior conviction for a Class A, Class B, Class C or Class D crime under Title 17-A, a prior conviction under the laws governing operating under the influence or a prior conviction under the laws governing habitual offenders. The bill also proposed that the former statutory length of probation may be imposed if the State pleads and proves that a person was convicted of unlawful trafficking in a schedule W drug, aggravated trafficking of scheduled drugs or certain offenses involving possession of a schedule W drug.

The bill also proposed to provide that a person sentenced to a term of imprisonment on or after October 1, 2005 may receive a reduction in that term of imprisonment of up to 3 days per calendar month for good behavior and up to 2 days per calendar month for fulfillment of responsibilities assigned in the person's transition plan for work, education or rehabilitation programs.

LD 646

An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students

ONTP

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

LD 646 proposed to require the forfeiture of a motor vehicle when the defendant is the sole owner-operator of the vehicle and has 3 of any combination of OUIs or refusals to submit to chemical testing within a 5-year period.

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LD 670

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

PUBLIC 415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOTHAM DAVIS P	OTP-AM	H-258 S-395 ROTUNDO

LD 670 proposed to create safe zones, including athletic fields, parks, playgrounds, recreational facilities or any other area frequented by minors that is designated as a safe zone by a municipality. This bill proposed to make it an aggravated offense to traffick, furnish or cultivate drugs within 1,000 feet of a safe zone. If a municipality designates an area a safe zone, the municipality would be required to mark the safe zone with an informational sign provided by the Commissioner of Public Safety.

Committee Amendment "A" (H-258) proposed to amend the bill by narrowing the definition of "safe zone" to include only athletic fields, parks, playgrounds and recreational facilities. The amendment also proposed to clarify that municipalities that choose to designate safe zones must conspicuously mark them with signs designed and made available by the Department of Public Safety and that the municipalities must pay for the signs.

Senate Amendment "A" to Committee Amendment "A" (S-395) proposed to replace the committee amendment and make it clear that a municipality may, but is not required to, post certain areas that minors frequent as safe zones. Like Committee Amendment "A," this amendment proposed that a "safe zone" include only athletic fields, parks, playgrounds and recreational facilities. The amendment proposed that a municipality may do this by posting an informational sign in a conspicuous place. The amendment also proposed that the Commissioner of Public Safety shall establish uniform wording to be used on the signs and provide the wording to the municipalities. The amendment proposed that the commissioner is not responsible for providing the signs.

Enacted law summary

Public Law 2005, chapter 415 authorizes, but does not require, a municipality to post certain areas that minors frequent as "safe zones." Safe zones are athletic fields, parks, playgrounds and recreational facilities. It is an aggravated offense to traffick, furnish or cultivate drugs within 1,000 feet of a safe zone. A municipality may designate a safe zone by posting an informational sign in a conspicuous place. The Commissioner of Public Safety shall establish uniform wording to be used on the signs and provide the wording to municipalities. The commissioner is not responsible for providing the signs.

LD 702

An Act To Increase Sentences of Imprisonment for Repeat Sex Offenders

ONTP

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

LD 702 proposed to require the court to impose a minimum mandatory sentence of imprisonment of at least 30 years, of which 20 years may not be suspended, for persons convicted of a gross sexual assault or any other Class A or Class B crime under the Maine Revised Statutes, Title 17-A, chapter 11, Sex Assaults or under Title 17-A,

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chapter 12, Sexual Exploitation of Minors, if that person has 2 prior convictions for any of these crimes or similar crimes committed in other jurisdictions.

LD 703 An Act To Clarify the Offense of Burglary of a Motor Vehicle ONTP

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Currently, the law differentiates between entry of an unlocked motor vehicle with the intent to commit a crime therein, a Class D crime, and forcible entry of a motor vehicle with the intent to commit a crime therein, a Class C crime. LD 703 proposed to remove that distinction and provide that unlawful entry of a motor vehicle is a Class D crime, regardless of the manner of entry.

LD 714 Resolve, To Benefit Public Safety Using Retired Law Enforcement Officers ONTP

<u>Sponsor(s)</u> NUTTING R CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 714 proposed to direct the Commissioner of Public Safety to implement a certification process by July 22, 2005, to allow retired law enforcement officers to carry concealed weapons pursuant to the federal Law Enforcement Officers Safety Act of 2004.

LD 719 An Act To Protect Victims of Domestic Violence and Sexual Assault ONTP

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 719 proposed to allow a person who has been the victim of gross sexual assault or domestic violence or has been threatened with domestic violence and has filed a police report regarding that threat to carry a concealed weapon unless that person has been convicted of murder or a Class A, B or C crime.

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LD 760 **An Act To Assist Municipalities in Recruiting Emergency Services Personnel** **ONTP**

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

LD 760 proposed to require that if a municipality offers coverage under a group health plan to its employees, it must also offer the same option for health coverage to a person employed by or under contract with the municipality who provides emergency services. The bill did not propose to require that a municipality pay for any portion of the premium for eligible emergency services personnel, unless required to do so by a collective bargaining agreement or other contractual obligation.

LD 812 **An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime** **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A DAMON	OTP-AM	H-121

LD 812 proposed to make illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

Committee Amendment "A" (H-121) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 442 makes illegal possession of oxycodone, hydrocodone and hydromorphone a Class C crime.

LD 834 **An Act To Prevent Camcorder Piracy** **PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFKY DAVIS P	OTP-AM	H-259

LD 834 proposed to amend Title 17 to authorize a motion picture theater owner to detain a person suspected of illegally recording motion pictures, just as a storeowner may detain a person suspected of shoplifting. This bill proposed to amend the theft by unauthorized taking law by adding the Class C offense of knowingly operating an audiovisual or audio recording function of any device in a motion picture theater without the written consent of the theater owner. The bill also proposed to amend the definition of "value" in the theft laws to provide that, notwithstanding the requirement that if a minimum value cannot be ascertained the value is deemed to be less than \$500, the value of any audio or visual recording obtained without written consent of the theater owner is deemed to be no less than \$5,000.

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Committee Amendment "A" (H-259) proposed to retain the current 1/2 hour detention of persons suspected of stealing allowed merchants while waiting for law enforcement to arrive. Instead of deeming the value of an audio or video recording to be \$5,000, the amendment proposed to authorize the value to be deemed to be more than \$500 but less than \$1,000, unless a higher value can be proven. The amendment also proposed to specify that the new crime requires that the purpose of the person filming be to make a copy of the motion picture and to reclassify the crime as a Class D crime.

Enacted law summary

Public Law 2005, chapter 199 makes camcorder piracy and receiving stolen property obtained through camcorder piracy a Class D crime. Camcorder piracy includes the necessary element that the purpose of the person filming is to make a copy of the motion picture. The value of any audio or visual recording that is unlawfully acquired is deemed to be more than \$500 but less than \$1,000, unless a higher value can be proven.

Public Law 2005, chapter 199 also authorizes motion picture theater owners to detain a person suspected of camcorder piracy if there is probable cause to believe the person is unlawfully concealing part of or operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited, without the written consent of the motion picture theater owner. The purposes of detention include requiring the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention, to surrender that person to the officer and to take possession of and hold stolen merchandise or recordings and related equipment pending arrival of law enforcement.

LD 847

An Act To Increase the Class of Crime for Home Trespass

ONTP

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

LD 847 proposed to increase the class of crime for a first-time criminal trespass offense from a Class D to Class C and to require that the court impose a minimum mandatory sentence of incarceration of 3 years, none of which may be suspended. The bill proposed that the court shall impose for a 2nd offense a minimum mandatory sentence of incarceration of 5 years' imprisonment, none of which may be suspended and for a 3rd or subsequent violation, which is a Class B crime, a minimum mandatory sentence of imprisonment of 10 years' imprisonment, none of which may be suspended.

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LD 862

An Act To Improve the Collection of Restitution and Supervision Fees

PUBLIC 389

<u>Sponsor(s)</u> BLANCHETTE CLUKEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-669
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LD 862 proposed to clarify the obligation of offenders by requiring the court to be clearer when ordering restitution and, in cases of joint and several restitution orders, by giving the department and the district attorneys the ability to continue to collect from offenders and distribute money back to offenders. The bill proposed to require that supervision fees be ordered only once for concurrent crimes. Finally, the bill proposed to clarify issues regarding disbursement of fines to the courts.

Committee Amendment "A" (H-669) proposed to provide that records pertaining to a crime victim's current address or location or from which the current address or location could be determined are confidential, except for current statutory exceptions. The amendment proposed to give the court authority to deviate from joint and several liability in cases involving more than one defendant only if the court determines that a defendant should not equally share the burden of restitution. The amendment also proposed to provide that if a tax refund is used to offset restitution owed to a crime victim, the collection fee may not be deducted from the amount owed to the victim.

Enacted law summary

Public Law 2005, chapter 389 does the following:

1. Clarifies the obligation of offenders by requiring the court to be clearer when ordering restitution and, in cases of joint and several restitution orders, by giving the department and the district attorneys the ability to continue to collect from offenders and distribute money back to offenders. The court may deviate from joint and several liability in cases involving more than one defendant only if the court determines that a defendant should not equally share the burden of restitution;
2. Provides that if a tax refund is used to offset restitution owed to a crime victim, the collection fee may not be deducted from the amount owed to the victim;
3. Requires that supervision fees be ordered only once for concurrent crimes;
4. Clarifies issues regarding disbursement of fines to the courts; and
5. Provides that records pertaining to a crime victim's current address or location or from which the current address or location could be determined are confidential, except for current statutory exceptions.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

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LD 872

An Act To Extend Registration for Violent Sex Offenders

ONTP

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

LD 872 proposed to extend the application of the Sex Offender Registration and Notification Act of 1999 to persons convicted of a sexually violent offense after January 1, 1982.

This bill was not enacted, but the making registration retroactive to January 1, 1982 was incorporated into Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999. (See also Public Law 2005, chapter 423.)

LD 874

An Act To Amend the Laws Governing Concealed Firearms Permits

DIED BETWEEN HOUSES

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

LD 874 proposed to amend the concealed firearms permit requirements in the following ways:

1. Remove the limit of a reciprocity agreement being only with 2 other states;
2. Require the Chief of the State Police to enter into a reciprocity agreement with another state if that other state has equal or stricter concealed firearms permit requirements and the other state grants reciprocity to concealed firearm permits issued in the State; and
3. Remove the requirement that the applicant for a concealed firearms permit be of "good moral character."

Committee Amendment "A" (H-385) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to remove from the current reciprocity law the restriction that the Chief of the State Police may enter into reciprocity agreements with only 2 other states and to allow the Chief of the State Police to enter into reciprocity agreements with an unlimited number of states if those states meet all other statutory criteria for reciprocity. This amendment was not adopted.

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LD 893

An Act To Change Mandatory Minimum Sentences in Certain Cases

ONTP

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

LD 893 proposed to affect sentences in criminal cases in the following ways:

1. Decrease the minimum sentence of imprisonment for murder from 25 to 20 years;
2. Repeal mandatory sentences for aggravated trafficking of scheduled drugs, aggravated trafficking or furnishing of counterfeit drugs, aggravated furnishing of scheduled drugs, and aggravated cultivating of marijuana;
3. Grant the sentencing court the authority to deviate from a mandatory minimum sentence and mandatory minimum fine in those circumstances when the court determines that the mandatory fine or sentence would create a substantial injustice and the deviation would not diminish the gravity of the offense or adversely affect public safety. The bill proposed that specific factors must be considered by the court before deviating from the mandatory minimum, including: the nature of the crime; recommendations of the victim, victim's family and the prosecutor; the defendant's prospects for rehabilitation, credible demonstration of remorse and comprehension of the consequences of the crime; and the age, background, physical and mental condition of the defendant, the defendant's family circumstances and whether the crime was a single aberration in the life of the defendant;
4. Remove the cap on fines for operating under the influence and instead authorize the court to impose up to the maximum fine allowed for that specific class of crime; and
5. Change the class of crime for a 3rd OUI conviction in less than 10 years from a Class D to a Class C crime. It also proposed to change the class of crime for 4 or more OUI convictions in a 10-year period from a Class C crime to a Class B crime and to authorize the court to permanently revoke the driver's license of a person convicted of 4 or more OUI violations in a 10-year period.

LD 903

An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BLANCHETTE	OTP-AM MAJ OTP-AM MIN	S-237

LD 903 proposed to require that a minor who purchases alcohol and an adult who furnishes a minor with the alcohol each receive suspensions of their operator's licenses and to allow a court to grant an operator suspended by these provisions a restricted license in order to go to work, school or a court-ordered counseling program.

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Committee Amendment "A" (S-237) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill and to do the following:

1. Change the title of the bill;
2. Increase from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of furnishing liquor to a minor. The penalty would be a mandatory fine of \$500, none of which may be suspended;
3. Increase from \$500 to \$1,000 the fine for a 2nd offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
4. Increase from \$1,000 to \$1,500 the fine for a 3rd or subsequent offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
5. Increase from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of allowing a minor to consume liquor. It also proposed to increase the fine for this offense from \$500 to \$1,000, none of which may be suspended; and
6. Increase from \$500 to \$2,000 the fine for a 2nd or subsequent offense of allowing consumption of alcohol by a minor, none of which may be suspended.

Committee Amendment "B" (S-238) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill and to make the same changes regarding penalties for furnishing alcohol to a minor or allowing consumption of alcohol by a minor as the Committee Amendment "A", except this amendment also proposed to add a requirement that the court suspend the motor vehicle operator's license of a person who commits 3 or more violations. The suspensions would have been graduated: 30 days for a 3rd offense, 90 days for a 4th offense and one year for a 5th or subsequent offense. This amendment was not adopted.

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Enacted law summary

Public Law 2005, chapter 292 does the following:

1. Increases from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of furnishing liquor to a minor. The penalty for this offense is a mandatory fine of \$500, none of which may be suspended;
2. Increases from \$500 to \$1,000 the fine for a 2nd offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
3. Increases from \$1,000 to \$1,500 the fine for a 3rd or subsequent offense of furnishing alcohol to a minor within a 6-year period, none of which may be suspended;
4. Increases from less than 14 years of age to less than 18 years of age the age of a minor for purposes of penalizing the first offense of allowing a minor to consume liquor. It also increases the fine for this offense from \$500 to \$1,000, none of which may be suspended; and
5. Increases from \$500 to \$2,000 the fine for a 2nd or subsequent offense of allowing consumption of alcohol by a minor, none of which may be suspended.

LD 919 An Act Amending Public Notification Laws for Sex Offenders ONTP
Living Near Schools and Day-care Centers

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

LD 919 proposed to require law enforcement agencies to provide direct public notification to schools and daycare centers that are located within 1,000 feet of a sex offender registrant's domicile, residence, place of work or school. The bill proposed that if notification must be made to schools and day-care centers, then notification must also be made to any other neighbor located on or within 250 feet of the real property where that sex offender registrant is domiciled, resides, works or attends school. LD 919 also proposed that a registrant must pay the costs of providing this direct notification, and failure to do so would be a Class D crime.

LD 927 An Act To Decrease the Burden on Jails and Improve Treatment ONTP
for People Living with Mental Illness by Fostering Jail Diversion

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

LD 927 proposed to provide that a jail may not be required to dispense medications in blister packs and that a jail's medication formulary must have the same medications available as in other state institutions. It also

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proposed to provide that when possible the Department of Health and Human Services must assist jails with the purchase of medications through joint purchasing agreements.

The bill proposed to require that by March 30, 2006, the Department of Corrections:

1. In cooperation with the sheriffs and county commissioners, assist county jails regarding the consolidation and building of specialized units with the capacity to provide acute psychiatric care, stabilization, assessment and treatment of inmates who have been determined to require immediate hospitalization because those inmates are a danger to themselves or others or have an inability to care for self but for whom no forensic hospital beds or other appropriate alternatives are immediately available and shall report regarding the need for these units and recommendations for developing such units; and
2. In collaboration with the sheriffs, report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services the practice of collecting premiums from the United States Social Security Administration for reporting inmates who receive social security income and any resulting loss of disability status for those inmates.

The bill also proposed to require several task by the Department of Health and Human Services. Specifically, by March 30, 2006, the Department of Health and Human Services would have to:

1. Report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services regarding the status of the Department of Health and Human Services' implementation of Public Law 2001, chapter 659, including steps taken by the department to enforce Parts B, C and D of that law;
2. Report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services regarding efforts to provide ongoing funding for community integration services for people with mental illness who receive those services and are incarcerated to prevent interruption of those services;
3. Within existing resources, prepare and present a report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services comparing the cost of opening additional forensic beds at Bangor Mental Health Institute with the cost of providing additional community-based resources that would divert people with mental illness from jail and would help prevent inmates with mental illness from returning to jail; and
4. In collaboration with a statewide mental health services association, report to the Joint Standing Committees on Criminal Justice and Public Safety and Health and Human Services what enhancements are needed in Maine's crisis stabilization units to accommodate Maine's jail inmates in order to provide them with needed crisis stabilization and to avoid or reduce hospital stays.

Committee Amendment "A" (H-386) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to strike everything from the bill, except the provision regarding the distribution of medication by sheriffs to prisoners. The amendment proposed to maintain the provision authorizing jails to administer medication that is not in blister packs and to direct the Department of Health and Human Services to assist jails in ensuring that their formulary is the same as that of state institutions. It also proposed to clarify that the Department of Corrections is required to assist jails with the purchase of medications through joint purchasing agreements. This amendment was not adopted.

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LD 928

Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible

ONTP

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

LD 928 proposed to create the Commission to Study the Commitment Process for Persons Adjudged Not Criminally Responsible. The bill proposed to require that the commission review the judicial and commitment process for persons who are adjudged not criminally responsible by reason of insanity or mental disease or defect and report its findings and recommendations to the Second Regular Session of the 122nd Legislature. Specifically, the bill proposed that the commission consider:

1. The typical length of time of institutional inpatient residency for a person who is adjudged not criminally responsible for murder or manslaughter;
2. The relationship between the Department of Health and Human Services and the Judicial Department concerning the custody of persons adjudged not criminally responsible for the act of murder or manslaughter; and
3. The adequacy of current psychiatric examination requirements for the release or discharge of patients adjudged not criminally responsible for the act of murder or manslaughter.

LD 970

An Act To Improve Sentencing for Serious Offenders

PUBLIC 447

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREELEY	OTP-AM	H-474

LD 970 proposed to make the following changes to the sentencing laws:

1. Authorize the court to revoke probation for a crime committed by an inmate who is serving a sentence that does not include probation, if the inmate also has a consecutive sentence that includes a period of probation;
2. Specify that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately. Currently, that authority exists only for inmates who commit crimes against corrections staff or institutional property;
3. Expand the list of violent crimes for which the classification may be increased for violent offenders to include assaults against law enforcement officers, corrections officers and emergency medical workers; and
4. For purposes of determining economic loss that may be compensated by an order of restitution, define "critical investigation expense." "Critical investigation expense" proposed to include those necessary expenses incurred by a public agency, person or organization while investigating or prosecuting suspected criminal conduct.

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Committee Amendment "A" (H-474) proposed to strike from the bill the provision authorizing the court to revoke probation of a person serving a consecutive sentence who commits new criminal conduct during any period of incarceration that precedes the commencement of the period of probation.

The amendment also proposed to strike from the bill the provision that specifies that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately. This provision was incorporated into the committee amendment to another bill, LD 1360, "An Act to Improve the Management and Safety of State Correctional Facilities." (See also Public Law 2005, chapter 329.)

The amendment also proposed to clarify what is meant by "critical investigation expense" and to limit the collection of these expenses to cases involving embezzlement and drug investigations.

Enacted law summary

Public Law 2005, chapter 447 makes the following changes to the sentencing laws.

1. It expands the list of violent crimes for which the classification may be increased for violent offenders to include assaults against law enforcement officers, corrections officers and emergency medical workers.
2. For purposes of determining economic loss that may be compensated by an order of restitution, it defines "critical investigation expense." "Critical investigation expense" includes those necessary expenses incurred by a public agency, person or organization while investigating or prosecuting suspected criminal conduct in cases involving embezzlement and drug investigations.

LD 983

An Act To Make Technical Changes to the Maine Criminal Code

PUBLIC 207

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-323

The 121st Legislature amended the Maine Revised Statutes, Title 17-A, section 959 regarding illegal gambling machines to give the State the authority to order forfeiture of "any associated proceeds" of an illegal gambling machine. However, parallel changes to the procedural provisions in Title 17-A, section 959, subsections 3, 4, 5 and 6 were not made. LD 983 proposed to correct the omission.

LD 983 also proposed to replace an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.

Committee Amendment "A" (H-323) proposed to correct an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.

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This amendment also proposed to clarify the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

Enacted law summary

Public Law 2005, chapter 207 makes a number of technical changes and corrections to the Maine Criminal Code.

1. The 121st Legislature amended the Maine Revised Statutes, Title 17-A, section 959 regarding illegal gambling machines to give the State the authority to order forfeiture of "any associated proceeds" of an illegal gambling machine. However, parallel changes to the procedural provisions in Title 17-A, section 959, subsections 3, 4, 5 and 6 were not made. Public Law 2005, chapter 207 corrects the omission.
2. Public Law 2005, chapter 207 replaces an outdated reference to former Title 17-A, section 1205, subsection 8 with a reference to current section 1205-C, subsections 5 and 6. Former Title 17-A, section 1205, subsection 8 was repealed by Public Law 1999, chapter 246.
3. Public Law 2005, chapter 207 corrects an oversight by adding "reckless conduct; assault" under the Maine Revised Statutes, Title 19-A, section 4011, subsection 4 to the provisions regarding the violation of a protective order under Title 17-A, section 506-B, which pertains to a person who is subject to a protective order issued under Title 19-A and violates that order. The Class C violation under Title 19-A, section 4011, subsection 4 was enacted in Public Law 2001, chapter 420, and the crime was never added to Title 17-A, section 506-B, which lists each type of protective order.
4. Public Law 2005, chapter 207 also clarifies the application of the increased good time authorized pursuant to Public Law 2003, chapter 711 by indicating that the new increases in good time apply only to crimes other than sex offenses and domestic violence offenses. For these crimes, as well as for murder, the prior good time provisions apply.

LD 984

An Act To Amend the Crime of Escape

PUBLIC 63

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 984 proposed to clarify that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. The bill proposed that a courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The bill proposed to remove the reference to "or any other facility enumerated in subsection 3", because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. The bill also proposed to specify that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

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Enacted law summary

Public Law 2005, chapter 63 clarifies that the Maine Revised Statutes, Title 17-A, section 755, subsection 1-D addresses 2 post-arrest escapes: an unauthorized departure from custody following an arrest prior to being transported from the scene and an unauthorized departure following an arrest while being transported to an initial place of detention or a courthouse. A courthouse is expressly included to cover an escape from a court-ordered arrest in which the court has ordered the person to be brought directly before the court following the arrest. The reference to "or any other facility enumerated in subsection 3" is removed, because subsection 3 includes facilities not relevant to the post-arrest escapes addressed in subsection 1-D. Public Law 2005, chapter 63 also specifies that the culpable state of mind element, "intentionally," must accompany the prohibited conduct, which is consistent with all the other forms of escape described in Title 17-A, section 755.

**LD 1018 An Act To Require a Criminal Background Check for the Initial CARRIED OVER
Licensure of Emergency Medical Services Personnel**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYKES	OTP-AM MAJ OTP-AM MIN	H-472

LD 1018 proposed to specify that a criminal background check is required only for an applicant for initial licensure as an emergency medical services person. For purposes of EMS licensing now, pursuant to board policy a person must renew a background check every 3 years. The board is authorized by law to establish EMS licensing requirements.

Committee Amendment "A" (H-472) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and to conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. In order to ensure that all licensed emergency medical services providers are subject to a criminal history record check, the amendment also proposed to specify that those persons who already have a license to provide emergency medical services but never had a criminal history record check must submit to a check at the time they apply for license renewal. Applicants who were subject to a criminal history record check at initial licensure would not be subject to a check at renewal.

Committee Amendment "B" (H-473) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to clarify what is intended by a criminal history record check and to conform the language and the process to other statutes regarding the use of criminal history record information for employment or licensing purposes. This amendment was not adopted.

LD 1018 was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

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LD 1027

An Act To Ensure the Safety of Victims of Domestic Violence

**PUBLIC 388
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS SULLIVAN	OTP-AM MAJ ONTP MIN	H-531

LD 1027 proposed to require that a defendant charged with a crime in which domestic violence is suspected must be held for at least 4 hours before being released on bail.

Committee Amendment "A" (H-531) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. This amendment proposed to replace the bill, change the title, add an emergency and create the definition of "confidential communications" in the Maine Revised Statutes, Title 16, section 53-B, which deals with privileged communications to a victim advocate. The purpose of the new definition is to clarify that a victim, advocate or advocate's agency may not be required to disclose or report personal identifying information of a victim of domestic violence to any agency, including the central reporting system of the Federal Government known as the Homeless Management Information System. The amendment also proposed to add an emergency preamble and clause and amend the title to reflect the purpose of the amendment.

Enacted law summary

Public Law 2005, chapter 388 creates the definition of "confidential communications" in the Maine Revised Statutes, Title 16, section 53-B, which deals with privileged communications to a victim advocate. The purpose of the new definition is to clarify that a victim, advocate or advocate's agency may not be required to disclose or report personal identifying information of a victim of domestic violence to any agency, including the central reporting system of the Federal Government known as the Homeless Management Information System.

Public Law 2005, chapter 388 was enacted as an emergency measure effective June 14, 2005.

LD 1114

An Act To Strengthen the OUI Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS J DAVIS P	ONTP	

LD 1114 proposed to amend the OUI laws by:

1. Establishing a mandatory sentence of 20 days in jail for 2 OUI offenses committed within a 5-year period;
2. Establishing a mandatory minimum sentence of 6 months in jail for 3 or more OUI offenses committed within a 5-year period and possible revocation of the defendant's driver's license;
3. Providing that a refusal to submit to a test at the request of a law enforcement officer is a Class E crime;
4. Providing that 3 OUI offenses within a 10-year period will result in forfeiture of the defendant's car;

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5. Holding a person convicted of OUI financially responsible for the cost of emergency services that responded as a result of an accident that occurred during the occurrence of the OUI offense;
6. Requiring a person convicted of OUI to pay a \$50 fine to the Medical Care for Drunk Driving Victims Fund; and
7. Establishing the Medical Care for Drunk Driving Victims Fund to provide emergency medical care for victims of drunk driving.

LD 1121 An Act To Establish Owner Liability for Failure To Stop for a ONTP
Police Officer

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

LD 1121 proposed to establish owner liability for: refusing to stop a vehicle for a law enforcement officer, eluding an officer, passing a roadblock, aggravated eluding or aggravated passing a roadblock. The bill also proposed to create defenses to a violation.

LD 1140 Resolve, Directing the State Police and the County Sheriff's CARRIED OVER
Departments To Enter into a Call-sharing Agreement

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

LD 1140 proposed to direct the Department of Public Safety, Bureau of State Police and the county sheriff's departments to enter into a call-sharing agreement. Specifically, the resolve proposed to direct the State Police and the sheriffs to coordinate forces to have each unit cover ½ of each county at time. Once the time was over, the units would then switch halves.

LD 1140 was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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LD 1141

An Act To Create the Crime of Vehicular Manslaughter for Persons Who, while Committing a Traffic Infraction, Cause the Death of Another Person

ONTP

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

LD 1141 proposed to create the crime of vehicular manslaughter, which is defined as causing the death of another person while operating a motor vehicle and committing a traffic infraction. Vehicular manslaughter would have been a strict liability Class D crime.

LD 1152

An Act To Protect Incompetent Dependents

PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE	OTP-AM	H-324

LD 1152 proposed to increase the class of crime for endangering the welfare of an incompetent dependent person to a Class C crime if the endangerment results in serious bodily injury and to a Class B crime if the endangerment results in death.

Committee Amendment "A" (H-324) proposed to replace the bill and to repeal and replace the Class D crime of endangering the welfare of a dependent person with 2 crimes based on the defendant's culpable state of mind. The amendment proposed that a person who intentionally or knowingly endangers the welfare of a dependent person commits a Class C crime, and a person who recklessly endangers the welfare of a dependent person commits a Class D crime.

Enacted law summary

Public Law 2005, chapter 431 repeals and replaces the Class D crime of endangering the welfare of a dependent person with 2 crimes based on the defendant's culpable state of mind. A person who intentionally or knowingly endangers the welfare of a dependent person commits a Class C crime, and a person who recklessly endangers the welfare of a dependent person commits a Class D crime.

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LD 1164

An Act Regarding the Bureau of State Police, Licensing Division

ONTP

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

LD 1164 proposed to adjust fees collected for issuance and renewal of licenses and permits for games of chance and beano, contract security guard companies, private investigators and firearms. Specifically, the bill proposed to do the following:

1. Increase the fee from \$25 to \$50 for an application for possession of a firearm by a prohibited person under 15 MRSA §393;
2. Increase the fee from \$12 to \$14.25 for each calendar week or from \$36 to \$42.50 for each calendar month or from \$400 to \$472 for each calendar year the license to operate beano or bingo games by volunteer fire departments, agricultural fairs or nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organizations under 17 MRSA §314;
3. Increase from \$7.50 to \$15 the original application fee for a license to operate a game of chance under 17 MRSA §339, sub-§1;
4. Increase from \$15 to \$17.50 for each week or \$60 to \$70 for each calendar month or from \$700 to \$820 for each calendar year the license to operate a game of chance under 17 MRSA §339, sub-§2;
5. Increase from \$15 to \$30 for each week and from \$60 to \$120 for a calendar month the fee for a game of chance license to operate an electronic video machine under 17 MRSA §339, sub-§2-A;
6. Increase from \$7.50 to \$15 the fee for a calendar year for a license issued to operate a game of cards under 17 MRSA §339, sub-§3;
7. Increase from \$625 to \$750 for each calendar year the fee for a license to a distributor under 17 MRSA §339, sub-§4;
8. Increase from \$15 to \$500 for each calendar year the fee for a license to a printer under 17 MRSA §339, sub-§5;
9. Increase from \$35 to \$60 the resident fee for an initial license to carry a concealed weapon and from \$20 to \$60 the fee for a license renewal to carry a concealed weapon under 25 MRSA §2003, sub-§1, ¶E, sub-¶4. It also proposed to increase from \$60 to \$120 the nonresident fee for an initial license or license renewal to carry a concealed weapon under the same provision;
10. Increase from \$400 to \$600 the initial biennial license and license renewal for a private investigator under 32 MRSA §8117; and
11. Increase from \$400 to \$750 the initial license for a contract security company under 32 MRSA §9407. It also proposed to increase from \$200 to \$500 the annual license renewal for a contract security company under 32

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MRSA §9408. The bill also proposed that an applicant for an initial license or a license renewal must also pay at that time an additional \$10 fee for each employee, and a licensees must later notify the commissioner of new employees and must submit \$10 for each employee under 32 MRSA §9410-A.

The Department of Public Safety, Bureau of State Police, Licensing Division issues these licenses and permits. The proposed increase in fees would fund 2 additional State Police Detectives and one Clerk Typist III position in the Licensing Division. These positions were eliminated by Public Law 2003, chapter 451. (LD 1614, An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2003, June 30, 2004 and June 30, 2005.)

Committee Amendment "A" (H-387) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to add an appropriations and allocations section to the bill. This amendment was not adopted.

LD 1166 An Act To Impose More Stringent Penalties for Driving after Drinking ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY SNOWE-MELLO	ONTP	

LD 1166 proposed to amend the OUI laws by:

1. Creating the offense of operating while impaired: operating a motor vehicle with a blood-alcohol level of 0.04% to 0.0799%;
2. Creating the offense of operating while inebriated: operating a motor vehicle with a blood-alcohol level of 0.20% or higher;
3. Setting penalties for the offenses of operating while impaired and operating while inebriated and increasing the fine and length of incarceration for OUI; and
4. Authorizing the use of electronic field sobriety tests and allows these tests to be admissible in court.

LD 1172 An Act To Expunge Criminal Records upon Pardon ONTP

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

LD 1172 proposed to require the Department of Public Safety, State Bureau of Identification and all other state agencies to expunge all records of a crime of a person who has received a full and free pardon by the Governor.

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This bill also proposed to require the State Bureau of Identification to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.

LD 1195 **An Act To Protect Women and Children from Sexual Predators** **ONTP**
by Requiring the State Bureau of Identification to Distribute
Registrant Information to Town Clerks

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

LD 1195 proposed to change the names of the crimes of gross sexual assault and sexual abuse of a minor to rape and child molestation. The bill also proposed to require the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The bill also proposed to require a law enforcement agency to notify the bureau by electronic mail if the law enforcement agency has a registrant in its custody.

LD 1237 **An Act To Amend the Sentencing Laws** **ONTP**

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

LD 1237 proposed to allow a court to grant a period of probation as part of an alternative sentence in certain Class D or Class E crimes if the court is satisfied that the period of probation is necessary to deter future criminal conduct or for the safety of the victim of the crime. The bill also proposed to require that a conversion to administrative release or a termination and discharge may not be ordered unless notice of the motion is given to the person's probation officer and the prosecuting attorney. The bill also proposed to make changes to the procedures for issuing a warrant or summons in a commencement of administrative release revocation proceeding.

LD 1249 **An Act To Amend the Crimes of Unlawful Sexual Contact and** **PUBLIC 450**
Unlawful Sexual Touching

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-325

LD 1249 proposed to expand the crimes of unlawful sexual contact and unlawful sexual touching by prohibiting a psychiatrist, psychologist or licensed social worker or a purported psychiatrist, psychologist or licensed social worker from engaging in sexual contact or sexual touching with a patient or client undergoing mental health

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therapy by the treating psychiatrist, psychologist or licensed social worker. This proposed change is consistent with the crime of gross sexual assault in 17-A MRSA, section 253, subsection 2, paragraph I.

Committee Amendment "A" (H-325) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 450 expands the crimes of unlawful sexual contact and unlawful sexual touching by prohibiting a psychiatrist, psychologist or licensed social worker or a purported psychiatrist, psychologist or licensed social worker from engaging in sexual contact or sexual touching with a patient or client undergoing mental health therapy by the treating psychiatrist, psychologist or licensed social worker. This change makes the crimes of unlawful sexual contact and unlawful sexual touching consistent with the crime of gross sexual assault in 17-A MRSA, section 253, subsection 2, paragraph I.

LD 1254 **An Act Concerning Concealed Firearms Permits** **ONTP**

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

LD 1254 proposed to repeal and replace the concealed firearms permit reciprocity law with a provision that would allow:

1. A person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearms permits issued by Maine; or
2. A person to carry a concealed firearm in Maine if that person's state does not require any permit to carry a concealed firearm.

LD 1271 **An Act Regarding Criminal Use of an Electronic Weapon** **PUBLIC 264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE DIAMOND	OTP-AM	H-449

LD 1271 proposed to create the Class D crime of possession of an electronic weapon. The bill proposed that a person is guilty of possession of an electronic weapon if the person possesses an electronic weapon. The bill also proposed that that persons excepted from the new crime of possession include law enforcement officers and corrections officers while carrying out their duties and if their appointing authority has authorized use of the weapon and suppliers of electronic weapons.

Committee Amendment "A" (H-449) proposed to replace the bill and to criminalize the intentional, knowing or reckless use of an electronic weapon by a person against another human being with 2 exceptions. First, the amendment proposed that the crime not apply to the use of an electronic weapon by a law enforcement officer,

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corrections officer or corrections supervisor while engaged in the performance of public duty if an appointing authority has authorized such use of an electronic weapon under the circumstance. Second, the amendment proposed that the crime not apply to the use of electronic weapons by persons when legally entitled to employ deadly force to protect themselves or 3rd persons pursuant to the Maine Revised Statutes, Title 17-A, section 108, subsection 2 or to defend their dwelling places pursuant to Title 17-A, section 104, subsections 3 and 4. The amendment proposed that criminal use of an electronic weapon is a Class D crime and that "electronic weapon" be defined similarly to the term in the bill except that the weapon be "designed to have a disabling effect upon human beings" rather than "to cause bodily injury or serious bodily injury to a person" as originally proposed.

Enacted law summary

Public Law 2005, chapter 264 criminalizes the intentional, knowing or reckless use of an electronic weapon by a person against another human being with 2 exceptions. First, the crime does not apply to the use of an electronic weapon by a law enforcement officer, corrections officer or corrections supervisor while engaged in the performance of public duty if an appointing authority has authorized such use of an electronic weapon under the circumstance. Second, the crime does not apply to the use of electronic weapons by persons when legally entitled to employ deadly force to protect themselves or 3rd persons pursuant to the Maine Revised Statutes, Title 17-A, section 108, subsection 2 or to defend their dwelling places pursuant to Title 17-A, section 104, subsections 3 and 4. Criminal use of an electronic weapon is a Class D crime. "Electronic weapon" is defined as a weapon "designed to have a disabling effect upon human beings." The definition is intended to include, but not be limited to, stun gun weapons, such as Tasers.

LD 1308 Resolve, To Standardize Procedures for Photographic Lineups ONTP

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

LD 1308 proposed to require the Board of Trustees of the Maine Criminal Justice Academy to study the photographic lineup identification procedures used by law enforcement agencies and develop recommended uniform procedures to be used by all law enforcement agencies in the State to conduct photographic lineups. The bill proposed that the Board of Trustees report its findings and necessary implementing legislation to the Legislature by January 15, 2006.

**LD 1321 An Act To Establish a Process for the Civil Commitment of ONTP
 Certain Sexual Offenders**

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

LD 1321 proposed to provide a procedure for the commitment of a person determined to be a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. LD 1321 proposed to provide protections to a person subject to commitment and to provide care and treatment. The bill proposed

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that a commitment is subject to annual review and that notice of release or discharge is required for victims, witnesses and other persons identified by the prosecuting attorney. This bill proposed to designate the Commissioner of Corrections and the Commissioner of Health and Human Services as responsible for providing secure facilities for sexually violent predators. This bill also proposed to coordinate release from a secure facility for sexually violent predators with supervised release for sex offenders under the Maine Revised Statutes, Title 17-A, chapter 50.

LD 1323 **An Act To Create the Crime of Producing Graffiti** **ONTP**

<u>Sponsor(s)</u> BOWLES COURTNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1323 proposed to do the following:

1. Establish the Class D crime of producing graffiti. A person would be guilty of producing graffiti if that person intentionally, knowingly or recklessly causes an inscription, word, figure or design to be marked, etched, scratched, drawn, painted or affixed in any way to the property of another. In addition to any other penalty authorized by law, the bill proposed that a person convicted of producing graffiti is required to either pay restitution to remove the graffiti or repair or replace the property defaced by the graffiti or to clean up the graffiti;
2. For a juvenile adjudicated of committing graffiti, require the court to suspend the juvenile's driver's license for 6 months and require the parent, guardian or legal custodian of the juvenile to pay the restitution if the juvenile fails to do so;
3. Establish the Class E crime of possession of an aerosol paint can with intent to produce graffiti, which would apply to persons who are in possession of 3 or more aerosol paint cans while on public property or the private property of another person without that person's permission; and
4. Establish the Class E crime of illegal sale of aerosol paint cans to a minor. A person would be guilty of this crime if the person sold or furnished an aerosol paint can to a person who has not yet attained 18 years of age, except this crime does not apply to a parent, guardian, teacher or law enforcement officer.

LD 1356 **An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release** **PUBLIC 288**

<u>Sponsor(s)</u> SYKES	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-536 BLANCHETTE
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LD 1356 proposed to require a defendant to pay an administrative supervision fee of not less than \$10 and not more than \$50 per month, as determined by the court, to the appropriate county in cases in which the court grants administrative release or deferred disposition.

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House Amendment "A" (H-536) proposed to make permissive, rather than mandatory, the imposition by the court of an administrative supervision fee of not more than \$50 per month.

Enacted law summary

Public Law 2005, chapter 288 authorizes the court to impose on a defendant an order to pay an administrative supervision fee of not less than \$10 and not more than \$50 per month, as determined by the court, to the appropriate county in cases in which the court grants administrative release or deferred disposition.

LD 1360

**An Act To Improve the Management and Safety of State
Correctional Facilities**

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE	OTP-AM MAJ	H-597
CLUKEY	OTP-AM MIN	

LD 1360 proposed several changes to improve staff and prisoner safety at correctional facilities. Specifically the bill proposed to do the following:

1. Move from Title 28-A to Title 17-A the Class E crime of trafficking of alcoholic beverages in adult correctional facilities and to authorize consecutive sentences for this crime and the crimes of assault and trafficking of tobacco in an adult correctional facility. Currently, the crimes of assault on an officer, escape and trafficking in prison contraband only are authorized to be consecutive;
2. Create the new Class E crime of failure of institutional staff to report to an appropriate criminal justice agency that a person detained in that institution is the victim of gross sexual assault or unlawful sexual contact;
3. Amend the DNA collection statute to expand who is authorized to collect DNA samples to include any Department of Corrections or county jail staff. In addition to duly licensed physicians, physician assistants, registered nurses, licensed practical nurses and persons certified by the Department of Health and Human Services or persons whose occupational license or training allows the drawing of blood, current law allows corrections officers, a probation officers and juvenile community corrections officers to collect a biological sample that is not a blood sample;
4. Repeal language that states that documents in possession of Department of Corrections that are used to screen and assess clients that are now described as "not public records" pursuant to the freedom of access law and propose new language that states that these records "must be kept confidential, except as provided by law;
5. Authorize adult correctional facilities to impose fines as punishment for disciplinary offenses;
6. Repeal the requirement that the Commissioner of Department of Corrections first determine that the average statewide caseload of probation officers is 90 to 1 before increasing the eligibility of prisoners for supervised community confinement to those with 2 years remaining on the incarceration part of their sentence. The bill

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proposed to allow transfer to the community confinement program when a prisoner has 2 years remaining on the incarceration portion of the sentence, instead of one year, regardless of the current probation caseload;

7. Repeal a provision referring to special nursing rules regarding the administration of medication in Department of Corrections facilities, since there are no such rules;
8. Require the Commissioner of Department of Corrections, instead of each facility's chief administrative officer, to adopt rules for prisoners' accounts;
9. Create a supervision fee payment provision for probationers and parolees transferred to Maine from other states that is analogous to the supervision fee payment provision for probationers placed under the supervision of the department by Maine courts; and
10. Amend current law to change archaic and inappropriate references.

Committee Amendment "A" (H-597) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to do the following:

1. Require institutional staff to report to an appropriate law enforcement agency sexual assault that is committed against a person detained in that institution that occurred while the person was in the institution, whether the assault is committed by another staff person or by another client or patient. The bill proposed to criminalize failure to report only assaults committed by other staff;
2. Specify that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately;
3. Specify that only staff members of a county jail or Department of Corrections facility who are designated by the sheriff or jail administrator of that county jail or by the Commissioner of Corrections and are trained to collect biological samples may do so for purposes of DNA collection;
4. Strike that part of the bill that proposed to replace language that states that certain documents in possession of the department that are used to screen and assess clients are "not public records" pursuant to the freedom of access laws with language stating that those are records that "must be kept confidential," with statutory exceptions. This change is not necessary, as the department can now deny access to records that are not public records;
5. Specify that the department may impose "monetary sanctions" instead of "fines" as a form of punishment in correctional facilities;
6. Strike that part of the bill that proposed to repeal the requirement that the commissioner first determine that the average statewide caseload of probation officers is 90 to one before increasing the eligibility of prisoners for supervised community confinement to those with 2 years remaining on the incarceration portion of their sentence.

Committee Amendment "B" (H-598) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to make the same changes as the majority report except that it did not propose to strike those sections of the bill that would have repealed the requirement that the Commissioner of Corrections determine that the average statewide caseload of probation officers is 90 to one before increasing the

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eligibility of prisoners for supervised community confinement to those with 2 years remaining on the incarceration portion of their sentence. The amendment proposed to retain this language, which allows transfer to the community confinement program when a prisoner has 2 years remaining on the incarceration portion of the sentence, instead of one year, regardless of the current probation caseload. This amendment was not adopted.

Enacted law summary

Public Law 2005, chapter 329 proposes several changes to improve staff and prisoner safety at correctional facilities.

1. It moves from Title 28-A to Title 17-A the Class E crime of trafficking of alcoholic beverages in adult correctional facilities.
2. It specifies that an inmate who commits any crime while sentenced may have that sentence interrupted and serve the sentence for the new crime immediately. Currently, that authority exists only for inmates who commit crimes against corrections staff or institutional property.
3. It creates the new Class E crime of failure of institutional staff to report to an appropriate criminal justice agency that a person detained in that institution is the victim of a sexual assault. Institutional staff must report to an appropriate law enforcement agency any sexual assault that is committed against a person detained in that institution that occurred while the person was in the institution, whether the assault is committed by another staff person or by another client or patient.
4. It amends the DNA collection statute to expand who is authorized to collect DNA samples by specifying that staff members of a county jail or Department of Corrections facility who are designated by the sheriff or jail administrator of that county jail or by the Commissioner of Corrections and are trained to collect biological samples may do so for purposes of DNA collection.
5. It authorizes adult correctional facilities to impose monetary sanctions as punishment for disciplinary offenses.
6. It repeals a provision referring to special nursing rules regarding the administration of medication in Department of Corrections facilities. Apparently, there are no such rules.
7. It requires the Commissioner of the Department of Corrections, instead of each facility's chief administrative officer, to adopt rules for prisoners' accounts.
8. It creates a supervision fee payment provision for probationers and parolees transferred to Maine from other states that is analogous to the supervision fee payment provision for probationers placed under the supervision of the department by Maine courts.
9. It also amends current law to change archaic and inappropriate references.

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LD 1362

An Act Regarding the Maine Criminal Justice Academy

PUBLIC 331

<u>Sponsor(s)</u> BLANCHETTE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-576
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LD 1362 proposed to amend the laws related to criminal justice training in the following ways:

1. Specify that the Maine Criminal Justice Academy is a criminal justice training facility, not just a law enforcement training facility;
2. Clarify the general definitions of a corrections officer and law enforcement officer and add new definitions for part-time law enforcement officer and part-time corrections officer;
3. Require the reporting year for law enforcement and corrections officers to be the calendar year, making reporting to the Maine Criminal Justice Academy consistent for criminal justice agencies;
4. Define "transport officers," exempt them from the current basic training requirements and the mandatory policies for law enforcement agencies and require the Board of Trustees of the Maine Criminal Justice Academy to set training standards for them;
5. Add the Chief of the State Police as an ex officio member to the board of trustees and removes a commissioned officer of the State Police;
6. Expand the board of trustees' ability to set standards for and certify not only police chiefs, but all criminal justice executives;
7. Correct an error enacted by the Second Special Session of the 121st Legislature regarding the implementation of a law enforcement policy and correct a conflict;
8. Make it a civil violation for a state or local government entity to violate or fail to comply with any of the requirements of the Maine Revised Statutes, Title 25, chapter 341. Current law only penalizes violation of policy provisions;
9. Clarify the time period to be used to determine when a full-time law enforcement officer is required to attend basic training at the academy and extend the waiver period for extenuating circumstances;
10. Require the employing agency to notify the academy within 30 days of hiring or firing a law enforcement or corrections officer;
11. Define reimbursable training as full-time law enforcement officer basic training, require the board of trustees to set standardized reimbursable training costs annually and clarify reimbursement language; and
12. Make minor technical changes and repeal outdated language.

Committee Amendment "A" (H-576) proposed to affect the laws regarding policies, training and reporting at the Maine Criminal Justice Academy as follows:

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1. Strike from section 2 of the bill the words "care or treatment" to clarify that this section deals only with custody of persons confined in a penal institution and not to teachers, social workers, counselors or medical providers;
2. Clarify the definition of "law enforcement officer;"
3. Specify that transport officers are exempt from basic law enforcement training standards, mandated policies and mandatory annual reporting but are subject to any statutory training requirements specific to that position;
4. Extend from June 1, 2005 to June 1, 2006 the date by which law enforcement agencies must adopt policies regarding community sex offender notification and extend from January 1, 2006 to January 1, 2007 the date by which all law enforcement officers must be trained regarding the community sex offender notification policy. It proposed to amend the basic law enforcement training course provision by requiring full-time law enforcement officers to successfully complete the basic training course in the first 12 months of initial employment. If that officer fails to satisfy the admission standards of the basic training course, the officer must meet all entrance standards and be approved by the Board of Trustees of the Maine Criminal Justice Academy before that officer is employed by any agency. The amendment also proposed to increase the extension of the 12-month period from 90 days to 180 days for cases involving extenuating circumstances and to require officers to do their training at the Maine Criminal Justice Academy; and
5. Clarify that the Maine Administrative Procedure Act must be used for all decertification procedures when an officer engages in prohibited conduct.

Enacted law summary

Public Law 2005, chapter 331 affects issues related to criminal justice training in the following ways.

1. It clarifies the general definitions of a corrections officer and law enforcement officer and adds new definitions for part-time law enforcement officer and part-time corrections officer. It requires the reporting year for law enforcement and corrections officers to be the calendar year, making reporting to the Maine Criminal Justice Academy consistent for criminal justice agencies.
2. It defines "transport officers," exempts them from the current basic training requirements and the mandatory policies for law enforcement agencies and mandatory annual reporting and specifies that they are subject to any statutory training requirements specific to that position.
3. It makes it a civil violation for a state or local government entity to violate or fail to comply with any of the requirements of the Maine Revised Statutes, Title 25, chapter 341.
4. It adds the Chief of the State Police as an ex officio member to the board of trustees and removes a commissioned officer of the State Police.
5. It expands the board of trustees' ability to set standards for and certify not only police chiefs, but all criminal justice executives.
6. It corrects an error enacted by the Second Special Session of the 121st Legislature regarding the implementation of a law enforcement policy and corrects a conflict.

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7. It amends the basic law enforcement training course provision by requiring full-time law enforcement officers to successfully complete the basic training course in the first 12 months of initial employment. If that officer fails to satisfy the admission standards of the basic training course, the officer must meet all entrance standards and be approved by the Board of Trustees of the Maine Criminal Justice Academy before that officer is employed by any agency. Public Law 2005, chapter 331 also increases the extension of the 12-month period from 90 days to 180 days for cases involving extenuating circumstances and requires officers to do their training at the Maine Criminal Justice Academy.
8. It requires the employing agency to notify the academy within 30 days of hiring or firing a law enforcement or corrections officer.
9. It requires the board of trustees to set standardized reimbursable training costs annually.
10. It extends from June 1, 2005 to June 1, 2006 the date by which law enforcement agencies must adopt policies regarding community sex offender notification and extends from January 1, 2006 to January 1, 2007 the date by which all law enforcement officers must be trained regarding the community sex offender notification policy.
11. It clarifies that the Maine Administrative Procedure Act must be used for all decertification procedures when an officer engages in prohibited conduct.
12. It makes minor technical changes and eliminates outdated language.

LD 1376

Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING BLANCHETTE	OTP-AM	S-288

LD 1376 proposed to provide that a disposition under the Maine Juvenile Code must be reviewed not less than once in every 6 months until the juvenile is discharged. Current law requires a review not less than once in every 12 months. The bill also proposed to provide that whenever a juvenile is committed to the custody of the Department of Corrections, the court shall assign a guardian ad litem to represent the juvenile, and the court shall set a date for review of that commitment. The bill proposed that at the initial review the court shall review a report submitted by the guardian ad litem and copied to the district attorney and attorney general, who may file a written response. The bill further proposed that the guardian ad litem must attend the initial review and the attorney general may attend. The bill proposed that if a complete review is determined to be necessary, one is held and witnesses may be called. The bill also proposed that if the court determines that necessary services are not being provided by Department of Corrections, the court may direct Department of Corrections to provide those services within a specified time and may schedule a further review. At that review, the court could amend the disposition.

The bill also proposed that guardians ad litem must be provided full access to juvenile records throughout the process and must be invited to classification conferences and any review meetings.

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The bill proposed that at least 28 days before any review, the facility in which a juvenile is being held must provide the court and guardian ad litem with information including copies of assessments, case plans, psychological and psychiatric evaluations, treatment plans and any other assessments and minutes from meetings regarding the juvenile.

Committee Amendment "A" (S-288) proposed to replace the bill with a resolve that directs the Commissioner of Corrections to create a pilot project to determine the need for judicial review of the services provided to at-risk juveniles committed to a Department of Corrections juvenile facility. The amendment proposed that the commissioner determine criteria for participation of the juveniles in the pilot project, which could include up to 15 juveniles at each facility. The amendment proposed that the pilot project must include guardians ad litem at the Long Creek Youth Development Center recommended by a selection committee, appointed by the juvenile court and trained by the department. The amendment also proposed that the pilot project must include an advocate to work with selected juveniles at the Mountain View Youth Development Center. The amendment proposed to require that the advocate and guardians ad litem meet and work regularly with the juveniles, the parents, guardians or legal custodians and review the juveniles' assessments and treatment plans. Within 12 months the advocate and guardians ad litem would have to prepare written reports regarding the services being provided to the juveniles. The amendment proposed that these reports must be provided to the juvenile court, the superintendents of the facilities and the parents, guardians or legal custodians of the juveniles.

The amendment proposed that there be judicial review of the reports and potential recommendations for amended services for juveniles, which the department may implement as it determines appropriate. The amendment proposed to require an evaluation of the pilot project with a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2008. The pilot project would then terminate on April 1, 2008 unless further legislative action was taken.

Enacted law summary

Resolve 2005, chapter 101 directs the Commissioner of Corrections to create a pilot project to determine the need for judicial review of the services provided to at-risk juveniles committed to a Department of Corrections juvenile facility. The commissioner shall determine criteria for participation in the pilot of up to 15 juveniles at each facility. The pilot project must include guardians ad litem at the Long Creek Youth Development Center recommended by a selection committee, appointed by the juvenile court and trained by the department. The pilot project must also include an advocate to work with selected juveniles at the Mountain View Youth Development Center. The advocate and guardians ad litem shall meet and work regularly with the juveniles, the parents, guardians or legal custodians and shall review the juveniles' assessments and treatment plans. Within 12 months the advocate and guardians ad litem shall prepare written reports regarding the services being provided to the juveniles. These reports must be provided to the juvenile court, the superintendents of the facilities and the parents, guardians or legal custodians of the juveniles. The resolve provides for judicial review of the reports and potential recommendations for amended services for juveniles, which the department may implement as it determines appropriate. The resolve also requires an evaluation of the pilot project with a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2008. The pilot project terminates on April 1, 2008 unless further legislative action is taken.

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LD 1391 **Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections** **RESOLVE 40
EMERGENCY**

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

LD 1391 proposed to provide for legislative review of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections.

Enacted law summary

Resolve 2005, chapter 40 authorizes final adoption of Chapter 15: Batterer Intervention Program Certification, a major substantive rule of the Department of Corrections.

Resolve 2005, chapter 40 was passed as an emergency measure effective May 20, 2005.

LD 1433 **An Act To Amend the Sex Offender Registration and Notification Act of 1999** **PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE DIAMOND	OTP-AM	H-607 S-387 GAGNON

LD 1433 proposed to amend the Sex Offender Registration and Notification Act of 1999. Specifically, the bill proposed to do the following:

1. Clarify that the Act applies to persons sentenced at any time in jurisdictions other than Maine if those persons were required to register or would have been required to register in those other jurisdictions if they had remained there;
2. Clarify that "prior conviction" means a conviction that occurred at any time. It specifies that convictions that result from or are connected with the same act or result from offenses committed at the same time are considered one conviction unless the offenses were committed against more than one victim. More than one prior conviction may have occurred on the same day;
3. Repeal language made unnecessary by Public Law 2003, chapter 711, which redefined "sex offense" and defined the terms "another state" and "jurisdiction;"
4. Give the Department of Public Safety, State Bureau of Identification authority to adopt routine technical rules necessary to implement registration and notification practices;
5. Add the duty of a registrant to give notification of the registrant's residence in Maine;

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6. Specify that only the State Bureau of Identification may maintain a sex offender registry on the Internet for purposes of public access. Law enforcement agencies may maintain their own sex offender registries for internal use only and may provide a link to the bureau's Internet sex offender registry;
7. Clarify the duration of registration for persons who come to Maine and were required to register pursuant to another jurisdiction's sex offender registration statute or who would have been required to register in that other jurisdiction if the person were domiciled there;
8. Allow a 10-year registrant to apply to the State Bureau of Identification for credit for time registered in another jurisdiction. The bureau may grant credit upon a registrant's providing documentation in accordance with rules adopted by the bureau; and
9. Clarify that a domicile verification form mailed by the State Bureau of Identification to the last known address provided by a registrant during the period that the registrant is required to register is deemed received 3 days after mailing unless returned to the bureau by postal authorities.

Committee Amendment "A" (H-607) proposed to make the following changes to the Sex Offender Registration and Notification Act of 1999:

1. Amend the application section to honor other jurisdictions' determinations with respect to the obligation of offenders to register;
2. Make registration requirements retroactive to persons sentenced for sex offenses or sexually violent offenses on or after January 1, 1982 and adds language necessary to implement this change;
3. Add references to the sentencing alternative of administrative release, which was authorized by Public Law 2003, chapter 711;
4. Clarify the definition of "prior conviction" and references to jurisdiction;
5. Remove language regarding the purpose of a risk assessment instrument to clarify that other agencies besides the Department of Corrections use the tool;
6. Clarify that a registrant's home address must be the physical location of domicile or residence;
7. Clarify the registration process for persons convicted and sentenced in the State and those convicted and sentenced in another jurisdiction, including registration requirements for persons required to register in the State who are domiciled or residing outside the State;
8. Amend the violation and penalty section to specify that failure to comply with a duty imposed under the Sex Offender Registration and Notification Act of 1999 or rule adopted pursuant to it is a Class D crime for a 1st offense, a Class C crime for a 2nd offense and a Class B crime for a 3rd or subsequent offense; and
9. Add a provision that authorizes the Joint Standing Committee on Criminal Justice and Public Safety to meet as needed, but at least 3 times, during the 2005 legislative interim to review current laws governing the sentencing, registration, release and supervision of sex offenders and report out legislation to the Second Regular Session of the 122nd Legislature.

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Senate Amendment "A" to Committee Amendment "A" (S-387) proposed to correct an error in Committee Amendment "A" to LD 1433, An Act to Amend the Sex Offender Registration and Notification Act of 1999, and clarify what prior conviction means for purposes of determining who is a lifetime registrant under the Sex Offender Registration and Notification Act of 1999. This correction is necessary for the State Bureau of Identification and other criminal justice officials to accurately identify lifetime registrants. This amendment also proposed to specify that the Joint Standing Committee on Criminal Justice may meet once during the interim, instead of at least 3 times, to review the criminal sentencing laws for sex offenses and the public safety issues related to registration and notification.

Enacted law summary

Public Law 2005, chapter 423 makes the following changes to the Sex Offender Registration and Notification Act of 1999.

1. It amends the application section to honor other jurisdictions' determinations with respect to the obligation of offenders to register. Specifically, it clarifies that the Act applies to persons sentenced at any time in jurisdictions other than Maine if those persons were required to register or would have been required to register in those other jurisdictions if they had remained there.
2. It makes registration requirements retroactive to persons sentenced for sex offenses or sexually violent offenses on or after January 1, 1982 and adds language necessary to implement this change.
3. It adds references to the sentencing alternative of administrative release, which was authorized by Public Law 2003, chapter 711.
4. It clarifies the definition of "prior conviction" and references to jurisdiction.
5. It removes language regarding the purpose of a risk assessment instrument to clarify that other agencies besides the Department of Corrections use the tool.
6. It clarifies that a registrant's home address must be the physical location of domicile or residence.
7. It clarifies the registration process for persons convicted and sentenced in the State and those convicted and sentenced in another jurisdiction, including registration requirements for persons required to register in the State who are domiciled or residing outside the State.
8. It amends the violation and penalty section to specify that failure to comply with a duty imposed under the Sex Offender Registration and Notification Act of 1999 or rule adopted pursuant to it is a Class D crime for a 1st offense, a Class C crime for a 2nd offense and a Class B crime for a 3rd or subsequent offense.
9. It adds a provision that authorizes the Joint Standing Committee on Criminal Justice and Public Safety to meet during the 2005 legislative interim to review current laws governing the sentencing, registration, release and supervision of sex offenders and report out legislation to the Second Regular Session of the 122nd Legislature.
10. It repeals language made unnecessary by Public Law 2003, chapter 711, which redefined "sex offense" and defined the terms "another state" and "jurisdiction."

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11. It gives the Department of Public Safety, State Bureau of Identification authority to adopt routine technical rules necessary to implement registration and notification practices.
12. It adds the duty of a registrant to give notification of the registrant's residence in Maine.
13. It specifies that only the State Bureau of Identification may maintain a sex offender registry on the Internet for purposes of public access. Law enforcement agencies may maintain their own sex offender registries for internal use only and may provide a link to the State bureau's Internet sex offender registry.
14. It clarifies the duration of registration for persons who come to Maine and were required to register pursuant to another jurisdiction's sex offender registration statute or who would have been required to register in that other jurisdiction if the person were domiciled there.
15. It allows a 10-year registrant to apply to the State Bureau of Identification for credit for time registered in another jurisdiction. The bureau may grant credit upon a registrant's providing documentation in accordance with rules adopted by the bureau.
16. It clarifies that a domicile verification form mailed by the State Bureau of Identification to the last known address provided by a registrant during the period that the registrant is required to register is deemed received 3 days after mailing unless returned to the bureau by postal authorities.

LD 1439 An Act To Increase the Penalties for Cemetery Damage ONTP

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1439 proposed to require that, in addition to any other authorized sentencing alternatives, a court shall impose mandatory restitution for adult or juvenile offenders who are convicted or adjudicated of causing damage to a cemetery.

LD 1447 An Act To Increase Civil and Criminal Penalties for Animal Cruelty ONTP

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1447 proposed to increase the civil fines for cruelty to animals from \$500 to \$2,500 for a first offense to \$1,000 to \$5,000 and from \$1,000 to \$5,000 for a 2nd offense to \$2,000 to \$5,000. This bill proposed to establish fines for a 3rd or subsequent offense at \$5,000 to \$10,000. This bill proposed to increase the criminal fines for cruelty to animals from \$250 for any offense to \$1,000 to \$5,000 for a first offense, \$2,000 to \$5,000 for a 2nd offense and \$5,000 to \$10,000 for a 3rd or subsequent offense. The bill proposed that none of these fines may be suspended. This bill also proposed to require veterinarians to report cases in which they have a reasonable suspicion that animal cruelty has been committed.

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LD 1504

An Act To Amend the Statutes Relating to Juveniles

PUBLIC 328

<u>Sponsor(s)</u> DIAMOND SYKES	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-289
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LD 1504 proposed to make the following changes to the laws regarding juveniles:

1. Amend the laws relating to juveniles who commit adult crimes under Titles 12 and 29-A that are not defined as juvenile crimes in Title 15. The bill proposed that no version of imprisonment is allowed for these violations unless, after the juvenile turns 18, the person violates probation, fails to pay a fine or fails to comply with any other court order that results from the conviction. For these violations, the person could have received a sentence of imprisonment, a split sentence or a suspended sentence. The bill also proposed to eliminate juvenile detention for these crimes since imprisonment is not allowed as a sentence for a juvenile;
2. Add a new condition prohibiting a court from ordering attendant care for a juvenile without the consent of the county sheriff or the Department of Corrections, who fund this type of care;
3. Specify the procedures a law enforcement officer must follow when there is probable cause to believe that a juvenile has committed a juvenile crime that is the equivalent of a "civil violation." The bill proposed that the juvenile must give the law enforcement officer evidence of name, age, address and date of birth just as adults are required to do, and the law enforcement officer cannot arrest the juvenile for the violation but can arrest the juvenile if the juvenile fails to provide the requested information;
4. Specify the procedures that must be followed when a juvenile is arrested on a warrant, including notification to the juvenile community corrections officer and the following of provisions for secure detention or release consistent with the purposes of detention in the Juvenile Code;
5. Add a provision to eliminate duplicative probable cause determinations. If the juvenile court or another justice of the peace has established probable cause, no additional probable cause determination needs to be made related to detention for that offense. The current requirement is that probable cause be determined within 48 hours of detention, including weekends and holidays;
6. Relax the current requirement that a juvenile cannot be held in excess of 24 hours, excluding weekends and holidays, in approved jail or other secure detention facilities used for adults. The bill proposed to extend the time period from 24 hours to 48 hours, which is consistent with revised federal regulations;
7. Specify that the determination of credit already served by a juvenile is determined by Department of Corrections;
8. Add a provision similar to the adult provision for suspension of an operator's license for using a motor vehicle for drug trafficking, by specifying that a driver's license may not be suspended for more than one year following an adjudication for drug trafficking in which a motor vehicle was used;
9. Repeal a reference to a juvenile proceeding in current law for sexual abuse of a minor, which makes no sense since the crime can only be committed by persons at least 18 years of age;

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10. Repeal a reference to an outdated Executive Order relating to the membership of the Juvenile Justice Advisory Group;
11. Make the provisions regarding juveniles held in observation status the same at Mountain View Youth Development Center as at Long Creek Youth Development Center, which includes constant staff observation if necessary to prevent imminent harm;
12. Ensure appropriate mental health services be provided to juveniles who are detained and committed by expanding the possible range of mental health placements to less restrictive alternatives beyond psychiatric hospitalization. The bill proposed to allow placement of a juvenile, with the juvenile's consent, in a licensed residential care facility providing a mental health treatment program as an alternative to psychiatric hospitalization; and
13. Specify that the Commissioner of Department of Corrections may issue arrest warrants for juveniles who violate provisions of community reintegration or aftercare status.

Committee Amendment "A" (S-289) proposed to replace provisions in the bill that specified that, for certain offenses under the Maine Revised Statutes, Titles 12 and 29-A, no version of imprisonment would be allowed for juveniles unless, after the juvenile becomes an adult, the person fails to comply with a court order that results from the conviction. Instead, the amendment proposed to allow juveniles who commit crimes under Title 12 and Title 29-A that are not defined as juvenile crimes to be sentenced to a period of detention not to exceed 30 days if the court determines that such detention is appropriate based on certain criteria, including the nature of the crime and the person's history. The amendment also proposed to make technical changes to ensure that the statutory purposes of the Long Creek Youth Development Center and the Mountain View Youth Development Center are consistent.

Enacted law summary

Public Law 2005, chapter 328 makes the following changes to laws regarding juveniles.

1. It allows that juveniles who commit crimes under Title 12 and Title 29-A that are not defined as juvenile crimes be sentenced to a period of detention not to exceed 30 days if the court determines that such detention is appropriate based on certain criteria, including the nature of the crime and the person's history.
2. It prohibits a court from ordering attendant care for a juvenile without the consent of the county sheriff or the Department of Corrections, who fund this type of care.
3. It specifies the procedures that a law enforcement officer must follow when there is probable cause to believe that a juvenile has committed a juvenile crime that is the equivalent of a "civil violation." The section specifies that the juvenile must give the law enforcement officer evidence of name, age, address and date of birth, as adults are required to do, and the law enforcement officer cannot arrest the juvenile for the violation but can arrest the juvenile if the juvenile fails to provide the requested information.
4. It specifies the procedures that must be followed when a juvenile is arrested on a warrant, including notification to the juvenile community corrections officer, and the provisions for secure detention or release consistent with the purposes of detention in the Juvenile Code.

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5. It adds a provision to eliminate duplicative probable cause determinations. If the juvenile court or another justice of the peace has established probable cause, no additional probable cause determination needs to be made related to detention for that offense.
6. It relaxes the current requirement that a juvenile cannot be held in excess of 24 hours, excluding weekends and holidays, in approved jail or other secure detention facilities used for adults. Public Law 2005, chapter 328 extends the time period from 24 hours to 48 hours, which is consistent with revised federal regulations.
7. It prohibits the detention of any juvenile arrested for non-juvenile offenses.
8. It specifies that the determination of credit already served by a juvenile is determined by the Department of Corrections.
9. It adds a provision similar to the adult provision for suspension of an operator's license for using a motor vehicle for drug trafficking, by specifying that a driver's license may not be suspended for more than one year following an adjudication for drug trafficking in which a motor vehicle was used.
10. It repeals a reference to a juvenile proceeding in current law under sexual abuse of a minor, which makes no sense since the crime can only be committed by persons at least 18 years of age.
11. It repeals a reference to an outdated Executive Order relating to the membership of the Juvenile Justice Advisory Group.
12. It ensures appropriate mental health services be provided to juveniles who are detained and committed by expanding the possible range of mental health placements to less restrictive alternatives beyond psychiatric hospitalization. Public Law 2005, chapter 328 allows placement of a juvenile, with the juvenile's consent, in a licensed residential care facility providing a mental health treatment program as an alternative to psychiatric hospitalization.
13. It makes the provisions regarding juveniles held in observation status the same at Mountain View Youth Development Center as at Long Creek Youth Development Center, which includes constant staff observation if necessary to prevent imminent harm.
14. It specifies that the Commissioner of the Department of Corrections may issue arrest warrants for juveniles who violate provisions of community reintegration or aftercare status.
15. It makes technical changes to ensure that the statutory purposes of the Long Creek Youth Development Center and the Mountain View Youth Development Center are consistent.
16. It repeals a reference to an outdated Executive Order relating to the membership of the Juvenile Justice Advisory Group.

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LD 1505

An Act To Amend the Sentencing Laws

PUBLIC 265
EMERGENCY

<u>Sponsor(s)</u> DIAMOND BLANCHETTE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1505 proposed to do the following:

1. Amend the provision regarding authorized sentences to allow the court to impose a fine along with any other sentencing alternative, except unconditional discharge, deferred disposition and a fine with administrative release;
2. Amend the provision regarding authorized sentences to allow the court to impose a sentencing alternative that includes a split sentence of imprisonment with administrative release as authorized in Title 17-A, chapter 54-G;
3. Amend Title 17-A, §1172, sub-§1 regarding victim notification by adding a reference to "deferred disposition" in and by enacting a new ¶F that imposes a new duty on the attorney for the State when practicable to make a good faith effort to inform a crime victim of the right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release;
4. Enact Title 17-A, §1174-A, which imposes a new duty on the attorney for the State after receiving notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release to disclose to the court any attempts made to notify the victim of the motion and any objection to the motion by the victim. It also proposed to provide the victim a right to be heard on the motion in the event that a hearing is held by the court and the victim is physically present in the courtroom;
5. Amend Title 17-A, §1201, subsection 1, paragraph A-1 by enacting a new subparagraph (1) authorizing probation following conviction for certain Class D and Class E crimes relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode, and as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not never been placed on probation pursuant to this subparagraph. The availability of probation provides the impetus for the attorney for the State to forego the felony in favor of a misdemeanor disposition;
6. Enact a new provision authorizing probation following conviction for a Class D crime of stalking. Currently, probation is authorized for Class D stalking only if committed against a family or household member. It also proposed to enact a new provisions authorizing probation following conviction for a Class D crime in Title 17-A, chapter 45 relating to schedule W drugs and following a conviction for a Class D or E crime under the repeat OUI offender laws;

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7. Amend probation laws by imposing on a person on probation the duty to bring a motion if at any time during the period of probation the probationer cannot meet a requirement imposed by the court or a community reparations board;
8. Amend probation conversion laws in 3 ways. First, the bill proposed to replace the word "application" with the word "motion," which more accurately describes the process for modification. Second, the bill proposed to authorize the court to convert a period of probation imposed for the Class C crime of operating after habitual offender revocation to a period of administrative release. Third, the bill proposed that a motion to convert probation to administrative release sought by the probationer, the probation officer or the court on its own motion is contingent upon notice of the motion being provided to the attorney for the State as well as the probation officer;
9. Amend probation termination laws in 2 ways. The bill proposed to replace the word "application" with the word "motion." The bill also proposed that a motion for termination of probation and discharge sought by the probationer, the probation officer or the court on its own motion is contingent upon notice of the motion being provided to the attorney for the State as well as the probation officer;
10. Enact a provision that imposes on the person granted a deferred disposition the duty to bring a motion at any time during the period of deferment if the person cannot meet a deferment requirement imposed by the court;
11. Clarify which party has the burden of proof and what that burden is by expressly providing that at the hearing on final disposition at the conclusion of the period of deferment the person granted a deferred disposition must demonstrate compliance with the court-imposed deferment requirements by a preponderance of the evidence. Second, it proposed to change current law by providing that in the event the person granted a deferred disposition meets the person's burden of proof, the sentence to be imposed by the court is any sentence alternative authorized for the crime that was either agreed to in writing at the time the sentencing was originally deferred or as amended by agreement of the parties in writing subsequently but prior to the actual sentence being imposed, instead of immediate disposition of unconditional discharge;
12. Clarify which party has the burden of proof by expressly providing that at the hearing on the State's motion to terminate the remainder of the period of deferment and impose sentence the State must demonstrate that the person granted a deferred disposition has inexcusably failed to comply with a court-imposed deferment requirement;
13. Simplify the summons process and the arrest warrant process for persons on deferred disposition;
14. Make a person who has been convicted of operating after habitual offender revocation eligible for a sentence alternative that includes a period of administrative release;
15. Enact a provision that imposes on the person placed on administrative release the duty to bring a motion if at any time during the period of administrative release the person cannot meet a requirement of administrative release imposed by the court;
16. Amend Title 17-A, section 1349-B, subsection 1 in 2 regards. First, the bill proposed to include a reference to the Class C crime of operating after habitual offender revocation, pursuant to Title 29-A, section 2557, as a crime for which, following conviction, the person is eligible for a sentence alternative that includes a period of administrative release. Second, the bill proposed create the new sentencing alternative of a split sentence

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of imprisonment with administrative release. Currently, only a wholly suspended term of imprisonment could be accompanied by a period of administrative release;

17. Simplify the summons process and the arrest warrant process for persons on administrative release;
18. Empower the Commissioner of Corrections to provide for necessary assessment and supervision procedures and direct the use of adult probation resources and staff to the management of adult probationers with a high risk of offending; and
19. Amend the law relative to supervision of persons by probation and parole or intensive supervision program officers by providing that the purpose of supervision of each person placed under the officer's supervision is to ensure that departmental resources are directed to the management of persons with a high risk of reoffending.

Enacted law summary

Public Law 2005, chapter 265 codifies the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451 and Public Law 2003, chapter 707.

Public Law 2005, chapter 265 does the following.

1. It amends the provision regarding authorized sentences to specify that a fine may be imposed along with any other sentencing alternative, except unconditional discharge, deferred disposition and a fine with administrative release. It also creates a new authorized sentence by allowing the court to impose a sentencing alternative that includes a split sentence of imprisonment with administrative release as authorized in Title 17-A chapter 54-G.
2. It amends Title 17-A, §1172, sub-§1 regarding victim notification by adding a reference to "deferred disposition" and by enacting a new provision that imposes a new duty on the attorney for the State when practicable to make a good faith effort to inform a crime victim of the right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release.
3. It enacts Title 17-A, §1174-A, which imposes a new duty on the attorney for the State after receiving notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release to disclose to the court any attempts made to notify the victim of the motion and any objection to the motion by the victim. It also provides the victim a right to be heard on the motion in the event that a hearing is held by the court and the victim is physically present in the courtroom.
4. It amends Title 17-A, §1201, sub-§1, ¶A-1 by enacting a new sub-¶(1) authorizing probation following conviction for certain Class D and Class E crimes relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode, and as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and

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has not never been placed on probation pursuant to this sub-¶. The availability of probation provides the impetus for the attorney for the State to forego the felony in favor of a misdemeanor disposition.

5. It also enacts a new sub-¶(4) to ¶A-1 authorizing probation following conviction for a Class D crime of stalking. Currently, probation is authorized for Class D stalking only if committed against a family or household member. It enacts a new sub-¶(6) to ¶A-1 authorizing probation following conviction for a Class D crime in Title 17-A, chapter 45 relating to a schedule W drug. Finally, it enacts a new sub-¶(7) to ¶A-1 authorizing probation following a conviction for a Class D or E crime under Title 29-A, §2411, sub-§1-A, ¶B (repeat OUI offender).
6. It amends Title 17-A, §1202, sub-§2 by imposing on a person on probation the duty to bring a motion pursuant to the subsection if the probationer, at any time during the period of probation, cannot meet a requirement imposed by the court or a community reparations board.
7. It amends Title 17-A, §1202, sub-§2-A regarding probation conversion in 3 ways. First, the word "application" is replaced by the word "motion," which more accurately describes the process for modification. Second, a court is authorized to convert a period of probation imposed for the Class C crime of operating after habitual offender revocation, pursuant to Title 29-A, §2557, to a period of administrative release. Third, a conversion from probation to administrative release by a court sought by the probationer, the probation officer or the court on its own motion is made contingent upon notice of the motion being provided to the attorney for the State as well as the probation officer.
8. It amends Title 17-A, §1202, sub-§3 regarding probation termination in 2 ways. Again the word "application" is replaced by the word "motion." Second, a termination of probation and discharge by a court sought by the probationer, the probation officer or the court on its own motion is made contingent upon notice of the motion being provided to the attorney for the State as well as the probation officer.
9. It enacts Title 17-A, §1348-A, sub-§3, which imposes on the person granted a deferred disposition the duty to bring a motion pursuant to §1348-A, sub-§2 if, at any time during the period of deferment, the person cannot meet a deferment requirement imposed by the court.
10. It amends Title 17-A, §1348-B, sub-§ 1 in 2 ways. First, it clarifies which party has the burden of proof and what that burden is by expressly providing that at the hearing on final disposition at the conclusion of the period of deferment the person granted a deferred disposition must demonstrate compliance with the court-imposed deferment requirements by a preponderance of the evidence. Second, it changes current law by providing that in the event the person granted a deferred disposition meets the person's burden of proof, the sentence to be imposed by the court is any sentence alternative authorized for the crime that was either agreed to in writing at the time the sentencing was originally deferred or as amended by agreement of the parties in writing subsequently but prior to the actual sentence being imposed instead of immediate disposition of unconditional discharge.
11. It amends Title 17-A, section 1348-B, subsection 2 to clarify which party has the burden of proof by expressly providing that at the hearing on the State's motion to terminate the remainder of the period of deferment and impose sentence the State must demonstrate that the person granted a deferred disposition has inexcusably failed to comply with a court-imposed deferment requirement.
12. It amends Title 17-A, §1348-B, sub-§5, repeals §1348-B, sub-§6 and enacts §1348-B, sub-§7, simplifying the summons process and the arrest warrant process for persons on deferred disposition. To obtain the presence

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of the person granted a deferred disposition at the hearing on final disposition at the conclusion of the period of deferment, the summons process is contemplated. If the person fails to appear after having been served with a summons, the court may then issue a warrant of arrest of the person. To obtain the presence of the person granted a deferred disposition at the hearing on the State's motion to terminate the remainder of the period of deferment and impose sentence, both the arrest warrant process and the summons process are available to the State in order to obtain the appearance of the person.

13. It enacts Title 17-A, §1349-A, sub-§2-A, which imposes on the person placed on administrative release the duty to bring a motion under section 1349-A, subsection 2 if, at any time during the period of administrative release, the person cannot meet a requirement of administrative release imposed by the court.
14. It amends Title 17-A, section 1349-B, subsection 1 in 2 regards. First, it includes a reference to the Class C crime of operating after habitual offender revocation, pursuant to Title 29-A, section 2557, as a crime for which, following conviction, the person is eligible for a sentence alternative that includes a period of administrative release. Second, it creates the new sentencing alternative of a split sentence of imprisonment with administrative release.
15. It amends Title 17-A, §1349-D to simplify the summons process and the arrest warrant process for persons on administrative release. To obtain the presence of a person who was placed on administrative release at the hearing on the motion to revoke administrative release filed by the State, both the summons process and the arrest warrant process are available to the State.
16. It amends Title 19-A, §4002, sub-§4 to expressly make the definition of "family and household members" contained therein applicable to: Title 17-A, §1201, eligibility for probation; §1202, period of probation; and §1253, calculation of period of imprisonment.
17. It enacts Title 34-A, §5402, sub-§3, ¶F, which empowers the Commissioner of Corrections to provide for necessary assessment and supervision procedures and direct the use of adult probation resources and staff to the management of adult probationers with a high risk of offending.
18. It amends Title 34-A, §5404, sub-§3, ¶A relative to supervision of persons by probation and parole or intensive supervision program officers by providing that the purpose of supervision of each person placed under the officer's supervision is to ensure that departmental resources are directed to the management of persons with a high risk of reoffending.

Public Law 2005, chapter 265 was enacted as an emergency measure effective May 31, 2005.

LD 1508

An Act To Regulate Fire Alarm Contractors

CARRIED OVER

Sponsor(s)
NASS R

Committee Report

Amendments Adopted

LD 1508 proposed to require that fire alarm system contractors in the State be licensed by the Commissioner of Public Safety.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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LD 1516

**An Act To Eliminate the 3-step Sentencing Procedure Relating to
the Imposition of Sentencing Alternatives That Include
Imprisonment**

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 1516 proposed to remove from the Maine Revised Statutes, Title 17-A the statutory requirement that courts engage in a specific 3-step process for determining sentences of imprisonment with respect to murder and Class A, B and C crimes. The 3-step process was enacted by the Legislature in 1995 and is based, almost verbatim, upon the so-called Hewey analysis first set forth by the Maine Law Court in the 1993 case of *State v. Hewey*, 622 A.2d 1151 (Me. 1993).

Specifically, the bill proposed to repeal and replace Title 17-A, section 1252-C, which required trial courts to follow the 3-step Hewey analysis when imposing sentences of imprisonment for murder and Class A, B and C offenses. The new section proposed to provide that when imposing such sentences, trial courts must adhere to the procedure set forth in the Maine Rules of Criminal Procedure, Rule 32(a)(3), which requires that reasons for a sentence be set forth on the record, and to the case law developed by the Law Court in the exercise of its appellate review of sentence function.

The bill also proposed to repeal Title 17-A, section 253, subsection 6, which set forth specific lengths of incarceration to be assigned in the 2nd step of the Hewey sentencing process for gross sexual assault offenders who had prior convictions for gross sexual assault and required that such incarceration not be suspended in the 3rd step of the process. In practice, sentences for gross sexual assault offenders who have prior convictions for gross sexual assault are so long that the minimum lengths of incarceration under Title 17-A, section 253, subsection 6 rarely came into play. Moreover, recently enacted Title 17-A, section 1252, subsections 4-B and 4-C call for enhanced penalties for gross sexual assault offenders who have prior Class B or Class C convictions for gross sexual assault or for unlawful sexual contact.

In addition, the bill proposed to remove a requirement in Title 17-A, section 1251 that in murders involving children under the age of 6, the age of the victim be given special weight in the first step of the Hewey sentencing process and replaces that requirement with an instruction to trial courts to give special weight to the victim's age in exercising their sentencing discretion. This new language would be similar to language that already appears elsewhere in the Maine Criminal Code with regard to other aggravating factors.

Finally, the bill proposed to amend, in similar fashion, Title 17-A, section 1252, subsection 5-B, giving special consideration in the 3-step process to the age of the victim with respect to sentences for attempted murder, manslaughter, elevated aggravated assault and aggravated assault committed against a child under 6 years of age.

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LD 1517

An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-448

LD 1517 proposed to replace disparate references to the affirmative defense of insanity in the Maine Revised Statutes, Title 15, section 103 and in Title 17-A, sections 39 and 40 with the more accurate and understandable phrase "not criminally responsible by reason of insanity," which is consistent with the Maine Rules of Criminal Procedure, Rules 11(a)(1) and 11A(h) relative to the plea of insanity. The bill also proposed to define "not criminally responsible by reason of insanity," which clarifies that Title 15, section 103 has application to any insanity plea, finding or verdict stemming from former Title 15, section 102; current Title 17-A, section 39 or any earlier version of that section; former Title 17-A, section 58; or former §17-B, chapter 149 of the Revised Statutes of 1954.

The bill also proposed to amend Title 15, section 104-A by striking the words "acquitted by reason of insanity" and replacing them with a reference to Title 15, §103, which directs a defendant's being committed following the acceptance of a negotiated insanity plea or following a verdict or finding of insanity.

Finally, the bill proposed to identify insanity as an affirmative defense and makes technical language changes to conform to legislative drafting guidelines.

Committee Amendment "A" (H-448) proposed to add the conjunction "or" to clarify the meaning of section 1 of the bill.

Enacted law summary

Public Law 2005, chapter 263 replaces disparate references to the affirmative defense of insanity in the Maine Revised Statutes, Title 15, section 103 and in Title 17-A, sections 39 and 40 with the more accurate and understandable phrase "not criminally responsible by reason of insanity," which is consistent with the Maine Rules of Criminal Procedure, Rules 11(a)(1) and 11A(h) relative to the plea of insanity. Public Law 2005, chapter 263 also defines "not criminally responsible by reason of insanity," which clarifies that Title 15, section 103 has application to any insanity plea, finding or verdict stemming from former Title 15, section 102; current Title 17-A, section 39 or any earlier version of that section; former Title 17-A, section 58; or former section 17-B, chapter 149 of the Revised Statutes of 1954. Public Law 2005, chapter 263 amends Title 15, section 104-A by striking the words "acquitted by reason of insanity" and replacing them with a reference to Title 15, section 103, which directs a defendant's being committed following the acceptance of a negotiated insanity plea or following a verdict or finding of insanity. Public Law 2005, chapter 263 also identifies insanity as an affirmative defense and makes technical language changes to conform to legislative drafting guidelines.

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LD 1521 **An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents** **ONTP**

<u>Sponsor(s)</u> DUPLESSIE MILLS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1521 proposed to specify that the State Police is the lead agency for the investigation of fatal motor vehicle accidents when it appears that a surviving operator of one of the vehicles involved in the accident violated a law governing the operation of a motor vehicle. This bill proposed to provide status to the State Police similar to the status given other state agencies involving different crimes, such as giving the State Fire Marshal lead-agency status over suspicious fires and the Attorney General direction and control over suspected homicides.

LD 1550 **An Act To Establish the Arsonist Registration Act** **ONTP**

<u>Sponsor(s)</u> MAZUREK SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1550 proposed to create the Arsonist Registration Act, which would require a person convicted of an arson offense to register with the State Bureau of Identification and the law enforcement agency having jurisdiction over the arsonist's domicile, place of employment and school. The bill proposed that the information be available to law enforcement agencies and registries in other jurisdictions and be provided to the Department of Public Safety, Office of the State Fire Marshal, who could then post this information for public access on an Internet website or other medium. The bill proposed that an arsonist convicted of an arson offense must remain registered for 10 years after the duty to register is incurred.

LD 1579 **An Act To Extend the Ban on Assault Weapons** **ONTP**

<u>Sponsor(s)</u> STRIMLING BLANCHETTE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1579 proposed to create the Class D crime of knowingly manufacturing, transferring or possessing an assault weapon, a .50 caliber rifle or .50 caliber ammunition. The new crime proposed to define several terms, including "assault weapon" and ".50 caliber rifle" and directs the Attorney General and the Chief of the State Police to create a system for identifying, exempting and adding new models as necessary. The bill proposed that "assault weapon" and ".50 caliber rifle" not include antique firearms and that pistols that are sanctioned by the International Olympic Committee and by the national governing body for international shooting competition in the United States and that are used for Olympic target shooting purposes be exempt also.

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The bill proposed to amend current law regarding the confiscation, seizure and forfeiture of machine guns, so that the same procedures and due process apply to the confiscation, seizure and forfeiture of assault weapons and .50 caliber rifles and ammunition. The bill proposed that machine guns, assault weapons and .50 caliber rifles and ammunition manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, be exempt from these laws.

The bill also proposed that the crime of knowingly manufacturing, transferring or possessing an assault weapon or .50 caliber rifle or ammunition does not apply to any law enforcement officer of the State, any law enforcement officer of another state or a territory of the United States or a member of the Armed Forces, Maine National Guard or Maine State Guard who possesses an assault weapon or .50 caliber rifle or ammunition if the possession or carrying of the weapon or .50 caliber ammunition is in the discharge of that person's official duties and has been authorized by that person's appointing authority.

LD 1632 **An Act To Require the Secretary of State To Collect Information
on Operating-under-the-influence Convictions from Other
Jurisdictions before Issuing a Driver's License in Maine** **ONTP**

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

LD 1632 proposed to provide that an applicant for a driver's license or for the renewal of a driver's license shall disclose any OUI convictions from another jurisdiction that occurred in the 10 years prior to the application. The bill proposed that the Secretary of State may inquire of a licensee at any time regarding that licensee's OUI convictions from another jurisdiction that occurred in the 10 years prior to the inquiry.

LD 1645 **Resolve, To Establish the Task Force To Study Maine's Homeland
Security Needs** **RESOLVE 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	H-714 DUPLESSIE S-290

LD 1645 proposed to establish a study commission to analyze the State's homeland security needs, the State's current level of homeland security preparedness and the Federal Government's homeland security spending priorities as they relate to the State. The bill proposed that the commission be required to submit an interim report of its findings and recommendations to the Legislature by January 17, 2006 and a final report by December 15, 2006.

Committee Amendment "A" (S-290) proposed to strike the resolve and replace the blue ribbon commission with the Task Force to Study Maine's Homeland Security Needs. The amendment also proposed to change the membership and redefine the duties. The amendment proposed that the task force be composed of 11 members: 6 Legislators and 5 members of the public who are not directly involved in homeland security or emergency preparedness. The amendment proposed that the task force review needs and preparedness, using a report from

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the Governor's Homeland Security Task Force as a beginning point. The amendment proposed that the task force also look at ways to improve communications with the Legislature and the public and consider ways to help the congressional delegation explain Maine's needs on the federal level. The amendment also proposed that the task force hold at least 2 of its meetings outside Augusta to allow for public comment in different areas of the State and that the staffing and funding of the task force be provided by the Legislature.

House Amendment "A" to Committee Amendment "A" (H-714) proposed to direct the Maine Emergency Management Agency to staff and fund the task force, instead of the Legislature. The amendment also proposed to remove references to the congressional delegation.

Enacted law summary

Resolve 2005, chapter 126 creates the Task Force to Study Maine's Homeland Security Needs, which is composed of 11 members, including 6 Legislators and 5 members of the public who are not directly involved in homeland security or emergency preparedness. The task force is directed to review needs and preparedness, using a report from the Governor's Homeland Security Task Force as a beginning point. The task force also must look at ways to improve communications with the Legislature and the public regarding homeland security issues. The task force must hold at least 2 of its meetings outside Augusta to allow for public comment in different areas of the State. The task force is staffed and funded by the Maine Emergency Management Agency and is required to submit an interim report of its findings and recommendations to the Legislature by January 17, 2006 and a final report by December 15, 2006.

Resolve 2005, chapter 126 was passed as an emergency measure effective June 23, 2005.

LD 1659

An Act To Amend the Laws Governing Crimes against People Who Are Homeless

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-595
BRENNAN	OTP-AM MIN	H-640 DUDLEY S-354 BRENNAN

LD 1659 was an emergency bill that proposed to do the following:

1. Add "homelessness" to the factors that a court may take into consideration as factors leading to enhancement of sentences;
2. Require that the Board of Trustees of the Maine Criminal Justice Academy include in the basic and in-service law enforcement training programs training aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless; and
3. Direct the Commissioner of the Department of Public Safety and the Attorney General to review the relationship between law enforcement agencies and people who are homeless, explore methods of improving that relationship and consider ways to facilitate the designation by law enforcement agencies of at least one officer per agency to serve as a liaison between the law enforcement agency and the homeless community

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served by that agency. The bill also proposed to direct the commissioner and the AG to report back the results of their review, the status of the relationship between law enforcement agencies and people who are homeless and the effectiveness of the law enforcement agency liaison officers in improving that relationship to the Judiciary Committee.

Committee Amendment "A" (H-595) was the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and proposed to replace the bill. The amendment proposed to strike the provision in the bill that would have added "homelessness" to the factors that a court may take into consideration as factors leading to enhancement of sentences. The amendment proposed to make changes to the law enforcement training provisions in the bill by specifying that the Board of Trustees of the Maine Criminal Justice Academy shall add to the basic training program and shall include in its next available recertification training requirements a block of instruction aimed specifically at reducing barriers to reporting crimes committed against persons who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. The amendment also proposed to strike from the bill language that directed the Attorney General to facilitate the designation by each law enforcement agency of at least one officer to serve as a liaison between the agency and the homeless community served by the agency.

Committee Amendment "B" (H-596) was the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment proposed to strike sections 2 and 3 from the bill, which directed the Board of Trustees of the Maine Criminal Justice Academy to include in the basic and in-service law enforcement training programs training aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. The amendment also proposed to strike from the bill language that directed the Attorney General to facilitate the designation by each law enforcement agency of at least one officer to serve as a liaison between the agency and the homeless community served by the agency. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-640) proposed to require the Office of the Attorney General to convene a working group to examine the advisability of implementing aggravating sentencing factors for crimes against people who are homeless.

Senate Amendment "A" (S-354) proposed to remove the emergency preamble and emergency clause from the bill.

Enacted law summary

Public Law 2005, chapter 393 makes changes to law enforcement training provisions by specifying that the Board of Trustees of the Maine Criminal Justice Academy shall add to the basic training program and shall include in its next available recertification training requirements a block of instruction aimed specifically at reducing barriers to reporting crimes committed against persons who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless. Public Law 2005, chapter 393 directs the Commissioner of Public Safety and the Attorney General to review the relationship between law enforcement agencies and people who are homeless, explore methods of improving that relationship and consider ways to facilitate the designation by law enforcement agencies of at least one officer per agency to serve as a liaison between the law enforcement agency and the homeless community served by that agency. Public Law 2005, chapter 393 also requires the Office of the Attorney General to convene a working group to examine the advisability of implementing aggravating sentencing factors for crimes against people who are homeless.

Joint Standing Committee on Criminal Justice

SUBJECT INDEX

Corrections

Enacted

LD 348	An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness	PUBLIC 68	Page 204
LD 417	An Act To Improve the Role of Boards of Visitors for State Correctional Facilities	PUBLIC 216	Page 207
LD 862	An Act To Improve the Collection of Restitution and Supervision Fees	PUBLIC 389	Page 219
LD 1360	An Act To Improve the Management and Safety of State Correctional Facilities	PUBLIC 329	Page 238
LD 1376	Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities	RESOLVE 101	Page 243
LD 1391	Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections	RESOLVE 40 EMERGENCY	Page 245

Not Enacted

LD 17	An Act To Ensure Fair Reimbursement for the Medical Care Provided to State Inmates	CARRIED OVER	Page 193
LD 106	An Act To Provide Equity in the State Contribution to County Jail Expenses	ONTP	Page 197
LD 500	An Act To Decrease Correctional Costs and To Increase the Number of Probation Officers	ONTP	Page 209
LD 542	An Act To Encourage Greater Efficiencies in the Delivery of County Correctional Services	ONTP	Page 211

LD 638	An Act To Protect Public Safety and Help Offenders Return Safely to the Community	ONTP	Page 213
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County Jails & Sheriffs

Enacted

LD 348	An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness	PUBLIC 68	Page 204
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Not Enacted

LD 106	An Act To Provide Equity in the State Contribution to County Jail Expenses	ONTP	Page 197
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LD 542	An Act To Encourage Greater Efficiencies in the Delivery of County Correctional Services	ONTP	Page 211
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LD 927	An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion	ONTP	Page 223
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Criminal Law

Enacted

LD 53	An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs	PUBLIC 69	Page 194
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LD 83	An Act to Prohibit Payment Card Skimming	PUBLIC 72	Page 195
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LD 212	An Act To Amend the Laws Governing Patronizing Prostitution of a Minor	PUBLIC 444	Page 198
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LD 548	An Act To Enhance the Prosecution of Child Pornography Cases	PUBLIC 345	Page 211
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LD 812	An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime	PUBLIC 442	Page 217
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LD 834	An Act To Prevent Camcorder Piracy	PUBLIC 199	Page 217
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LD 903	An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors	PUBLIC 292	Page 221
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LD 983	An Act To Make Technical Changes to the Maine Criminal Code	PUBLIC 207	Page 226
LD 984	An Act To Amend the Crime of Escape	PUBLIC 63	Page 227
LD 1152	An Act To Protect Incompetent Dependents	PUBLIC 431	Page 756
LD 1249	An Act To Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching	PUBLIC 450	Page 234
LD 1271	An Act Regarding Criminal Use of an Electronic Weapon	PUBLIC 264	Page 235
LD 1505	An Act To Amend the Sentencing Laws	PUBLIC 265 EMERGENCY	Page 375
LD 1659	An Act To Amend the Laws Governing Crimes against People Who Are Homeless	PUBLIC 393	Page 261

Not Enacted

LD 194	An Act To Restrict Personal Benefit by Public Employees	ONTP	Page 197
LD 703	An Act To Clarify the Offense of Burglary of a Motor Vehicle	ONTP	Page 216
LD 847	An Act To Increase the Class of Crime for Home Trespass	ONTP	Page 218
LD 1323	An Act To Create the Crime of Producing Graffiti	ONTP	Page 237
LD 1439	An Act To Increase the Penalties for Cemetery Damage	ONTP	Page 248
LD 1447	An Act To Increase Civil and Criminal Penalties for Animal Cruelty	ONTP	Page 248
LD 1516	An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment	ONTP	Page 257

Criminal Procedure & Bail

Enacted

LD 357	An Act Regarding Bail Conditions	PUBLIC 449	Page 205
LD 548	An Act To Enhance the Prosecution of Child Pornography Cases	PUBLIC 345	Page 211
LD 983	An Act To Make Technical Changes to the Maine Criminal Code	PUBLIC 207	Page 226
LD 1356	An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release	PUBLIC 288	Page 237
LD 1517	An Act Amending the Laws Regarding Persons Not Criminally Responsible by Reason of Insanity	PUBLIC 263	Page 258

Not Enacted

LD 29	An Act To Provide Justice to Those Found Not Guilty Due to Mental Disease or Defect and Decrease Costs to the State	ONTP	Page 194
LD 251	An Act To Amend the Laws Governing Custodian Release Conditions	ONTP	Page 201
LD 928	Resolve, To Establish the Commission To Study the Commitment Process for Persons Adjudged Not Criminally Responsible	ONTP	Page 225
LD 1172	An Act To Expunge Criminal Records upon Pardon	ONTP	Page 233
LD 1308	Resolve, To Standardize Procedures for Photographic Lineups	ONTP	Page 236
LD 1516	An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment	ONTP	Page 257

Domestic Violence

Enacted

LD 1027	An Act To Ensure the Safety of Victims of Domestic Violence	PUBLIC 388 EMERGENCY	Page 229
LD 1391	Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections	RESOLVE 40 EMERGENCY	Page 245

Not Enacted

None

Drugs

Enacted

LD 670	An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers	PUBLIC 415	Page 215
LD 812	An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime	PUBLIC 442	Page 217

Not Enacted

None

Juveniles

Enacted

LD 242	An Act To Amend the Maine Juvenile Code	PUBLIC 87	Page 199
LD 1376	Resolve, Directing the Department of Corrections To Establish a Pilot Project at the Department's Juvenile Correctional Facilities	RESOLVE 101	Page 243
LD 1504	An Act To Amend the Statutes Relating to Juveniles	PUBLIC 328	Page 249

Not Enacted

LD 1323	An Act To Create the Crime of Producing Graffiti	ONTP	Page 237
LD 1439	An Act To Increase the Penalties for Cemetery Damage	ONTP	Page 248

Law Enforcement

Enacted

LD 53	An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs	PUBLIC 69	Page 194
LD 102	An Act To Allow the Part-time Assignment of State Police Officers to Municipalities	PUBLIC 53	Page 196
LD 351	An Act To Provide the Portland Harbor Commission with the Authority To Arrest	P & S 4	Page 205
LD 620	An Act To Clarify the Liquor Enforcement Laws	PUBLIC 139	Page 213
LD 1362	An Act Regarding the Maine Criminal Justice Academy	PUBLIC 331	Page 241
LD 1645	Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs	RESOLVE 126	Page 260
LD 1659	An Act To Amend the Laws Governing Crimes against People Who Are Homeless	PUBLIC 393	Page 261

Not Enacted

LD 502	An Act To Enable Police Departments To Solicit Donations for Colleagues Suffering from Catastrophic Illnesses	ONTP	Page 210
LD 534	An Act To Clarify the Authority of the Maine State Police	ONTP	Page 210
LD 714	Resolve, To Benefit Public Safety Using Retired Law Enforcement Officers	ONTP	Page 216
LD 1140	Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement	CARRIED OVER	Page 230

LD 1308	Resolve, To Standardize Procedures for Photographic Lineups	ONTP	Page 236
LD 1521	An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents	ONTP	Page 259

*Operating Under the Influence/Operating After Suspension/
Other Motor Vehicle Crimes*

Enacted

LD 232	An Act To Enhance Highway Safety	PUBLIC 441	Page 199
LD 462	An Act To Make the 3rd Violation of OUI a Class C Crime	PUBLIC 438	Page 209

Not Enacted

LD 280	An Act To Amend the Penalties Involving High-speed Vehicle Pursuits	ONTP	Page 201
LD 646	An Act To Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students	ONTP	Page 214
LD 1114	An Act To Strengthen the OUI Laws	ONTP	Page 229
LD 1121	An Act To Establish Owner Liability for Failure To Stop for a Police Officer	ONTP	Page 230
LD 1141	An Act To Create the Crime of Vehicular Manslaughter for Persons Who, while Committing a Traffic Infraction, Cause the Death of Another Person	ONTP	Page 231
LD 1166	An Act To Impose More Stringent Penalties for Driving after Drinking	ONTP	Page 233
LD 1632	An Act To Require the Secretary of State To Collect Information on Operating-under-the-influence Convictions from Other Jurisdictions before Issuing a Driver's License in Maine	ONTP	Page 260

Public Safety/Fire Safety/Emergency Medical Services

			<u>Enacted</u>
LD 102	An Act To Allow the Part-time Assignment of State Police Officers to Municipalities	PUBLIC 53	Page 196
LD 232	An Act To Enhance Highway Safety	PUBLIC 441	Page 199
LD 619	Resolve, Directing the Department of Health and Human Services, Bureau of Health To Review Youth Camp Counselor Hiring Practices	RESOLVE 99	Page 212
LD 620	An Act To Clarify the Liquor Enforcement Laws	PUBLIC 139	Page 213
LD 670	An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers	PUBLIC 415	Page 215
LD 1362	An Act Regarding the Maine Criminal Justice Academy	PUBLIC 331	Page 241
LD 1645	Resolve, To Establish the Task Force To Study Maine's Homeland Security Needs	RESOLVE 126	Page 260
LD 1659	An Act To Amend the Laws Governing Crimes against People Who Are Homeless	PUBLIC 393	Page 261
 <u>Not Enacted</u>			
LD 10	Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters	CARRIED OVER	Page 193
LD 104	An Act To Require Cigarettes Sold in Maine To Be Fire-safe	ONTP	Page 196
LD 534	An Act To Clarify the Authority of the Maine State Police	ONTP	Page 210
LD 760	An Act To Assist Municipalities in Recruiting Emergency Services Personnel	ONTP	Page 217
LD 1018	An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel	CARRIED OVER	Page 228

LD 1140	Resolve, Directing the State Police and the County Sheriff's Departments To Enter into a Call-sharing Agreement	CARRIED OVER	Page 230
LD 1164	An Act Regarding the Bureau of State Police, Licensing Division	ONTP	Page 232
LD 1508	An Act To Regulate Fire Alarm Contractors	CARRIED OVER	Page 256
LD 1521	An Act To Clarify Law Enforcement Procedures For Fatal Motor Vehicle Accidents	ONTP	Page 259
LD 1550	An Act To Establish the Arsonist Registration Act	ONTP	Page 259

Sentencing

Enacted

LD 970	An Act To Improve Sentencing for Serious Offenders	PUBLIC 447	Page 225
LD 1356	An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release	PUBLIC 288	Page 237
LD 1505	An Act To Amend the Sentencing Laws	PUBLIC 265 EMERGENCY	Page 252

Not Enacted

LD 326	An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses	ONTP	Page 203
LD 500	An Act To Decrease Correctional Costs and To Increase the Number of Probation Officers	ONTP	Page 209
LD 554	An Act To Strengthen Probation Requirements for Convicted Sex Offenders	ONTP	Page 212
LD 638	An Act To Protect Public Safety and Help Offenders Return Safely to the Community	ONTP	Page 213
LD 702	An Act To Increase Sentences of Imprisonment for Repeat Sex Offenders	ONTP	Page 215
LD 893	An Act To Change Mandatory Minimum Sentences in Certain Cases	ONTP	Page 221

LD 1237	An Act To Amend the Sentencing Laws	ONTP	Page 234
LD 1516	An Act To Eliminate the 3-step Sentencing Procedure Relating to the Imposition of Sentencing Alternatives That Include Imprisonment	ONTP	Page 257

Sex Offenses & Sex Offender Registration & Notification

Enacted

LD 1433	An Act To Amend the Sex Offender Registration and Notification Act of 1999	PUBLIC 423	Page 245
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Not Enacted

LD 282	An Act To Prohibit a Registered Sex Offender from Residing within 1,000 Feet of the Residence of Any Child, a School, Day Care Center or Playground	DIED BETWEEN HOUSES	Page 201
LD 285	An Act To Prohibit Convicted Sex Offenders from Establishing Residency in Certain Municipalities	ONTP	Page 202
LD 326	An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses	ONTP	Page 203
LD 390	An Act To Improve Maine's Sex Offender Notification Laws	INDEF PP	Page 206
LD 554	An Act To Strengthen Probation Requirements for Convicted Sex Offenders	ONTP	Page 212
LD 702	An Act To Increase Sentences of Imprisonment for Repeat Sex Offenders	ONTP	Page 215
LD 872	An Act To Extend Registration for Violent Sex Offenders	ONTP	Page 220
LD 919	An Act Amending Public Notification Laws for Sex Offenders Living Near Schools and Day-care Centers	ONTP	Page 223
LD 1195	An Act To Protect Women and Children from Sexual Predators by Requiring the State Bureau of Identification to Distribute Registrant Information to Town Clerks	ONTP	Page 234

LD 1321	An Act To Establish a Process for the Civil Commitment of Certain Sexual Offenders	ONTP	Page 236
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Victims Rights

Enacted

LD 218	An Act To Make Sexual Exploitation of Minors a Crime Compensable by the Victims' Compensation Board	PUBLIC 22	Page 198
LD 862	An Act To Improve the Collection of Restitution and Supervision Fees	PUBLIC 389	Page 219
LD 1027	An Act To Ensure the Safety of Victims of Domestic Violence	PUBLIC 388 EMERGENCY	Page 229
LD 1391	Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections	RESOLVE 40 EMERGENCY	Page 245

Not Enacted

None

Weapons/Firearms/Concealed Firearms Permits

Enacted

LD 1271	An Act Regarding Criminal Use of an Electronic Weapon	PUBLIC 264	Page 235
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Not Enacted

LD 310	An Act To Require a 10-day Waiting Period for the Purchase of Firearms by a Person under 22 Years of Age	ONTP	Page 202
LD 333	An Act Regarding the Sale of Firearms at Gun Shows	ONTP	Page 203
LD 344	An Act To Authorize the Regulation of Firearms on Public Property	ONTP	Page 204

LD 384	An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit	ONTP	Page 206
LD 530	An Act To Prevent Convicted Felons from Possessing Firearms	ONTP	Page 210
LD 714	Resolve, To Benefit Public Safety Using Retired Law Enforcement Officers	ONTP	Page 216
LD 719	An Act To Protect Victims of Domestic Violence and Sexual Assault	ONTP	Page 216
LD 874	An Act To Amend the Laws Governing Concealed Firearms Permits	DIED BETWEEN HOUSES	Page 220
LD 1254	An Act Concerning Concealed Firearms Permits	ONTP	Page 235
LD 1579	An Act To Extend the Ban on Assault Weapons	ONTP	Page 259

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

August 2005

Members:

Sen. Elizabeth H. Mitchell, Chair

Sen. Elizabeth M. Schneider

Sen. Karl W. Turner

Rep. Jacqueline R. Norton, Chair

Rep. Edward D. Finch

Rep. Elaine Makas

Rep. Emily Ann Cain

Rep. Connie Goldman

Rep. Barbara E. Merrill

Rep. Vaughn A. Stedman

Rep. Gerald M. Davis

Rep. Peter Edgecomb

Rep. Scott E. Lansley

Staff:

Phillip D. McCarthy, Legislative Analyst

Office of Policy and Legal Analysis

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Augusta, ME 04333

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**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	108	92.3%	6.4%
<i>Bills Carried Over</i>	8	6.8%	0.5%
Total Bills referred	116	99.1%	6.9%
B. Bills reported out by law or joint order	1	0.9%	0.1%
Total Bills considered by Committee	117	100.0%	6.9%
Orders and Resolutions referred to Committee			
<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</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	9.2%	0.7%
<i>Ought to Pass as Amended</i>	29	26.6%	1.9%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	56	51.4%	3.7%
Total unanimous reports	95	87.2%	6.3%
B. Divided committee reports			
<i>Two-way reports</i>	14	12.8%	0.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	0	0.0%	0.0%
Total divided reports	14	12.8%	0.9%
Total committee reports	109	93.2%	7.2%
III. CONFIRMATION HEARINGS	19	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	22	18.8%	1.3%
<i>Private and Special Laws</i>	3	2.6%	0.2%
<i>Resolves</i>	11	9.4%	0.7%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
Total Enacted or Finally Passed	36	30.8%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	80.0%	18.2%
Rules authorized with legislative changes	1	20.0%	4.5%
<i>Rules not authorized by the Legislature</i>	0	0.0%	0.0%
Total number of rules reviewed	5	100.0%	22.7%
C. Bills vetoed or held by Governor			
<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%
Total	0	0.0%	0.0%

Joint Standing Committee on Education and Cultural Affairs

LD 1

An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels.

PUBLIC 2

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-1
EDMONDS	OTP-AM	S-11

LD 1, a Governor's Bill, proposed to increase the state share of education costs, provide property tax reduction for Maine residents and reduce government spending at all levels. Specifically, the bill proposed the following.

Part A proposed to change the structure and operation of the State Budget Stabilization Fund and establish a General Fund growth limitation to control state spending and taxes.

Part B proposed to authorize the Intergovernmental Advisory Committee to identify best management practices that would facilitate property tax reduction through the increase in the state share of education costs.

Parts C, E and G proposed to establish caps on the growth of municipal, plantation and county spending, respectively. The caps could not be exceeded except in defined extraordinary circumstances or as overridden by a majority vote of the voters of the municipality or county.

Part D proposed to establish a cap on total education costs and to require the State to increase its share of school funding by paying 50% of the total cost of essential programs and services in fiscal year 2006-07 and 55% in fiscal year 2008-09. The funds made available for property tax reduction, as a result of the State's increasing its share of education funding, would be used to reduce property taxes. This property tax reduction could be overridden only by a majority vote of affected voters.

Part F proposed to provide funding for increasing property tax relief over the period of time during which the State is increasing funding of education spending up to at least 55%. Part F proposed to expand the nonelderly portion of the Maine Residents Property Tax Program by increasing household income limitations to \$50,000 for single-member households and \$75,000 for multimember households. This Part also proposed that the State Tax Assessor undertake a study of the Maine Residents Property Tax Program in order to examine how the maximum benefits under the program may be increased over time.

Part F also proposed to require the Maine State Housing Authority to create a property tax deferral program permitting Maine residents to defer the portion of property taxes on a principal residence that exceed 6% of income.

Part F also proposed to change the funding for the Business Equipment Tax Reimbursement, "BETR," program from a General Fund appropriation to an adjustment to individual income tax revenues.

Part H proposed to establish the goal of reducing the total state and local tax burden to the national average in 10 years. It also proposed to require the Governor, in consultation with the Legislative Council, to establish an independent commission to annually assess and report to the Governor and Legislature on progress toward the tax burden reduction goal.

Joint Standing Committee on Education and Cultural Affairs

Part H also proposed procedures for implementation of the Fund for the efficient Delivery of Educational Services and the Fund for the Efficient Delivery of Local and Regional Services.

Committee Amendment "A" (H-1) proposed to replace the bill and provide the following:

Part A proposed to establish a General Fund appropriation limitation that limits the growth of General Fund appropriations to the rate established by a formula that is based on real personal income growth and population growth. The limit is higher when the state and local tax burden for the State is reduced to the middle 1/3 of all states.

Part A also proposed to restructure the Maine Budget Stabilization Fund and change the primary use of the fund to budget stabilization during periods when General Fund revenues are insufficient to meet allowable General Fund appropriations. The Maine Budget Stabilization Fund would be capped at 12% of General Fund revenues. When all designated year-end transfers of excess General Fund revenues have reached their caps, excess revenues would be transferred to a new Tax Relief Fund for Maine Residents.

Part B proposed to establish limits on the growth of county tax assessments.

Part C proposed to establish limits on the growth of municipal property tax levies.

Part D proposed the following changes to implement an increase in the state share of the cost of education from kindergarten to grade 12:

1. Provide a 4-year ramp to achieve 55% state share of 100% of essential programs and services;
2. Modify special education distributions;
3. Provide funds in fiscal year 2005-06 for various transition adjustments;
4. Direct the Commissioner of Education to develop and report recommendations for a transition adjustment in fiscal year 2006-07 to the Joint Standing Committee on Education and Cultural Affairs;
5. Direct the Department of Education to phase-in the impact of cost-sharing changes;
6. Exempt SAD 6 and SAD 44 from the total cost of education mechanism enacted by Public Law 2003, chapter 712;
7. Provide a school administrative unit spending cap based on 100% of the essential programs and services total cost of education and provide for a local override process;
8. Address conflicting provisions regarding administration and oversight of the Fund for Efficient Delivery of Educational Services; and
9. Clarify criteria to be used in determining the adjustment for isolated small schools in fiscal year 2005-06.

Part E proposed to change the Maine Residents Property Tax Program, also known as the circuit breaker program, by eliminating income eligibility requirements, raising the maximum benefit from \$1,000 to \$2,000,

Joint Standing Committee on Education and Cultural Affairs

extending the application period through May 31st annually and establishing the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.

Part F proposed to increase the homestead property tax exemption to \$13,000 for all homesteads.

Part G proposed to set the ceiling on the Local Government Fund under state-municipal revenue sharing at \$100,000,000 in fiscal year 2005-06 and provide for future indexing of the ceiling according to the Consumer Price Index. This change would increase the portion of state-municipal revenue sharing funds transferred to the Disproportionate Tax Burden Fund, also referred to as Revenue Sharing 2, which would provide greater payments to municipalities with tax rates exceeding 10 mills.

Part H proposed to establish the goal of reducing the total state and local tax burden to the middle 1/3 of all states by 2015. It also proposed to require the State Planning Office to monitor and report on the progress of state and local government in meeting this goal and to collect and analyze data relating to state and local spending and revenues.

Part I contained appropriations and allocations to implement the bill.

Senate Amendment "J" to Committee Amendment "A" (S-11) proposed to strike the emergency preamble and emergency clause and make portions of the amendment apply retroactively.

Enacted law summary

Public Law 2005, chapter 2 provides the following tax and spending reform:

1. It establishes a General Fund appropriation limitation that limits the growth of General Fund appropriations to the rate established by a formula that is based on real personal income growth and population growth. The limit is higher when the state and local tax burden for the State is reduced to the middle 1/3 of all states. It restructures the Maine Budget Stabilization Fund and changes the primary use of the fund to budget stabilization during periods when General Fund revenues are insufficient to meet allowable General Fund appropriations. The Maine Budget Stabilization Fund is capped at 12% of General Fund revenues. When all designated year-end transfers of excess General Fund revenues have reached their caps, excess revenues are transferred to a new Tax Relief Fund for Maine Residents.
2. It establishes limits on the growth of county tax assessments.
3. It establishes limits on the growth of municipal property tax levies.
4. It makes changes to the education funding formulas to provide 4-year ramp to achieve 55% state share of 100% of essential programs and services; modifies special education distributions; provides various transition adjustments; directs the Commissioner of Education to develop and report recommendations for a transition adjustment and other issues in fiscal year 2006-07 to the Joint Standing Committee on Education and Cultural Affairs; directs the Department of Education to phase-in the impact of cost-sharing changes; provides a school administrative unit spending cap based on 100% of the essential programs and services total cost of education and provides for a local override process; and addresses conflicting provisions regarding administration and oversight of the Fund for Efficient Delivery of Educational Services;

Joint Standing Committee on Education and Cultural Affairs

5. It changes the Maine Residents Property Tax Program, also known as the circuit breaker program, by eliminating income eligibility requirements, raising the maximum benefit from \$1,000 to \$2,000, extending the application period through May 31st annually and establishing the maximum property taxes and rent constituting property taxes that may be considered in calculating the benefit.
6. It increases the homestead property tax exemption to \$13,000 for all homesteads and provides 50% state reimbursement to municipalities.
7. It sets the ceiling on the Local Government Fund under state-municipal revenue sharing at \$100,000,000 in fiscal year 2005-06 and provides for future indexing of the ceiling according to the Consumer Price Index. This change increases the portion of state-municipal revenue sharing funds transferred to the Disproportionate Tax Burden Fund, also referred to as Revenue Sharing 2, which provides greater payments to municipalities with tax rates exceeding 10 mills.

LD 8 **Resolve, Regarding Legislative Review of the Repeal of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education** **RESOLVE 3 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 8 proposed to provide for legislative review of the repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2005, chapter 3 provides for legislative review of the repeal of Chapter 130: Rules for Equivalent Instruction Programs, a major substantive rule of the Department of Education.

Resolve 2005, chapter 3 was enacted as an emergency measure effective March 18, 2005.

LD 11 **Resolve, Regarding Legislative Review of Chapter 40: Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education** **RESOLVE 11 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 11 proposed to provide for legislative review of Chapter 40: Medication Administration in Maine Schools, a major substantive rule of the Department of Education.

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Enacted law summary

Resolve 2005, chapter 11 provides for legislative review of Chapter 40: Medication Administration in Maine Schools, a major substantive rule of the Department of Education.

Resolve 2005, chapter 11 was enacted as an emergency measure effective May 5, 2005.

LD 57 **An Act To Provide Free Tuition to Students Achieving Learning Results Standards** **ONTP**

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

LD 57 proposed to provide full tuition for the first year at any state postsecondary educational institution for Maine residents who are Maine high school graduates and have achieved state learning results standards.

LD 84 **An Act Regarding Interscholastic Athletics** **CARRIED OVER**

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

LD 84, which was a concept draft pursuant to Joint Rule 208, proposed to implement the recommendations of the Interscholastic Athletics Task Force. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 96 **An Act To Increase the Adult Education State Subsidy by a Specific Percentage** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-63

LD 96 proposed to appropriate funds to increase the state subsidy for the adult education program within the Department of Education by 6% per year in fiscal years 2005-06 and 2006-07.

Committee Amendment "A" (S-63) proposed to provide that the appropriation of funds to increase the state subsidy for the adult education program within the Department of Education would be reduced from 6% per year in the bill to 4% per year in fiscal years 2005-06 and 2006-07.

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This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 116 An Act To Ensure Funding for After-school Programs ONTP

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

LD 116 proposed to establish the after-school program as an ongoing program to be implemented and administered by the Department of Education. This bill also proposed to require the ongoing funding for the after-school program to be equal to 0.5% of the annual General Fund appropriation for kindergarten to grade 12 public education.

**LD 158 An Act To Validate Collective Bargaining Provisions That May ONTP
Affect Education Policies**

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

LD 158 proposed to amend the restriction in current law that prohibits public employers of teachers in the course of collective bargaining from negotiating over education policies. This bill proposed to maintain that restriction but provides that if provisions in collective bargaining agreements are found to control matters of education policy, then those provisions would remain in effect for the term of the agreement.

**LD 186 An Act To Provide Certain Students with Full Tuition for State ONTP
Institutions of Higher Learning**

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

LD 186 proposed to provide full tuition to any state postsecondary educational institution for the top 10% of students graduating from the Maine School of Science and Mathematics.

Joint Standing Committee on Education and Cultural Affairs

LD 187

An Act To Delay Certain Educational Assessment Requirements

ONTP

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

LD 187 proposed to delay until the end of the 2009-2010 school year the implementation of graduation decisions at public high schools and certain private high schools being made on the basis of student achievement of the standards of the system of learning results. The bill also proposed to require the Department of Education to submit a report to the Second Regular Session of the 122nd Legislature by January 2006 on the impact of the local assessment system in regard to capacity, cost and needed resources.

LD 200

An Act To Improve Teaching and Learning Conditions in Maine Schools **CARRIED OVER**

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

LD 200, which was a concept draft pursuant to Joint Rule 208, proposed to alleviate burdens, caused by the workloads created because teachers have to satisfy school reform mandates, by enhancing teaching and learning conditions in Maine schools. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 247

An Act To Limit Terms for Members of the State Board of Education

PUBLIC 16

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

LD 247 proposed to limit the number of terms of office for members of the State Board of Education to 2 5-year terms, which need not be consecutive, beginning with new appointments by the Governor at the expiration of the current board members' terms of office.

Enacted law summary

Public Law 2005, chapter 16 limits the number of terms of office for members of the State Board of Education to 2 5-year terms, which need not be consecutive, beginning with new appointments by the Governor at the expiration of the current board members' terms of office.

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LD 300 **An Act To Provide a Schedule of School Funding That Provides 55% State Coverage of the Cost of Essential Programs and Services over a Period of 2 Years** **ONTP**

Sponsor(s) | Committee Report | Amendments Adopted

LD 300 was reported out by the Joint Select Committee on Property Tax Reform. The bill proposed to accomplish the following.

1. It would require the State to pay 55% of the cost of funding essential education programs and services beginning in state fiscal year 2006-07.
2. It would provide to pay for increased state education funding by extending the general sales tax to amusements, extending the 7% sales tax to include rentals of boat moorings and docks and increasing the general sales tax to 5 1/2% beginning May 1, 2006.
3. It would provide that this Act would be subject to approval of the voters at a statewide referendum in November 2005.
4. It would provide an appropriations and allocations section to implement this Act.

LD 347 **An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME** **INDEF PP**

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

LD 347 proposed to change the name of the Jobs for Maine's Graduates program to InspireME to better reflect its mission and impact. The bill also proposed to make minor changes to the purpose and structure of the program.

LD 363 **Resolve, To Study the Feasibility of Establishing a Football Program at the University of Southern Maine** **ONTP**

Sponsor(s)
TUTTLE
DIAMOND | Committee Report
ONTP | Amendments Adopted

LD 363 proposed to direct the President of the University of Southern Maine to study the feasibility of establishing a football team at the University of Southern Maine and to report the findings to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 122nd Legislature.

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LD 400

An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act

PUBLIC 70

Sponsor(s)
TURNER

Committee Report
OTP

Amendments Adopted

LD 400 proposed to allow a parent or school administrative unit has 30 days in which to challenge a complaint investigation report under current law. The United States Department of Education, Office of Special Education Programs has determined that the 30-day time limit impermissibly limits the right to initiate a hearing. This bill proposed to repeal the Maine Revised Statutes, Title 20-A, section 7206, subsection 4. Repealing this subsection would permit a party to request an administrative hearing on the same issues that were dealt with in a complaint investigation at any time.

Enacted law summary

Public Law 2005, chapter 70 repeals the Maine Revised Statutes, Title 20-A, section 7206, subsection 4 provision that an interested party has 30 days in which to challenge a complaint investigation report completed by the Commissioner of Education. Repealing this subsection will maintain the right of a parent or school administrative unit to request an administrative hearing on the same issues that were dealt with in a complaint investigation at any time.

LD 405

Resolve, To Establish an Education Pilot Program for Registered Nurses CARRIED OVER

Sponsor(s)
MARTIN
PERRY A

Committee Report
OTP-AM

Amendments Adopted
S-100

LD 405 proposed to require the President of the Maine Community College System to establish a pilot program for the education of registered nurses who are interested in employment in long-term care. The pilot program would be operated at 4 community college locations across the State and would be funded equally from the Health Care Training Fund and from private donations.

Committee Amendment "A" (S-100) proposed to revise the pilot program proposed in the resolve to require the Maine Community College System to establish a pilot program for the education of individuals who are interested in enrolling as candidates in an entry-level nursing preparation program and who have also expressed the goal of attaining a license as a registered nurse. The proposed pilot program could also provide education for entry-level candidates for the nursing preparation program who are interested in future employment in long-term care as registered nurses. The proposed pilot program would be operated at 2 community college locations in the State. The amendment also proposed to require that a scholarship fund be established with private donations to provide eligible students with funds to participate in this pilot program and proposed to provide that the Maine Health Care Association and the Maine Community College System work together to provide leadership for raising these scholarship funds.

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This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 424 **An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from State Requirements for Degree-granting Authority** **PUBLIC 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY PLOWMAN	OTP-AM	H-128

LD 424 proposed to exempt certain religious, private, postsecondary institutions from State Board of Education licensure requirements.

Committee Amendment "A" (H-128) proposed to adjust the title of the bill to more accurately reflect the purpose of the state review of prospective postsecondary educational institutions. The amendment also proposed to require that the religious, nonpublic, educational institutions that receive an exemption from the state degree-granting requirements, including an exemption from review by the State Board of Education and authorization from the Legislature, provide a consumer protection notice on all written materials made available to potential applicants or to the general public.

Enacted law summary

Public Law 2005, chapter 85 exempts certain religious, private, postsecondary institutions from state degree-granting requirements. The law also requires that the religious, nonpublic, educational institutions that receive an exemption from the state degree-granting requirements, including an exemption from review by the State Board of Education and authorization from the Legislature, provide a consumer protection notice on all written materials made available to potential applicants or to the general public.

LD 426 **Resolve, To Place a Moratorium on School Administrative Units' Local Assessment Systems** **ONTP**

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

LD 426 proposed to place a moratorium on the implementation and use of local assessment systems by school administrative units to measure student achievement of learning results until the Joint Standing Committee on Education and Cultural Affairs studies relevant statutory law and local assessment systems and reports back to the Second Regular Session of the 122nd Legislature with improvements or elimination of local assessment system requirements.

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LD 443 **An Act To Encourage Cooperation between School Districts** **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> BOWEN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 443 proposed to establish the Educational Efficiency Advisory Group to foster communication and cooperation between schools, school administrative units and other units of local and regional government and to promote efficient and cost-effective delivery of education services for children in Maine.

LD 465 **Resolve, Regarding Legislative Review of Chapter 125: Calendar Adoption, a Major Substantive Rule of the Department of Education** **RESOLVE 7 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 465 proposed to provide for legislative review of Chapter 125: Calendar Adoption, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2005, chapter 7 provides for legislative review of Chapter 125: Calendar Adoption, a major substantive rule of the Department of Education.

Resolve 2005, chapter 7 was enacted as an emergency measure effective April 8, 2005.

LD 478 **An Act To Cap Tuition Rates by Schools in the Unorganized Territory** **PUBLIC 115**

<u>Sponsor(s)</u> MCFADDEN RAYE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-203
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LD 478 proposed to limit the per pupil tuition charge of schools maintained by the State in the unorganized territory for students sent by other school districts at the state average expenditure per pupil for the preceding year.

Committee Amendment "A" (H-203) proposed to incorporate a fiscal note.

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Enacted law summary

Public Law 2005, chapter 115 caps the per pupil tuition charge of schools maintained by the State in the unorganized territory for students sent by other school administrative units at the state average expenditure per pupil for the preceding year.

LD 556 **An Act To Require School Unions To Provide Transportation for Students** **ONTP**

<u>Sponsor(s)</u> PIOTTI		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 556 proposed to require school unions to provide transportation for the unions' elementary and secondary school students.

LD 564 **An Act To Amend the Laws Governing the Student Code of Conduct** **PUBLIC 307**

<u>Sponsor(s)</u> GROSE STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-333
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LD 564 proposed to add to the requirements for school boards' student codes of conduct by including in the description of unacceptable behavior bullying, harassment and sexual harassment; including counseling as part of the procedures concerning the removal of disruptive or violent students; and including training of students in ways to prevent and identify bullying, harassment and sexual harassment.

Committee Amendment "A" (H-333) proposed to replace the bill. It proposed to require school boards to establish policies to address bullying, harassment and sexual harassment. It proposed to direct a subcommittee of the Children's Cabinet to develop model policies, materials for communicating and implementing the model policies and training modules specific to recognizing and addressing bullying, harassment and sexual harassment. It proposed to direct the subcommittee to complete its work by February 15, 2006 and school administrative units to have policies and procedures in place by September 1, 2006.

Enacted law summary

Public Law 2005, chapter 307 requires school boards to establish policies to address bullying, harassment and sexual harassment. It directs a subcommittee of the Children's Cabinet to develop model policies, materials for communicating and implementing the model policies and training modules specific to recognizing and addressing bullying, harassment and sexual harassment. It directs the subcommittee to complete its work by February 15, 2006 and school administrative units to have policies and procedures in place by September 1, 2006.

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LD 578

An Act To Amend the Charter of the Portland Public Library

**P & S 16
EMERGENCY**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-104
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LD 578 proposed to remove the annual cap on appropriations the City of Portland may make in support of the library and its operations.

Committee Amendment "A" (S-104) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law 2005, chapter 16 removes the annual cap on appropriations the City of Portland may make in support of the library and its operations.

Private and Special Law 2005, chapter 16 was enacted as an emergency measure effective May 20, 2005.

LD 594

An Act To Promote Education in the Unorganized Territory

PUBLIC 30

<u>Sponsor(s)</u> PERRY A DAMON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 594 proposed to require the Department of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a school in the unorganized territory.

Enacted law summary

Public Law 2005, chapter 30 requires the Department of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a school in the unorganized territory.

LD 603

An Act To Ensure Accommodation of Students with Disabilities or Illnesses in the University of Maine System and the Maine Community College System

ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 603 proposed to provide a framework for the accommodation of students with disabilities and students with illnesses in the University of Maine System and in the Maine Community College System. The bill proposed to

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require the adoption of a request form and particular weight to be given to the recommendations of health care professionals. The bill proposed to set 30 days as the time limit for the university or the system to decide upon an accommodation request and proposed to require refunds to students for whom the accommodation request is not decided within that time limit. The bill also proposed to limit legal fees.

LD 618 **An Act To Promote Parental Responsibility When Minors Make Use of Public Libraries** **ONTP**

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

LD 618 proposed to require public municipal and state libraries to release confidential records concerning a minor's use of books or other materials in the library upon the written request of a parent or guardian of the minor.

LD 624 **An Act To Amend the Procedure by Which Maine Education Assessment Scores Are Interpreted** **PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ ONTP MIN	H-216

LD 624 proposed to require a student's Maine Education Assessment scores in a specialized or regionalized program or school to be assigned to the community where the student resides. The bill proposed to require the Commissioner of Education to adopt routine technical rules to implement the provisions of the bill.

Committee Amendment "A" (H-216), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to clarify that the Maine Education Assessment scores for a student who receives education from a regional alternative education program or a regional special education program could be assigned to the community or school within the school administrative unit where the student resides.

Enacted law summary

Public Law 2005, chapter 118 requires that the Maine Education Assessment scores for a student who receives education from a regional alternative education program or a regional special education program may be assigned to the community or school within the school administrative unit where the student resides. The law requires the Commissioner of Education to adopt routine technical rules to implement these provisions.

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LD 665 **Resolve, Directing the Department of Education To Clarify
Graduation Requirements for Special Education Students** **ONTP**

<u>Sponsor(s)</u> NORTON TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 665 proposed to direct the Department of Education to review federal laws, state statutes and rules of the Department of Education related to the role of individual education plans in determining specific graduation requirements for special education students. The Department of Education would have been directed to present a report, including suggested legislation, to resolve conflicts to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005. The Joint Standing Committee on Education and Cultural Affairs would have been authorized to introduce a bill related to this report to the Second Regular Session of the 122nd Legislature.

LD 666 **An Act To Require Approval of Voters before Closing a School** **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 666 proposed to require the Commissioner of Education to adopt major substantive rules to establish standards and practices to follow when proposing to close a public school.

LD 675 **An Act To Require That Students Meet Learning Results
Requirements before Entering Grade 9** **ONTP**

<u>Sponsor(s)</u> NUTTING J FINCH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 675 proposed to require that students must meet the learning results requirements for grade 8 before being allowed to enter grade 9.

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LD 676

Resolve, Regarding the No Child Left Behind Act of 2001

RESOLVE 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN NORTON	OTP-AM	S-200

LD 676 proposed to direct the Attorney General to bring suit against the Federal Government and any other appropriate parties if the federal funding provided to the State was insufficient to implement the No Child Left Behind Act of 2001. The Attorney General could seek the necessary funding or could seek relief from the imposition of the federal requirements for which funding was insufficient.

Committee Amendment "A" (S-200) proposed to direct the Attorney General to bring suit against the Federal Government if the State received insufficient federal funds to implement the federal No Child Left Behind Act of 2001. This amendment instead proposed to direct the Attorney General to determine whether an increase in federal funding was necessary to fully implement the federal Act in this State or whether there was a basis for relief from certain federal requirements. If, based on the review, the Attorney General determined that the federal funding was insufficient or there was a basis for relief, this amendment proposed to authorize the Attorney General to bring an action against the Federal Government and appropriate parties.

Enacted law summary

Resolve 2005, chapter 54 directs the Attorney General to determine whether an increase in federal funding is necessary to fully implement the federal No Child Left Behind Act of 2001 in this State or whether there is a basis for relief from certain federal requirements. If, based on the review, the Attorney General determines that the federal funding is insufficient or there is a basis for relief, this resolve authorizes the Attorney General to bring an action against the Federal Government and appropriate parties.

LD 679

An Act To Encourage Effective Education of Special Needs Students in Maine's Private Schools

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO DAVIS G	ONTP	

LD 679 proposed to allow the Commissioner of Education to waive the requirement that private schools comply with rules for the conduct of special education programs within public schools if the commissioner finds that the private school has, and has had for at least 5 years, an effective program helping exceptional students and if the commissioner finds the program is likely to continue to be effective.

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LD 701 **An Act To Ensure Equality in School Funding** **ONTP**

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

LD 701, which was a concept draft pursuant to Joint Rule 208, proposed to have the Joint Standing Committee on Education and Cultural Affairs amend the Essential Programs and Services Funding Act to ensure that money is distributed in order to ensure that an equal number of property tax mills are raised in all school districts to ensure an equal chance at a good education in Maine.

LD 708 **An Act Regarding Transferability of Credits Earned at All
Campuses within the University of Maine System** **ONTP**

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

LD 708 proposed to guarantee that any credit hours earned at any campus in the University of Maine System must be accepted at all campuses and transferable to any campus within the system.

LD 724 **An Act To Amend the Maximum Allowable Tuition for Students
in the Unorganized Territory** **ONTP**

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

LD 724 proposed requiring the Commissioner of Education is required to pay for each tuition student from the unorganized territory attending a public secondary schools an amount calculated to represent the sum of expenditures for at the receiving public secondary education divided by the number of students. The bill proposed eliminating the state average cost as a possible tuition rate in these circumstances.

LD 724 did not pass. However, changes in tuition payments for students residing in the unorganized territories were enacted as Part QQQQ of Public Law 2005, Chapter 12. (See the bill summary for LD 468 under the Appropriations and Financial Affairs Committee.)

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LD 726 **An Act To Require Legislative Review of Rules Governing Private Schools** **PUBLIC 194**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-246
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LD 726 proposed making any new Department of Education rules governing private schools major substantive rules.

Committee Amendment "A" (H-246) proposed clarifying that amendments to existing rules as well as new rules are major substantive rule when the rules affect private schools.

Enacted law summary

Public Law 2005, chapter 194 makes any new Department of Education rules governing private schools, as well as amendments to existing rules that affect private schools, major substantive rules.

LD 764 **Resolve, To Study Ways To Create More Teachers of Modern and Classical Languages** **ONTP**

<u>Sponsor(s)</u> BOWLES COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 764 proposed requiring the Department of Education to determine whether there is a shortage of teachers of classical and modern languages in this State and, if a shortage exists, suggest ways to alleviate the shortage.

LD 783 **An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students** **ONTP**

<u>Sponsor(s)</u> MARLEY MITCHELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 783 proposed to reestablish the role of the individual education plan as the controlling factor in determining the specific graduation requirements for special education students.

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LD 784

Resolve, Directing the Department of Education To Conduct a Fiscal Analysis of State Requirements That School Administrative Units Implement Local Assessment Systems

ONTP

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

LD 784 proposed to direct the Department of Education to conduct a fiscal analysis of the state requirement that each school administrative unit must adopt and implement a local assessment system. The Department of Education would have been required to submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005.

LD 796

An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-268

LD 796 proposed implementing the recommendations of the Commission to Study Public Health concerning schools, children and nutrition. The bill proposed the following:

1. Requiring schools to provide nutrition education for students, teachers and staff and requiring a parent outreach component for nutrition education;
2. Requiring food and beverages sold or distributed on school grounds but outside of school meal programs to adhere to healthy foods and beverages standards established in statute and rule.
3. Requiring schools to post nutritional information for menu items;
4. Directing school boards to prohibit advertising of foods and beverages other than "healthy foods and beverages" on school grounds;
5. Prohibiting schools from using food and beverages as a reward or incentive for learning or behavior in a school setting;
6. Requiring that, after December 2005, new contractual agreements for teachers must provide at least 20-minute lunch periods for students and teachers;
7. Requiring confidential assessments for body mass index for Maine schoolchildren in kindergarten and compilation and reporting of this data ;

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8. Requiring elementary and middle school students to participate in 150 minutes of physical activity per week outside of recess and high school students to participate in 220 minutes of physical activity per week and establishing a physical education consultant position within the Department of Education;
9. Directing the Department of Health and Human Services, Bureau of Health and the Attorney General to determine whether advertising of certain foods and beverages directed at children 12 years of age or younger can legally be restricted on Maine television stations;
10. Directing the Department of Education to implement a pilot program to install dairy vending machines selling flavored and unflavored milk with 1% or less fat in schools;
11. Directing the Department of Education and the Department of Agriculture, Food and Rural Resources to collaborate to implement the National Farm to School Program to provide local fruits and vegetables in schools;

Committee Amendment "A" (S-268) is the unanimous report of the Joint Standing Committee on Education and Cultural Affairs. It proposed removing several sections from the bill.

Enacted law summary

Public Law 2005, chapter 435 implements certain recommendations of the Commission to Study Public Health concerning schools, children and nutrition. It does the following:

Directs the Department of Education to encourage nutrition education in public schools;

Directs the Department of Education to establish standards for food and beverages sold outside of the school meal programs. These standards are to be adopted through rulemaking. The rules are designated major substantive rules;

Requires schools to post caloric information on prepackaged a la carte items offered for sale;

Directs the Department of Education to implement a pilot program to install milk vending machines; and

Directs the Department of Education to collaborate with the Department of Agriculture, Food and Rural Resources to implement the National Farm to School Program.

LD 797

**An Act Authorizing the State Board of Education To Mediate
School Attendance Disputes**

ONTP

<u>Sponsor(s)</u> NUTTING J BRYANT-DESCHENE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 797 proposed to authorize the State Board of Education to mediate a dispute between school administrative units over an attendance disagreement when a student wishes to attend a school that is close geographically but outside the school administrative unit in which the student lives.

Joint Standing Committee on Education and Cultural Affairs

LD 807 **An Act Regarding Veterans' Educational Assistance Benefits at the University of Maine System** **ONTP**

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 807 proposed to prohibit the University of Maine System from charging a late fee or any other additional fee to a recipient of a federal military educational assistance benefit.

LD 811 **An Act To Assist the Implementation of the Essential Programs and Services School Funding Model** **ONTP**

<u>Sponsor(s)</u> PERRY A RAYE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 811, which was a concept draft pursuant to Joint Rule 208, proposed to amend the Essential Programs and Services Funding Act in ways designed to assist school administrative units in implementing the law.

LD 820 **An Act To Amend the Curriculum Requirements for High School Students** **ONTP**

<u>Sponsor(s)</u> PINEAU MARTIN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 820 proposed to require every high school student to receive instruction in the legislative process in order to graduate. The instruction would provide the student with an understanding of the legislative process and include a requirement that the student follow through the legislative process a piece of legislation sponsored by a local legislator. The student would give an oral, written or electronic presentation on the process and the final disposition of the piece of legislation.

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LD 845 **An Act Regarding Private Schools' Using Public Tuition Funds** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 845 proposed requiring an opinion by the Attorney General that a private school does not provide a nonsectarian education before the Department of Education would be able to deny the private school public funds for tuition purposes.

LD 856 **An Act Allowing School Unions To Improve Efficiency** **PUBLIC 130**

<u>Sponsor(s)</u> MERRILL DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-234
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LD 856 proposed to allow a school union to be the fiscal agent for the schools in the union. This bill proposed to allow municipalities to turn over the school appropriation for schools directly to the school union if the towns in the school union agreed through a referendum or a town meeting vote. The school union would be authorized to hire personnel that are shared between different schools in the union, such as a school nurse.

Committee Amendment "A" (H-234) proposed to clarify that the superintendent of a school union may be designated as the treasurer of the school union and that the union committee could perform the function of fiscal agent of the school union if these designations were approved by a majority of the voters of each municipality within the school union. The amendment also proposed to require that the article that is placed before the voters in each municipality within the school union to approve these designations would specify the functions to be performed by the fiscal agent, would state that the agreement under which the union committee may perform the function of fiscal agent may not exceed a period of 3 years and would include a schedule for regular payment of the warrants approved in each municipality to the union committee. The agreement under which the union committee could perform the function of fiscal agent could also be renewed by the voters of each municipality within the school union in accordance with these same approval procedures.

Enacted law summary

Public Law 2005, chapter 130 provides that the superintendent of a school union may be designated as the treasurer of the school union and that the union committee may perform the function of fiscal agent of the school union if these designations are approved by a majority of the voters of each municipality within the school union. The law also authorizes a school union to hire personnel that are shared between different schools in the union.

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LD 866 **Resolve, To Direct the Department of Education To Review the School Facility Needs of the State and To Develop Standards for Cost-effective Financing of School Facilities** **ONTP**

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

LD 866 proposed to direct the Department of Education to conduct a review of the school facilities inventory in order to evaluate the cost-effectiveness of existing state policies for financing school construction and to forecast the level of public investment necessary to meet the capital improvement needs of public schools over the next decade. The Department of Education would have been required to submit its report to the Joint Standing Committee on Education and Cultural Affairs by December 2, 2005.

LD 875 **An Act To Change the Procedure When a Maine School Administrative District Budget Fails** **ONTP**

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

Under current law, if a budget or portion thereof fails after a referendum vote, the board of directors of the school administrative district is authorized to schedule unlimited meetings to resubmit the budget to the voters. LD 875 proposed to authorize one subsequent meeting to resubmit the budget to the voters, and if it again fails, the budget or portion of the budget adopted in the immediately preceding year replaces the budget or portion of the budget that the voters failed to approve.

LD 883 **An Act To Require All School Administrators To Spend Time Weekly in the Classroom with Students** **ONTP**

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

LD 883 proposed requiring school administrative officials, including the Commissioner of Education, to spend at least 30 minutes per week in the classroom teaching or supervising students. Certification of those officials would be contingent upon fulfilling this requirement.

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LD 887 **An Act To Amend the Education Laws Regarding Equivalent Instruction, Medical Screening and Adult Education** **PUBLIC 151**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS NORTON	OTP-AM	S-133

LD 887 proposed allowing legal resident pupils of the unorganized territory to participate in regular classes and cocurricular and extracurricular activities in the school administrative unit that the pupil would regularly attend if the pupil were not receiving equivalent instruction. Tuition would be determined as with all students enrolled in an equivalent instruction program.

LD 887 proposed repealing the requirement that schools screen children for scoliosis and related spinal abnormalities.

LD 887 also proposed reducing paperwork and allowing school administrative units to directly receive subsidies for secondary school-age students being served through adult education. Currently, a school administrative unit is allowed to request subsidy only on those secondary school-age students who reside in that school unit.

Committee Amendment "A" (S-133) removes those sections in the bill that repealed the requirement that schools screen children for scoliosis and related spinal abnormalities and report results of screening to a student's parents. It also clarifies that a parent's approval is not needed for school superintendents to approve a transfer for the purposes of subsidy when the student is at least 18 years of age or an emancipated minor.

Enacted law summary

Public Law 2005, chapter 151 revises the statute regarding participation in public schools by students enrolled in equivalent instruction programs to include pupils who reside in the unorganized territory. It allows legal resident pupils of the unorganized territory to participate in classes and cocurricular and extracurricular activities in the school administrative unit that the pupil would regularly attend if the pupil were not receiving equivalent instruction. The law also revises a section of the adult education statute to provide a mechanism for a school administrative unit to directly receive subsidy for secondary school-age students being served through the adult education in the school administrative unit, regardless of the student's residency status.

LD 897 **An Act To Improve the Quality of Kindergarten Education in Maine** **ONTP**

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

LD 897 proposed changing the date of when a person must be 5 years of age to enroll in school from October 15th to September 1st. It also proposed changing the date of when a person must be 4 years of age to enroll in a 2-year childhood education program prior to grade one from October 15th to September 1st.

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LD 921

An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics

PUBLIC 129

<u>Sponsor(s)</u> CUMMINGS BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-188
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LD 921 proposed restructuring the Board of Trustees of the Maine School of Science and Mathematics, changing the number of members of the general public from 8 to 9 and removing the President of the Maine Science and Technology Foundation as a member.

Committee Amendment "A" (H-188) proposed additional changes to the Board of Trustees of the Maine School of Science and Mathematics.

Enacted law summary

Public Law 2005, chapter 129 restructures the Board of Trustees of the Maine School of Science and Mathematics, changing the number of members appointed by the Governor from the general public to 10 and specifying that one of the 10 must be a graduate of the school and one must be a parent of a student or recent graduate of the school. The law also removes the President of the Maine Science and Technology Foundation and the President of the Maine Community College System as board members.

LD 931

An Act To Ensure Equitable Treatment of Students by Private Secondary Schools with a Majority of Students Funded by the State

ONTP

<u>Sponsor(s)</u> WALCOTT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 931, which was a concept draft pursuant to Joint Rule 208, proposed to require private high schools that receive the majority of their students as publicly funded tuition students to follow the same state education rules that public high schools follow.

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LD 951 **An Act To Amend Adjustments to Transportation Costs under the School Funding Formula** **ONTP**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 951 proposed to change the definition of "predicted per-pupil transportation costs" for purposes of determining state funding by allowing adjustments for an unusual number of one-way or dead-end runs and any other factors that could cause an undue burden on the school administrative unit.

LD 979 **An Act To Fund Youth Mentoring Programs** **CARRIED OVER**

<u>Sponsor(s)</u> FISCHER EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-332
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LD 979 proposes establishing the Maine Mentoring Partnership Grant Program administered by the Department of Education through the Maine Mentoring Partnership to provide grants to eligible entities for mentoring programs that provide guidance, support and encouragement to young people through the development of structured relationships. As proposed, grants would range from \$1,000 to \$75,000, depending on financial need.

Committee Amendment "A" (H-332) incorporates a fiscal note.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 981 **An Act To Add an Organizational Name to the Governor Baxter School for the Deaf** **PUBLIC 279**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-481
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LD 981 proposed to change the name of the Governor Baxter School for the Deaf to the Maine Educational Center for the Deaf and Hard of Hearing but retain the old name for the center school on Mackworth Island. The name change was intended to better reflect the range of services provided to the deaf and hard-of-hearing pursuant to state law.

Committee Amendment "A" (H-481) proposed to change the title of the bill and proposed to strike and replace the bill to provide an expanded organizational name to the Governor Baxter School for the Deaf in order to better reflect the range of programs and services provided to the deaf and hard-of-hearing pursuant to state law. The expanded name of the organization was proposed to be the Maine Center for the Deaf and Hard of Hearing and

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the Governor Baxter School for the Deaf. The amendment also proposed to retain the name Governor Baxter School for the Deaf for the center school located on Mackworth Island. The amendment also proposed to correct cross-references in the statutes to reflect the name change.

Enacted law summary

Public Law 2005, chapter 279 provides an expanded organizational name to the Governor Baxter School for the Deaf in order to better reflect the range of programs and services provided to the deaf and hard-of-hearing pursuant to State law. The expanded name of the organization is the Maine Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The law also retains the name Governor Baxter School for the Deaf for the center school located on Mackworth Island.

LD 989 **Resolve, To Study the Insured Value Factor in School Tuition** **RESOLVE 38**

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-126
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LD 989 proposed directing the Department of Education jointly with public school officials and private school representatives to study the current application of the insured value factor and the need for its continuation in tuition computation and to submit a proposal to the Joint Standing Committee on Education and Cultural Affairs.

Committee Amendment "A" (S-126) proposed revisions to the resolve, requiring the Department of Education to convene a task force to study the insured value factor and specifying interests to be represented on the task force.

Enacted law summary

Resolve 2005, chapter 38 directs the Department of Education to convene a task force to study the current application of the insured value factor and assess the need for its continuation in tuition computation. The task force is directed to submit a proposal to the Joint Standing Committee on Education and Cultural Affairs no later than January 9, 2006. The Joint Standing Committee on Education and Cultural Affairs is authorized to introduce a bill related to the insured value factor to the Second Regular Session of the 122nd Legislature.

LD 1024 **Resolve, To Review and Recodify Laws Pertaining to Violence in Our Schools** **RESOLVE 120**

<u>Sponsor(s)</u> DAVIS G	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-393 S-382 GAGNON
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LD 1024 proposed allowing a school board to suspend a student for up to one year if the student engages in threatening or violent behavior against another student or a staff member or other school personnel. It proposed

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requiring school boards to establish a written policy and penalties and to provide a copy of the policy and penalties to all students.

Committee Amendment "A" (H-393) proposed replacing the bill with a resolve that directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to identify provisions in the Maine Revised Statutes, Title 20-A that pertain to violent and threatening behavior in schools and prepare a bill to make technical changes and reorganize these provisions for submission to the Second Regular Session of the 122nd Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-382) proposed amending the resolve to conform with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

Enacted law summary

Resolve 2005, chapter 120 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to identify provisions in the Maine Revised Statutes, Title 20-A that pertain to violent and threatening behavior in schools and prepare a bill to make technical changes and reorganize these provisions for submission to the Second Regular Session of the 122nd Legislature.

LD 1030 **An Act To Strengthen Certain Student Support Services within** **PUBLIC 178**
the Maine Community College System

<u>Sponsor(s)</u> NORTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1030 proposed to eliminate the Skill Standards Board. This bill also proposed to amend the Maine Career Advantage Program by enhancing its services to better meet the needs of the students the program was intended to reach, those students that are not traditionally considered college bound.

Enacted law summary

Public Law 2005, chapter 178 eliminates the Skill Standards Board and amends the Maine Career Advantage Program by enhancing its services to better meet the needs of the students the program was intended to reach, those students that are not traditionally considered college bound.

LD 1031 **RESOLUTION, Proposing an Amendment to the Constitution of** **ONTP**
Maine Regarding the Funding of Local Schools

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1031 proposed an amendment to the Constitution of Maine to strike the words requiring that towns make suitable provision for the support and maintenance of schools. This resolution proposed to add language

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requiring the Legislature to support schools and proposed to seek to ensure that a program of uniform and high-quality education was established and continuously maintained at all schools in the State.

LD 1037 An Act To Authorize Exemptions for Montessori Schools from PUBLIC 224
Certain Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON PINGREE	OTP-AM	S-178

LD 1037 proposed authorizing the Commissioner of Education and the Commissioner of Health and Human Services to grant exemptions to accredited schools that ascribe to internationally recognized teaching philosophies from requirements that conflict with the basic tenets of those philosophies.

Committee Amendment "A" (S-178) proposed narrowing the authorization for the Commissioner of Health and Human Services to grant exemptions from certain licensing requirements for child care facilities and nursery schools only to accredited Montessori schools.

Enacted law summary

Public Law 2005, chapter 224 authorizes the Commissioner of Education and the Commissioner of Health and Human Services to grant exemption from certain licensing requirements for child care facilities and nursery schools to accredited Montessori schools.

LD 1048 Resolve, Directing the State Board of Education To Review the ONTP
Authorization Requirements for Educational Technicians

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

LD 1048 proposed to direct the State Board of Education to review the authorization requirements for Educational Technician II and Educational Technician III positions and to consider establishing an alternative pathway for applicants to demonstrate fulfillment of those requirements.

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LD 1055 **An Act To Require Academic and Community Input into Major Decisions of the University of Maine System** **CARRIED OVER**

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

LD 1055 proposed to require the University of Maine System to seek input from parties, including administration and faculty members of campuses and colleges, municipalities and the Maine Community College System, that are affected by a major policy decision by the University of Maine System. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1061 **An Act To Improve the Recruitment of Teachers** **ONTP**

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

LD 1061 proposed to:

1. Set the minimum salaries of teachers at 1.5 times the federal poverty threshold;
2. Set the minimum salaries of teachers who possess master's degrees or higher at 1.5 times the federal poverty threshold plus \$2,000;
3. Establish the Teacher Loan Forgiveness Program to provide funds to forgive loans incurred at Maine postsecondary schools by teachers who teach in the State; and
4. Establish the Vacant Teaching Position Fund to provide funds to subsidize school administrative units that cannot fill needed teaching positions by September 1st.

LD 1062 **An Act To Provide Financial Accommodation under the Essential Programs and Services Funding Act for School Systems with Dead-end Bus Runs** **ONTP**

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

LD 1062 proposed to provide for counting the mileage for both directions of a dead-end bus run in determining the funding for the transportation component of public school costs under the Essential Programs and Services Funding Act.

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LD 1088 **Resolve, Directing the Department of Education To Review Specific Testing Requirements for Student Advancement** **ONTP**

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

LD 1088 proposed to direct the Department of Education to review the state law and department rules related to specific testing requirements for student advancement and to consider establishing an alternate requirement for student advancement.

LD 1130 **An Act To Allow a State Champion Cross-country Running Team To Participate in New England Competitions** **ONTP**

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

LD 1130 proposed a statutory provision to allow a state champion cross-country running team to participate in a New England cross-country competition if the team raises the funds to attend the competition. The Maine Principal's Association establishes policies regarding participation in New England sports competitions.

LD 1137 **An Act To Ensure Implementation of All Content Areas of the System of Learning Results** **ONTP**

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

LD 1137 proposed to repeal a provision that allowed a school administrative unit to delay adoption of the system of learning results in the areas of career preparation, foreign languages and visual and performing arts, requiring all subject areas in the system of learning results to be implemented. School administrative units would be required to employ an orderly planning process to achieve implementation on time.

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LD 1138 An Act To Reduce School Construction Costs ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1138 proposed to require the State Board of Education to adopt rules to define what constitutes small, medium and large schools. The state board would have been required to develop standard school construction plans for small, medium and large elementary schools, middle schools and high schools. A school administrative unit that would apply for state support for new school construction would select the standard design for the construction of the new school in order to have the project fully funded.

LD 1175 An Act Concerning Diplomas and Students with Disabilities ONTP

<u>Sponsor(s)</u> WOODCOCK SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1175 proposed to award diplomas to students who complete the goals of those students' individualized education plans.

LD 1185 An Act To Augment and Diversify the Ranks of Maine Educators ONTP

<u>Sponsor(s)</u> VAUGHAN WESTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1185 proposed to allow an experienced teacher who is certified or licensed to teach in a foreign country to apply for a special certificate to teach in Maine.

LD 1187 An Act To Create a Senior Life Educator Certificate Program ONTP

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1187 proposed to allow an individual who does not have a teaching certificate but has life experience and a master's degree or above to be issued a senior life educator certificate.

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LD 1193

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Ensure Equal Access to Education for Children in All
Parts of the State**

ONTP

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

LD 1193 proposed to expand on the education provisions currently in the Constitution of Maine to guarantee that if the State undertakes to support local schools it must do so in a way that equalizes opportunity for all children whether they live in service center communities or in rural areas.

It also proposed to prevent the State from taking any steps that would lead to the closure of isolated schools if the closure would force children under 12 years of age to spend more than 2 hours on a school bus or children 12 years of age or over to spend more than 3 hours on a bus.

It also proposed to guarantee every municipality the freedom to decide how its schools would be organized and proposed to permit the State to adjust its aid to account for any inefficiency that would result from those local decisions.

It also proposed to make clear that these rights extend to and are enforceable by every Maine taxpayer.

LD 1194

An Act To Create an Academic Bill of Rights

ONTP

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

LD 1194 proposed to create an academic bill of rights that would ensure an academic environment for both students and faculty members that allows freedom of political viewpoint, expression and instruction. This bill proposed to require all public postsecondary institutions in the State to publish this bill of rights and to adopt a grievance procedure to address complaints of violations of these rights. This bill also proposed to require public postsecondary institutions in the State to include in their hiring policies that the institutions would endeavor to ensure a diversity of political and philosophical viewpoints in faculty members and instructors and that the institutions could not discriminate in their hiring policies against applicants for a faculty position or instructorship for reasons of political or philosophical viewpoints.

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LD 1200 **An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures** **PUBLIC 153**

<u>Sponsor(s)</u> FINCH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-292
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LD 1200 proposed establishing a single rate-setting process for all tuition subject to approval by the Commissioner of Education and limiting tuition increases from one year to the next.

Committee Amendment "A" (H-292) proposed allowing the approval process used by private secondary schools receiving public funds to be used for approving other private schools to receive public funds.

Enacted law summary

Public Law 2005, chapter 153 establishes a single rate-setting process for all tuition subject to approval by the Commissioner of Education, including tuition for private special purpose education facilities that exclusively serve exceptional students and tuition for private general purpose schools that receive state aid for special education programs. Chapter 153 limits tuition increases from one year to the next. It also allows the approval process used by private secondary schools receiving public funds to be used for approving other private schools to receive public funds.

LD 1221 **Resolve, To Replace the Current Assessment Exams with a More Appropriate Test** **ONTP**

<u>Sponsor(s)</u> SAVIELLO NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1221 proposed to direct the Department of Education to develop a more appropriate examination to replace the current examination under the Maine Education Assessment program and the intermediate grade level assessment given pursuant to the federal No Child Left Behind Act of 2001.

LD 1241 **An Act To Ensure Public Accountability in the Delivery of Higher Education Services** **ONTP**

<u>Sponsor(s)</u> MITCHELL DUPLESSIE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1241 proposed to require that prior to final adoption or implementation of any restructuring plan, the Board of Trustees of the University of Maine System must first submit the restructuring plan to the joint standing

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committee of the Legislature having jurisdiction over education matters, which would have had the authority to report out legislation to approve or reject the restructuring plan.

As emergency legislation, this bill proposed to apply to any restructuring plan developed or adopted by the Board of Trustees of the University of Maine System after September 1, 2004; and the requirements of any such plan would have been suspended and would not be implemented until legislation approving the restructuring plan takes effect.

LD 1251 **Resolve, To Establish a System for Verification of Proficiency for Prelingually Deaf Candidates for Teacher Certification** **RESOLVE 72**

<u>Sponsor(s)</u> EDMONDS PERCY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-235
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LD 1251 proposed to direct the Department of Education to adopt major substantive rules to establish a system for verifying the proficiency of prelingually deaf candidates for teacher certification.

Committee Amendment "A" (S-235) proposed to replace the resolve and proposed to require the State Board of Education to amend the teacher certification rules to provide an alternative means for prelingually deaf teacher certification candidates to demonstrate their proficiency. The amendment also proposed to suspend the limitation on targeted need certificates for prelingually deaf teachers to allow prelingually deaf teacher certification candidates more time to demonstrate their proficiency.

Enacted law summary

Resolve 2005, chapter 72 requires the State Board of Education to amend the teacher certification rules to provide an alternative means for prelingually deaf teacher certification candidates to demonstrate their proficiency. The resolve also suspends the limitation on targeted need certificates for prelingually deaf teachers to allow prelingually deaf teacher certification candidates more time to demonstrate their proficiency.

LD 1279 **Resolve, To Study Improving the Affordability and Predictability of College Tuition for Maine Students** **ONTP**

<u>Sponsor(s)</u> FARRINGTON SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1279 proposed to direct the University of Maine System to study the feasibility of freezing tuition for newly enrolled resident undergraduate students at the amount of tuition charged for the first year for those students. The resolve also proposed to direct the University of Maine System to study exceptions to the consecutive-year requirement and the establishment of a committee at each university campus to determine whether a student meets the requirements of an exception to the consecutive-year requirement.

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LD 1295 **An Act To Establish the Maine Enterprise Commerce Center of Augusta** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1295 proposed to establish the Maine Enterprise Commerce Center of Augusta within the University of Maine System to provide educational services, small business promotion and services and economic development resources, through an interactive television network, the Internet and other technology, to people throughout the State and to provide specific resources and information concerning economic issues of interest to central and northern Maine. The bill proposed to transfer the equipment and assets that are part of the interactive television network currently housed at the University of Maine at Augusta to the new center.

LD 1312 **Resolve, To Institute a State Magnet School for Languages** **ONTP**

<u>Sponsor(s)</u> PARADIS MITCHELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1312 proposed to direct the Department of Education to develop a proposal for a magnet school for languages with the purpose of providing certain high-achieving high school students with a challenging educational experience based upon the same format as the Maine School of Science and Mathematics in Limestone.

LD 1317 **An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates** **PUBLIC 429**

<u>Sponsor(s)</u> CAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-273
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LD 1317 proposed to make it illegal to issue, manufacture and use false academic degrees or certificates to obtain employment, to obtain promotion or higher compensation in employment, to obtain admission to an institution of higher learning or in connection with any business, trade, profession or occupation. This bill also proposed to authorize the Department of Education to protect consumers by providing Internet site information naming and updating known state, national and international diploma mills, degree mills, accreditation mills and substandard schools.

Committee Amendment "A" (H-273) proposed to incorporate a fiscal note.

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Enacted law summary

Public Law 2005, chapter 429 makes it illegal to issue, manufacture and use false academic degrees or certificates to obtain employment, to obtain promotion or higher compensation in employment, to obtain admission to an institution of higher learning or in connection with any business, trade, profession or occupation. This law also authorizes the Department of Education to protect consumers by providing Internet site information naming and updating known state, national and international diploma mills, degree mills, accreditation mills and substandard schools.

LD 1318 Resolve, To Encourage Personal and Family Financial INDEF PP
Management Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN	OTP-AM MAJ	H-463
SCHNEIDER	ONTP MIN	

LD 1318 proposed establishing the Commission to Study the Scope and Quality of Personal and Family Financial Management Education.

LD 1326 Resolve, Directing the Board of Trustees of the University of DIED BETWEEN
Maine System To Institute a Statewide Sports Program HOUSES

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

LD 1326 proposed directing the Board of Trustees of the University of Maine System to institute a statewide sports program.

Committee Amendment "A" (S-273), the minority report, proposed requiring the Board of Trustees of the University of Maine System to report to the committee by January 2, 2006 on actions taken to coordinate sports and facilitate league competition among the campuses of the University of Maine System. Committee Amendment A was not adopted.

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LD 1332 **Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County** **CARRIED OVER**

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

LD 1332 proposed to direct the Department of Education to establish a secondary vocational education facility in Washington County. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1334 **An Act To Allow School Board Members To Perform Certain Functions in the School** **ONTP**

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

LD 1334 proposed to allow a member of a school board or the spouse of a member to substitute teach if no other qualified substitute teacher is available and proposed to allow volunteering in other capacities if authorized by school board policy. Current law prohibits school board members or their spouses from being employed by or volunteering in schools within the jurisdiction of the school board to which the member is elected.

LD 1349 **An Act To Encourage Neighborhood Schools and To Minimize Sprawl Caused by School Siting** **CARRIED OVER**

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

LD 1349 proposed to encourage the building of schools only in areas of a municipality that already are served or will be served by a public infrastructure, such as sewer and water systems, sidewalks and bicycle paths. It proposed to allow the State Board of Education to approve school construction only if the site is within an area that is a designated growth area, an area served by a public sewer system, a census-designated place or a compact area. For a site meeting none of these criteria, the bill proposed to require adoption of a comprehensive plan and zoning ordinance by the municipality before the state board may approve a project. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1381 An Act To Update Teachers' Minimum Salaries CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL DAVIS G		

LD 1381 proposed to update the law that established a minimum teachers' salary, starting in 1987, of \$15,500, an amount that is now outdated and proposed to increase the amount to \$30,000. The bill also proposed to establish a method for future periodic updating of the minimum salary amount and proposed to outline procedures for the distribution of funds for teachers' salaries. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1386 An Act Concerning Town Academies and the System of Learning Results ONTP

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

LD 1386 proposed to accomplish the following:

1. Change "New England Association of Colleges and Secondary Schools" to "New England Association of Schools and Colleges" to reflect its new name;
2. Define "town academy" as a private school approved for tuition that enrolls at least 60% publicly funded students and that is accredited by the New England Association of Schools and Colleges;
3. Clarify the existing law concerning compliance by schools with the system of learning results by specifying what town academies must use for measuring compliance in lieu of the local assessment system used in public schools; and
4. Add a reference in the essential programs and services law to the current law governing the maximum allowable tuition rate that may be charged by private schools for students educated at public expense.

LD 1387 Resolve, To Promote Training Centers for Entrepreneurship CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MITCHELL	OTP-AM	H-482

LD 1387 proposes including entrepreneurship education principles in the next review of the system of learning results. It proposes requiring the Chancellor of the University of Maine System and the President of the Maine

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Community College System to develop an entrepreneurship curriculum to be implemented at all University of Maine System and Maine Community College System campuses and to market community colleges as training centers for business owners and operators. This resolve also proposes establishing the Entrepreneurship Education Task Force comprised of the Commissioner of Education, Chancellor of the University of Maine System and the President of the Maine Community College System. It proposes requiring the task force to report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2006.

This resolve proposes directing the Maine Community College System to implement a statewide entrepreneurship training program that covers key aspects of starting a business, and including an appropriation of \$370,000 over 2 years to fund the program and make the program available to the widest possible audience.

Committee Amendment "A" (H-482) proposes changing the title of the resolve and removing the directives for curriculum development. It proposes requiring that the Chancellor of the University of Maine System and the President of the Maine Community College System to review course offerings relating to entrepreneurship and to promote their campuses as entrepreneur training centers. It proposes removing all directives to the Commissioner of Education regarding entrepreneurship at the elementary and secondary levels.

This bill and its adopted amendments were carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1397 An Act Regarding the Wells-Ogunquit Community School District ONTP

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

LD 1397 proposed to change the formula for computing each town's assessment for the expenses of the Wells-Ogunquit Community School District. The current formula bases 67% of the assessments on state valuation and 33% on the number of resident pupils in each town. The formula would have been changed over a 3-year period so that the assessments were based entirely on the number of resident pupils in each town. It proposed to remove language that permits the towns to agree to change the formula by separate majority vote in each town and that proposed to require a withdrawal from the community school district to be authorized by special act of the Legislature.

Committee Amendment "A" (S-272), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to strike and replace the bill to require that the Wells-Ogunquit Community School District would address the dispute between the Town of Wells and the Town of Ogunquit over the cost-sharing formula for the school district as follows:

1. The Commissioner of Education would have selected a knowledgeable 3rd party with expertise in education policy to provide technical assistance to the parties, the mediators and the arbitrator in determining the most equitable method of computing each town's assessment for the total expenses of the community school district and to also provide an impartial assessment of the education policy considerations for all kindergarten to grade 12 students residing within the Wells-Ogunquit Community School District;

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2. The Town of Wells and the Town of Ogunquit and their representatives would have entered into mediation to resolve their cost-sharing dispute;
3. If the 2 parties failed to agree upon a cost-sharing formula with the assistance of mediation and the knowledgeable 3rd party appointed by the Commissioner of Education, then the Commissioner of Education would have arranged for an arbitration proceeding, which would have resulted in a binding determination of the cost-sharing dispute between the Town of Wells and the Town of Ogunquit;
4. The arbitrator would have made a binding determination for the apportionment of kindergarten to grade 12 education costs, which would have been in effect for fiscal year 2007-08 and subsequent fiscal years; and
5. The Town of Wells and the Town of Ogunquit would have shared equally in the costs of mediation and binding arbitration undertaken to resolve their cost-sharing dispute, and a state mandate account would have been established in the Department of Administrative and Financial Services to receive money from gifts, grants, bequests and donations in addition to money appropriated or allocated by the State for the purpose of providing funds to pay 90% of the total costs associated with the mediation, arbitration and legal services necessary to resolve the issues concerning the sharing of the total expenses of the Wells-Ogunquit Community School District.

LD 1407 An Act To Allow Municipalities To Offer Subsidies to Parents To ONTP
Send Their Children to Other Schools

<u>Sponsor(s)</u> DAIGLE SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1407 proposed allowing municipalities to offer a subsidy to a parent of an elementary or secondary student to send the student to a school other than the public school in the school administrative unit in which the parent or student resides. It proposed requiring a parent to send the student to an accredited school that meets the provisions of the system of learning results in order to receive the subsidy.

LD 1424 An Act To Simplify Implementation of the Maine Learning PUBLIC 446
Results

<u>Sponsor(s)</u> CUMMINGS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-554
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LD 1424 proposed to simplify implementation of the learning results and proposed to provide for local assessments of reading, writing and math, the core principles of the learning results.

Committee Amendment "A" (H-554) proposed to strike and replace the bill to make several changes to the law in order to simplify the implementation requirements of the system of learning results. The amendment proposed to accomplish the following.

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1. It would maintain the existing timelines for implementation of all curriculum and instructional requirements of the system of learning results, including implementation of the content areas of visual and performing arts, foreign languages and career preparation, by the 2007-2008 school year.
2. It would continue the current practice of basing decisions regarding high school graduation and the awarding of high school diplomas upon existing credit-based requirements in law to ensure that all students would continue to have the opportunity to learn and to be awarded a high school diploma.
3. It would amend current law to clarify that a high school diploma would be awarded to those special education students who successfully complete the requirements of the system of learning results as specified in the goals and objectives of their individualized education plans.
4. Beginning in the 2007-2008 school year, it would allow school administrative units to award learning results endorsements in addition to the high school diploma for students who demonstrate attainment of the standards of the system of learning results; and it would establish that, between the 2009-2010 and 2011-2012 school years, the awarding of learning results endorsements would be based on student achievement of the standards of the system of learning results as determined by the school administrative unit's local assessment system in the following content areas:
 - A. By the 2009-2010 school year, English language arts and mathematics;
 - B. By the 2010-2011 school year, English language arts, mathematics, science and technology, social studies and health and physical education; and
 - C. By the 2011-2012 school years, each of the 8 content areas of the system of learning results.
5. It would permit the Commissioner of Education to provide for an alternative measure of student achievement at grade 11 as part of the statewide assessment program.
6. It would provide for greater accountability by:
 - A. Requiring that the Commissioner of Education validate the comprehensive education plan and the local assessment plan for every school administrative unit;
 - B. Directing the Commissioner of Education, beginning in the 2007-2008 school year, to recommend to the Legislature annual targets for the percentage of students to whom school administrative units and private schools that enroll 60% publicly-funded students may award diplomas based on the awarding of credits and the percentage of students receiving learning results endorsements in addition to the high school diploma awarded;
 - C. Requiring that school administrative units and certain private schools, beginning in the 2007-2008 school year, must include in their annual basic school approval reports to the Commissioner of Education the number and the percentage of learning results endorsements awarded in addition to high school diplomas; and
 - D. Directing the Commissioner of Education to provide an annual report by February 1st to the joint standing committee of the Legislature having jurisdiction over education matters regarding the status of

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implementation of the system of learning results in all school administrative units, including a report on the number and the percentage of learning results endorsements awarded in addition to high school diplomas awarded for each of the 8 content areas of the system of learning results in every school administrative unit in the State.

7. It would authorize the Commissioner of Education to provide technical assistance to school administrative units based on a review of the comprehensive education plan. Current law only permits the commissioner to provide technical assistance when student performance in the school unit indicates that assistance is needed.

Enacted law summary

Public Law 2005, chapter 446 makes several changes to the education statutes in order to simplify the implementation requirements of the system of learning results. The law accomplishes the following.

1. It maintains the existing timelines for implementation of all curriculum and instructional requirements of the system of learning results, including implementation of the content areas of visual and performing arts, foreign languages and career preparation, by the 2007-2008 school year.
2. It continues the current practice of basing decisions regarding high school graduation and the awarding of high school diplomas upon existing credit-based requirements in law to ensure that all students will continue to have the opportunity to learn and to be awarded a high school diploma.
3. It amends current law to clarify that a high school diploma must be awarded to those special education students who successfully complete the requirements of the system of learning results as specified in the goals and objectives of their individualized education plans.
4. Beginning in the 2007-2008 school year, it allows school administrative units to award learning results endorsements in addition to the high school diploma for students who demonstrate attainment of the standards of the system of learning results; and it establishes that, between the 2009-2010 and 2011-2012 school years, the awarding of learning results endorsements will be based on student achievement of the standards of the system of learning results as determined by the school administrative unit's local assessment system in the following content areas:
 - A. By the 2009-2010 school year, English language arts and mathematics;
 - B. By the 2010-2011 school year, English language arts, mathematics, science and technology, social studies and health and physical education; and
 - C. By the 2011-2012 school years, each of the 8 content areas of the system of learning results.
5. It permits the Commissioner of Education to provide for an alternative measure of student achievement at grade 11 as part of the statewide assessment program.
6. It provides for greater accountability by:
 - A. Requiring that the Commissioner of Education validate the comprehensive education plan and the local assessment plan for every school administrative unit;

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- B. Directing the Commissioner of Education, beginning in the 2007-2008 school year, to recommend to the Legislature annual targets for the percentage of students to whom school administrative units and private schools that enroll 60% publicly-funded students may award diplomas based on the awarding of credits and the percentage of students receiving learning results endorsements in addition to the high school diploma awarded;
 - C. Requiring that school administrative units and certain private schools, beginning in the 2007-2008 school year, must include in their annual basic school approval reports to the Commissioner of Education the number and the percentage of learning results endorsements awarded in addition to high school diplomas; and
 - D. Directing the Commissioner of Education to provide an annual report by February 1st to the joint standing committee of the Legislature having jurisdiction over education matters regarding the status of implementation of the system of learning results in all school administrative units, including a report on the number and the percentage of learning results endorsements awarded in addition to high school diplomas awarded for each of the 8 content areas of the system of learning results in every school administrative unit in the State.
7. It authorizes the Commissioner of Education to provide technical assistance to school administrative units based on a review of the comprehensive education plan. Current law only permits the commissioner to provide technical assistance when student performance in the school unit indicates that assistance is needed.

LD 1425 An Act To Support the Efficient Implementation of Maine's CARRIED OVER
Learning Results

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

LD 1425 proposed to provide financial support to existing nongovernmental education organizations that create and manage statewide and regional networks that provide Maine learning results implementation support and services to Maine educators and school systems. This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1444 Resolve, Regarding Teacher Certification Requirements RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM	H-394

LD 1444 proposed to allow a person who has completed a postsecondary teacher preparation program in the State approved by the State Board of Education and meets all requirements for an initial certificate to become a new teacher prior to January 1, 2006 to be certified under present Department of Education rules to prevent students in postsecondary teacher preparation programs who are nearing the end of their college degree programs from

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being penalized by having the certification requirements change prior to the completion of their academic programs.

Committee Amendment "A" (H-394) proposed to clarify that those students who are completing their postsecondary teacher preparation program in December 2005 in the State and meet all requirements for an initial certificate to become a new teacher prior to January 1, 2006 could be eligible for certification under present Department of Education rules. This amendment proposed to delete the provision that was contained in the original resolve that would have required approval of the program by the State Board of Education to ensure that these student applicants, who are not graduates of "approved" teacher preparation programs, would not be penalized by having the certification requirements change prior to the completion of their academic programs.

Enacted law summary

Resolve 2005, chapter 56 allows a person who has completed a postsecondary teacher preparation program in the State and meets all requirements for an initial certificate to become a new teacher prior to January 1, 2006 to be certified under present Department of Education rules.

LD 1446 An Act To Amend the Law Regarding Certification of Educational Personnel PUBLIC 152

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

LD 1446 proposed to amend the law regarding the certification of educational personnel in 3 ways.

1. It would authorize the granting of a certificate or authorization of personnel who provide early childhood education programs or developmental therapy to all children from birth to age 5. Currently, the certificate or authorization is limited to educational personnel who provide programs or developmental therapy to children birth to school age 5 who have disabilities.
2. It would repeal the requirement for certification that all educational personnel have knowledge of physiology and hygiene and the effects of alcohol, stimulants and narcotics upon the human system.
3. It would revise the conditional certificate for administrators to allow the Department of Education to grant a maximum of 2 one-year conditional administrator certificates. Currently, conditional administrator certificates can be granted for only one year.

Enacted law summary

Public Law 2005, chapter 152 amends the law regarding the certification of educational personnel in 3 ways.

1. It authorizes the granting of a certificate or authorization of personnel who provide early childhood education programs or developmental therapy to all children from birth to age 5. Currently, the certificate or authorization is limited to educational personnel who provide programs or developmental therapy to children birth to school age 5 who have disabilities.

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2. It repeals the requirement for certification that all educational personnel have knowledge of physiology and hygiene and the effects of alcohol, stimulants and narcotics upon the human system.
3. It revises the conditional certificate for administrators to allow the Department of Education to grant a maximum of 2 one-year conditional administrator certificates. Previously, conditional administrator certificates could be granted for only one year.

LD 1451 **Resolve, To Enforce Environmental Health Protection Measures in Public Schools** **ONTP**

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

LD 1451 proposed to require the Department of Education to identify and enforce significant environmental health protection measures for public schools serving kindergarten to grade 12. The department would have been required to develop recommendations for reporting requirements by school administrative units regarding the effectiveness of the measures and possible additional measures.

LD 1454 **An Act To Amend the Laws Regarding the School Revolving Renovation Fund** **PUBLIC 272 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDMAN	OTP-AM	H-462

LD 1454 proposed to allow reimbursement from the School Revolving Renovation Fund to school administrative units for costs incurred for first priority status health and safety projects approved by the Commissioner of Education.

Committee Amendment "A" (H-462) proposed to clarify that the amount of the reimbursement that a school administrative unit could receive from the School Revolving Renovation Fund for costs incurred for a first priority status health and safety project could not exceed 70% and could not be less than 30% of the costs of the first priority status health and safety project as determined in accordance with the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 6, paragraph A.

Enacted law summary

Public Law 2005, chapter 272 allows reimbursement from the School Revolving Renovation Fund to school administrative units for costs incurred for first priority status health and safety projects approved by the Commissioner of Education. The law provides that the amount of the reimbursement that a school administrative unit may receive from the School Revolving Renovation Fund for costs incurred for a first priority status health and safety project may not exceed 70% and may not be less than 30% of the costs of the first priority status

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health and safety project as determined in accordance with the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 6, paragraph A.

Public Law 2005, chapter 272 was enacted as an emergency measure effective June 2, 2005.

LD 1457 Resolve, To Reform the Maine Education System ONTP

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

LD 1457 proposed to direct the Board of Education to convene a task force to review the special education system and to develop a proposal to phase it out and replace it with a new system under which every student, not just special education students, would receive an individual learning plan and eligible children under 9 years of age who are experiencing developmental delays are ensured a free appropriate public education. The department would have been required to invite interested parties and stakeholders to serve as members of the task force.

LD 1469 An Act To Create the Maine Merit Scholarship Program ONTP

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

LD 1469 proposed to establish a merit-based scholarship program for eligible students who graduate from high school in Maine and who are admitted to one of the institutions of the University of Maine System or the Maine Community College System. Students must have graduated in the top 10% of their classes in high school and family income must be less than \$70,000 a year. The scholarships would have been for the full or partial cost of tuition less any financial aid, awards or grants that reduced the level of tuition. Students would have been required to retain a 3.0 grade point average in college in order to remain in the program. This merit-based scholarship program would have been administered by the Finance Authority of Maine. The Finance Authority of Maine, which would have been given routine technical rule-making authority, could have adjusted these eligibility requirements to control expenditures or increase participation in the program.

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LD 1488 An Act To Give Parents Control over the Sex Education of Their Children ONTP

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

LD 1488 proposed requiring a school administrator to notify a parent or guardian and obtain the written consent of that parent or guardian before providing comprehensive family life education to a child.

LD 1494 An Act To Increase Faculty in Maine Nursing Education Programs PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM	H-401
ANDREWS		S-401 ROTUNDO

LD 1494 proposed to create the nursing education loan repayment program and fund, to be administered by the Finance Authority of Maine, for the purpose of increasing nursing faculty at nursing education programs in the State. The program would repay up to \$4,500 of education loans for a master's degree and up to \$6,000 of education loans for a doctoral degree for a nurse who commits to working as faculty in a nursing education program in the State for a minimum of 3 years after acceptance into the program. This bill proposed to appropriate \$50,000 from the General Fund each year for the next 2 years to finance the program.

Committee Amendment "A" (H-401) proposed to allow the Finance Authority of Maine to use proceeds from the nursing education loan repayment fund for the administrative expenses of the nursing education loan repayment program.

Senate Amendment "A" (S-401) proposed to remove the appropriations and allocations section from the bill.

Enacted law summary

Public Law 2005, chapter 417 creates the nursing education loan repayment program and fund, to be administered by the Finance Authority of Maine, for the purpose of increasing nursing faculty at nursing education programs in the State. The program will repay up to \$4,500 of education loans for a master's degree and up to \$6,000 of education loans for a doctoral degree for a nurse who commits to working as faculty in a nursing education program in the State for a minimum of 3 years after acceptance into the program.

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LD 1513

**An Act To Require Coordination of Early Childhood Programs
for Children 4 Years of Age in Maine**

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MILLS P	OTP-AM	H-507

LD 1513 proposed to require local public schools to coordinate with community-based early childhood care and preschool education providers to determine the best way to deliver preschool education. Prior to receiving approval from the Department of Education for offering a so-called "early kindergarten" program, public schools must demonstrate that they have coordinated with community-based early childhood care and preschool education providers to prevent duplication of preschool services. The bill also proposed to require coordinated planning with the Department of Health and Human Services and Department of Education to ensure that new "early kindergarten" services are provided in safe, developmentally appropriate settings by skilled and educated preschool teachers.

Committee Amendment "A" (H-507) proposed to strike and replace the title of the bill and the bill itself to establish that local public schools would be required to receive approval from the Department of Education before offering so-called "early kindergarten" programs. The amendment proposed to accomplish the following.

1. It would require that the Department of Education approval process consider factors related to the needs of families in the community for other early childhood education programs for children 4 years of age, the extent to which public schools have demonstrated that they have coordinated with early childhood programs for children 4 years of age in the community and the provision of broad public notice regarding the proposed early childhood education program for children 4 years of age.
2. It would permit the Department of Education to adopt major substantive rules for the approval process for early childhood programs for children 4 years of age.
3. It also would require the Department of Education, in collaboration with representatives of the early childhood programs in the State, to establish standards for early childhood programs for children 4 years of age developed by school administrative units.

House Amendment "A" to Committee Amendment "A" (H-573) proposed to require the Department of Education to include consideration of demonstrated adherence by a school administrative unit to policies set forth in the Department of Health and Human Services child care licensing guidelines for care of children with respect to safety issues and adult-to-child ratios in evaluating a proposal to develop an early childhood program for children 4 years of age submitted by a school administrative unit to the Department of Education for approval.

Enacted law summary

Public Law 2005, chapter 368 requires that local public schools must receive approval from the Department of Education before offering so-called "early kindergarten" programs. The law requires that the Department of Education approval process must consider factors related to the needs of families in the community for other early childhood education programs for children 4 years of age, the extent to which public schools have demonstrated that they have coordinated with early childhood programs for children 4 years of age in the community, demonstrated adherence by a school administrative unit to policies set forth in the Department of

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Health and Human Services child care licensing guidelines for care of children with respect to safety issues and adult-to-child ratios, and the provision of broad public notice regarding the proposed early childhood education program for children 4 years of age.

The law also permits the Department of Education to adopt major substantive rules for the approval process for early childhood programs for children 4 years of age. The law further requires the Department of Education, in collaboration with representatives of the early childhood programs in the State, to establish standards for early childhood programs for children 4 years of age developed by school administrative units.

LD 1527 **Resolve, To Allow School Administrative District 16 To Sell a School in Anticipation of Closure** **ONTP**

<u>Sponsor(s)</u> COWGER MCCORMICK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1527 proposed to allow School Administrative District 16 to sell the consolidated Hall-Dale Elementary School and lease it for \$1 per year until a replacement school building is completed and ready to be occupied.

LD 1528 **An Act To Create a Graduate School of Biomedical Sciences at the University of Maine** **P & S 28**

<u>Sponsor(s)</u> BROMLEY CAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-165 S-398 ROTUNDO
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LD 1528 proposed to direct the Board of Trustees of the University of Maine System to establish a graduate school of biomedical sciences to educate and train students in basic and clinical fields of biomedicine and the biosciences. The bill also proposed to provide ongoing funds for the graduate school.

Committee Amendment "A" (S-165) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-398) proposed to authorize, but does not require, the Board of Trustees of the University of Maine System to establish a graduate school of biomedical sciences to educate and train students in basic and clinical fields of biomedicine and the biosciences. This amendment also proposed to remove funding for the graduate school.

Enacted law summary

Private and Special Law 2005, chapter 28 authorizes the Board of Trustees of the University of Maine System to establish a graduate school of biomedical sciences to educate and train students in basic and clinical fields of biomedicine and the biosciences.

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LD 1529

Resolve, Regarding Legislative Review of Chapter 180, Subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a Major Substantive Rule of the Department of Education

**RESOLVE 79
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-461

LD 1529 proposed to provide for legislative review of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-461) proposed to provide that the provisionally adopted rule submitted by the Department of Education could be authorized only if certain designated portions of the rule were amended to:

1. Clarify that the parent of an eligible 5-year-old child shall provide informed consent to their regional site of the Child Development Services System that includes an explanation of the option to either remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten;
2. Establish that the regional site of the Child Development Services System shall provide a copy of the individualized family service plan or the individualized education plan for each eligible 5-year-old child whose parent elects to receive services to the Child Development Services State Office; and
3. Establish that the parent of an eligible 5-year-old child who has been unable to inform their regional site of the Child Development Services System of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th.

Enacted law summary

Resolve 2005, chapter 79 provides for legislative review of Chapter 180, subchapter XIII: Continued Provision of Free Appropriate Public Education for Five-Year-Olds Born Between September 1st and October 15th, a major substantive rule of the Department of Education.

The resolve authorizes final adoption of the rule provided that certain designated portions of the rule are amended to:

1. Clarify that the parent of an eligible 5-year-old child shall provide informed consent to their regional site of the Child Development Services System that includes an explanation of the option to either remain in the Child Development Services System or the option to enroll in kindergarten and the specific free, appropriate public education services that are available in kindergarten;
2. Establish that the regional site of the Child Development Services System shall provide a copy of the individualized family service plan or the individualized education plan for each eligible 5-year-old child whose parent elects to receive services to the Child Development Services State Office; and

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3. Establish that the parent of an eligible 5-year-old child who has been unable to inform their regional site of the Child Development Services System of their choice by May 1st can submit a request for consideration to the Child Development Services State Office by June 15th.

Resolve 2005, chapter 79 was enacted as an emergency measure effective June 2, 2005.

LD 1530 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a Major Substantive Rule of the Department of Education** **RESOLVE 41 EMERGENCY**

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

LD 1530 proposed to provide for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2005, chapter 41 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel, Part I and Part II, a major substantive rule of the Department of Education.

Resolve 2005, chapter 41 was enacted as an emergency measure effective May 20, 2005.

LD 1543 **An Act To Facilitate Summer Youth Employment** **ONTP**

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

LD 1543 proposed prohibiting the University of Maine System, the Maine Community College System and the Maine Maritime Academy from commencing classes prior to Labor Day.

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LD 1565 **An Act Requiring Release of Aggregate Information from the Department of Education To Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Educational Personnel** **ONTP**

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

LD 1565 proposed to require the Department of Education to release aggregate information to the Legislature concerning the law requiring fingerprinting and background checks of educational personnel in order to measure the effectiveness of the law.

LD 1615 **An Act To Restore Funding for the Reading Recovery Program** **DIED BETWEEN HOUSES**

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

LD 1615 proposed to restore funding for the Reading Recovery program that was deappropriated in Public Law 2005, chapter 12.

LD 1639 **An Act To Allow Abstinence To Be Offered as an Alternative Education Program for Grades 7 to 12** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ	
DUPREY	OTP MIN	

LD 1639 proposed to allow the governing body of a school administrative unit to choose to offer abstinence education for grades 7 to 12 in place of or in addition to any comprehensive family life education that takes place in a school.

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LD 1640

An Act To Permit Charter Schools in Maine

CARRIED OVER

Sponsor(s)
WESTON

Committee Report

Amendments Adopted

LD 1640 proposed to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education. The charter school pilot program proposed to be established under this bill would permit up to 20 charter schools to be authorized during a 10-year pilot phase. A charter school would be approved for a renewable 5-year term, with a major review of the operations and achievements of the charter school prior to renewal.

Charter schools could be conversions of existing public schools or school administrative units, new schools or existing nonprofit, nonsectarian schools that would convert to charter status. A chartering authority could be a local school board or an officially recognized unit of the University of Maine System or one of its universities, the Maine Community College System or one of its colleges or the Maine Maritime Academy.

Charter schools would be created to offer students and parents more education options to meet the diversity of learning needs of Maine's children. Charter schools would be open to all students equally, though they could specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school could not be affiliated with a religious institution and would be required to be nonsectarian in its programs, practices and policies.

At least 50% of the charter school's teaching staff would be required to hold appropriate teaching certificates. Teachers in charter schools would be employees of the charter school and would have the right to organize and bargain collectively in a separate unit or could choose to operate the charter school themselves as partners or members of a cooperative.

Charter schools would be funded by per-pupil allocations from state and local sources based on the essential programs and services model of school funding. The state and local per-pupil payments would be sent to each charter school or other public school chosen for each child. Funds for operating costs, transportation costs, vocational costs and special education costs would be required to follow each child to the public charter school chosen.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1649 **An Act To Amend the Maximum Allowable Tuition for Students** **ONTP**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1649 proposed to require the Commissioner of Education to pay for each tuition student to a public elementary or secondary school the actual per student cost or the average statewide per student cost, whichever is higher.

LD 1655 **An Act To Establish the Maine Graduate Retention Loan Program** **ONTP**

<u>Sponsor(s)</u> DIAMOND BRYANT M		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1655 proposed to establish the Maine Graduate Retention Loan Program to provide loans of 75% of tuition and board to certain eligible students enrolled in postsecondary educational institutions who would agree to accept and maintain full-time employment in the State after graduation. The loans could then be forgiven at a rate of 15% per year of eligible employment in the State. The bill proposed to direct the Finance Authority of Maine to administer the program.

LD 1656 **Resolve, To Retain Maine's Theater Arts and Dance Teachers** **RESOLVE 96
EMERGENCY**

<u>Sponsor(s)</u> PINGREE WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-520
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LD 1656 proposed to exempt theater teachers who are currently employed from additional requirements imposed by rules adopted by the State Board of Education on April 14, 2004, Chapter 115: Certification, Authorization and Approval of Education Personnel.

Committee Amendment "A" (H-520) proposed to replace the title of the bill and proposed to change the bill to a resolve that would direct the State Board of Education to amend Chapter 115: Certification, Authorization and Approval of Educational Personnel in order to provide an exemption for certain theater arts and dance teachers who are employed in an accredited public or private school in the State as of October 1, 2005 from additional requirements imposed by rules adopted by the State Board of Education on April 14, 2004 that are scheduled to become effective August 1, 2005.

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Enacted law summary

Resolve 2005, chapter 96 directs the State Board of Education to amend Chapter 115: Certification, Authorization and Approval of Educational Personnel in order to provide an exemption for certain theater arts and dance teachers who are employed in an accredited public or private school in the State as of October 1, 2005 from additional requirements imposed by rules adopted by the State Board of Education on April 14, 2004 that are scheduled to become effective August 1, 2005.

Resolve 2005, chapter 96 was enacted as an emergency measure effective June 7, 2005.

LD 1661

An Act To Streamline Higher Education in Maine

ONTP

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

LD 1661 proposed to establish a centralized system of governance and coordination for public higher education and proposed to reorganize the system for public higher education in Maine by creating the Board of Regents of Higher Education, which would have been established as the central policy-making authority for public higher education in the State. The bill further proposed to establish a coordinating council and an advisory committee to assist the board of regents in fulfilling its policy-making role of coordinating the programs and resources of the University of Maine System and its universities, the Maine Community College System and its colleges and the Maine Maritime Academy. The bill also proposed to establish transition provisions to review and propose legislative revisions to the charters and relevant statutes of the University of Maine System, the Maine Community College System and the Maine Maritime Academy to align the governance structures of these entities with the board of regents as the central policy-making authority for the state system of higher education. The bill further proposed to direct the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of the Maine Maritime Academy, and the respective chairs of their boards of trustees, to work with the Joint Standing Committee on Education and Cultural Affairs to address a number of transition provisions. Finally, the bill proposed to establish July 1, 2007 as the effective date for implementing these governance and coordination changes.

LD 1668

**An Act To Establish a Cost-sharing Formula for the Five Town
Community School District**

**P & S 10
EMERGENCY**

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

LD 1668 was introduced as an emergency measure by H.P. 1177. The bill proposed to establish a cost-sharing formula for the community school district created in Private and Special Law 1993, chapter 64. It proposed to provide that beginning July 1, 2005, the community school district shall share its costs, including additional local funds, among the member municipalities in proportion to each municipality's required contribution to the total

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cost of funding education as described in the Essential Programs and Services Funding Act. It also proposed to provide that the cost-sharing formula applicable to the community school district's additional local funds may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

Enacted law summary

Private and Special Law 2005, chapter 10 establishes a cost-sharing formula for the community school district created in Private and Special Law 1993, chapter 64. It provides that beginning July 1, 2005, the community school district shall share its costs, including additional local funds, among the member municipalities in proportion to each municipality's required contribution to the total cost of funding education as described in the Essential Programs and Services Funding Act. It also provides that the cost-sharing formula applicable to the community school district's additional local funds may be amended pursuant to the Maine Revised Statutes, Title 20-A, section 1704.

Private and Special Law 2005, chapter 10 was enacted as an emergency measure effective June 12, 2005.

LD 1684

**An Act Regarding Transition Provisions for the Sharing of Costs
in Certain School Districts**

**P & S 23
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1684 was reported out as an emergency bill by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2005, chapter 2.

Enacted law summary

Private and Special Law 2005, chapter 23 changes the cost-sharing mechanism established by the Essential Programs and Services Funding Act and incorporates transition provisions for certain school districts whose cost-sharing formulas may result in adverse impacts for member municipalities within the school districts. The law accomplishes the following.

1. It provides an adjustment to the state share of the total allocation for school administrative districts and community school districts that have member municipalities with local contributions that are below the maximum mill rate expectation but that are adversely affected as a result of the cost-sharing mechanism established pursuant to the Maine Revised Statutes, Title 20-A, section 15688.
2. It provides transition provisions to the current cost-sharing formula of School Administrative District No. 71 for fiscal year 2005-06 to fiscal year 2008-09 and subsequent fiscal years.
3. It provides transition provisions to the cost-sharing formula of the Manchester, Mount Vernon, Readfield and Wayne Community School District for fiscal year 2005-06 to fiscal year 2008-09.
4. It provides a one-year extension to allow the Department of Education to continue to assist School Administrative District No. 74 in developing a transition plan to phase in the new method of determining

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member municipalities' local cost of education in accordance with Title 20-A, section 15688 by fiscal year 2008-09.

5. It authorizes the Commissioner of Education to adjust the allocation of general purpose aid to local schools for School Administrative District No. 67 in fiscal year 2005-06 should the state valuation for the Town of Lincoln be reduced due to a reduction in value of the Eastern Fine Paper plant.

Private and Special Law 2005, chapter 23 was enacted as an emergency measure effective June 7, 2005.

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Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Enacted

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School Budgets

Enacted

None

Not Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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Not Enacted

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Enacted

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LD 883	An Act To Require All School Administrators To Spend Time Weekly in the Classroom with Students	ONTP	Page 285
LD 1048	Resolve, Directing the State Board of Education To Review the Authorization Requirements for Educational Technicians	ONTP	Page 291
LD 1061	An Act To Improve the Recruitment of Teachers	ONTP	Page 292
LD 1185	An Act To Augment and Diversify the Ranks of Maine Educators	ONTP	Page 294
LD 1187	An Act To Create a Senior Life Educator Certificate Program	ONTP	Page 294
LD 1381	An Act To Update Teachers' Minimum Salaries	CARRIED OVER	Page 301
LD 1565	An Act Requiring Release of Aggregate Information from the Department of Education To Measure the Effectiveness of the Law Requiring Fingerprinting and Background Checks of Educational Personnel	ONTP	Page 315

Tuition Rates for Non-resident Students

Enacted

LD 478	An Act To Cap Tuition Rates by Schools in the Unorganized Territory	PUBLIC 115	Page 273
LD 989	Resolve, To Study the Insured Value Factor in School Tuition	RESOLVE 38	Page 289
LD 1200	An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedures	PUBLIC 153	Page 296

Not Enacted

LD 724	An Act To Amend the Maximum Allowable Tuition for Students in the Unorganized Territory	ONTP	Page 279
LD 1649	An Act To Amend the Maximum Allowable Tuition for Students	ONTP	Page 317

Education - Other

Enacted

LD 796	An Act To Implement the Recommendations of the Commission To Study Public Health That Concern Schools, Children and Nutrition	PUBLIC 435	Page 281
LD 921	An Act To Restructure the Board of Trustees of the Maine School of Science and Mathematics	PUBLIC 129	Page 287
LD 981	An Act To Add an Organizational Name to the Governor Baxter School for the Deaf	PUBLIC 279	Page 288
LD 1037	An Act To Authorize Exemptions for Montessori Schools from Certain Requirements	PUBLIC 224	Page 291
LD 1317	An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates	PUBLIC 429	Page 298

Not Enacted

LD 84	An Act Regarding Interscholastic Athletics	CARRIED OVER	Page 267
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LD 116	An Act To Ensure Funding for After-school Programs	ONTP	Page 268
LD 347	An Act To Rename the Jobs for Maine's Graduates Program To Create InspireME	INDEF PP	Page 270
LD 979	An Act To Fund Youth Mentoring Programs	CARRIED OVER	Page 288
LD 1130	An Act To Allow a State Champion Cross-country Running Team To Participate in New England Competitions	ONTP	Page 293

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Health and Human Services*

August 2005

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**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	134	92.4%	7.9%
<i><u>Bills Carried Over</u></i>	10	6.9%	0.6%
Total Bills referred	144	99.3%	8.5%
B. Bills reported out by law or joint order	1	0.7%	0.1%
Total Bills considered by Committee	145	100.0%	8.6%
Orders and Resolutions referred to Committee			
<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</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	6.0%	0.5%
<i>Ought to Pass as Amended</i>	53	39.6%	3.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	45	33.6%	3.0%
Total unanimous reports	106	79.1%	7.0%
B. Divided committee reports			
<i>Two-way reports</i>	27	20.1%	1.8%
<i>Three-way reports</i>	1	0.7%	0.1%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
Total divided reports	28	20.9%	1.9%
Total committee reports	134	92.4%	8.9%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	39	26.9%	2.3%
<i>Private and Special Laws</i>	2	1.4%	0.1%
<i>Resolves</i>	26	17.9%	1.5%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
Total Enacted or Finally Passed	67	46.2%	4.0%
B. Resolves to authorize major substantive rules			
<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>	0	0.0%	0.0%
Total number of rules reviewed	6	100.0%	27.3%
C. Bills vetoed or held by Governor			
<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>	0	0.0%	0.0%
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Health and Human Services

LD 5 **Resolve, To Study Initiatives To Increase Access to Dental Services for Children in the MaineCare Program** **RESOLVE 34**

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-328
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LD 5 was a concept draft pursuant to Joint Rule 208. It proposed to give incentives to dentists in private practice to induce them to accept as patients children who are covered by the MaineCare program.

Enacted law summary

Resolve 2005, chapter 34 directs the Department of Health and Human Services to convene a broadly representative working group to study initiatives to increase access to dental services for children in the MaineCare program. The resolve directs the department to report on the results of the study by the working group by February 1, 2006 to the Joint Standing Committee on Health and Human Services.

LD 9 **Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse** **RESOLVE 36
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-236
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LD 9 proposed to provide for legislative review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a major substantive rule of the Department of Health and Human Services, Office of Substance Abuse.

Enacted law summary

Resolve 2005, chapter 36 provides for legislative review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a major substantive rule of the Department of Health and Human Services, Office of Substance Abuse. The resolve approves the rule.

Resolve 2005, chapter 36 was finally passed as an emergency measure effective May 20, 2005.

Joint Standing Committee on Health and Human Services

LD 14 **An Act To Clarify Eligibility for the Temporary Assistance for Needy Families Program** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 14 proposed to require the Department of Health and Human Services to coordinate benefits under the Temporary Assistance for Needy Families program with other states for persons who have recently established residency in Maine.

LD 15 **An Act To Inform Patrons of Food Service Establishments about the Use of Latex Gloves in Food Preparation** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 15 proposed to require the operator of an eating establishment to display a notice if the workers of the eating establishment use latex gloves in the preparation of food.

LD 16 **Resolve, Regarding the Certificate of Need Process** **RESOLVE 60**

<u>Sponsor(s)</u> CARR ROSEN R		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-344
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LD 16 proposed to establish a 90-day period for review and decision on a completed certificate of need application and to provide for issuance of the certificate of need if the Commissioner of Health and Human Services does not meet the 90-day requirement.

Enacted law summary

Resolve 2005, chapter 60 directs the Department of Health and Human Services to undertake a study of the certificate of need process and to report to the Joint Standing Committee on Health and Human Services by January 31, 2006.

Joint Standing Committee on Health and Human Services

LD 21 **Resolve, Directing the Department of Health and Human Services
To Adopt Rules Regarding the Licensing of New Opioid
Treatment Programs** **RESOLVE 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK	OTP-AM MAJ ONTP MIN	H-235

LD 21 proposed to require the Department of Health and Human Services, Office of Substance Abuse to adopt annual performance standards for the licensure of methadone clinics and to hold a public meeting before granting the initial license for a clinic. The bill proposed to prohibit licensing a new clinic within 2,000 feet of a licensed child care facility or a school.

Enacted law summary

Resolve 2005, chapter 31 requires the Department of Health and Human Services, Office of Substance Abuse to adopt rules regarding opioid treatment programs that will clarify certificate of need requirements and provide for meetings prior to licensure and annually after licensure among the programs and municipalities in which they are located and the residents of those municipalities.

LD 33 **Resolve, Regarding Legislative Review of Chapter 101:
Establishment of the Capital Investment Fund, a Major
Substantive Rule of the Governor's Office of Health Policy and
Finance** **RESOLVE 115
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	H-636 H-685 PINGREE

LD 33 proposed to provide for legislative review of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance.

Enacted law summary

Resolve 2005, chapter 115 provides for legislative review of Chapter 101: Establishment of the Capital Investment Fund, a major substantive rule of the Governor's Office of Health Policy and Finance. The resolve approves the rule if it is amended to add language regarding convening a panel of experts to advise the Governor's Office of Health Policy and Finance, to add public notice and meeting requirements that are similar to those provided in the Maine Administrative Procedure Act, to add as a consideration any unused balance in the Capital Investment Fund from the prior year and to exempt hospital and nonhospital projects that are funded fully with public funding from the limit on resource allocations imposed by the Capital Investment Fund.

Resolve 2005, chapter 115 was finally passed as an emergency measure effective June 17, 2005.

Joint Standing Committee on Health and Human Services

LD 52

**An Act To Authorize Certain Campers To Self-administer
Emergency Medication**

**PUBLIC 140
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW COWGER	OTP-AM	H-237

LD 52 proposed to require recreational camps for boys and girls to have policies authorizing certain campers to possess and self-administer emergency medication from an asthma inhaler or epinephrine pen.

Enacted law summary

Public Law 2005, chapter 140 requires recreational camps for boys and girls to have policies regarding emergency medications and requires that medication be readily available to the camper. The law requires the Department of Health and Human Services to adopt routine technical rules.

Public Law 2005, chapter 140 was enacted as an emergency measure effective May 20, 2005.

LD 55

Resolve, To Review Rules for Organ and Tissue Donation

**RESOLVE 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW ROSEN R	OTP-AM	H-238

LD 55 proposed to establish procedures for the donation of all or part of a human body for medical and dental research purposes when the donation is made to a research facility not already covered by the provisions of the Uniform Anatomical Gift Act. The bill proposed to subject donations to a research facility to provisions of the Uniform Anatomical Gift Act, using the definitions of that act and imposing additional requirements regarding training, documentation of the donation and recording of telephone conversations with family members of the donor.

Enacted law summary

Resolve 2005, chapter 27 requires the Department of Health and Human Services to review its rules for organ and tissue donation procurement and to report to the Joint Standing Committee on Health and Human Services by January 31, 2006.

Resolve 2005, chapter 27 was passed as an emergency measure effective May 20, 2005.

Joint Standing Committee on Health and Human Services

LD 60

Resolve, To Require the Department of Health and Human Services To Adopt Rules Regarding Accrual of Cost Savings

RESOLVE 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE DAMON	OTP-AM	H-357

LD 60 proposed to require the Department of Health and Human Services, Office of Management and Budget, Division of Audit to provide a part of any cost savings created by a provider of intermediate care facilities for mental retardation nursing services to the agency demonstrating the ability to generate such cost savings to its operations.

Enacted law summary

Resolve 2005, chapter 61 directs the Department of Health and Human Services to provisionally adopt major substantive rules by January 1, 2006 that create incentives for the efficient management of variable costs by intermediate care facilities for mental retardation. The provisionally adopted rules must be submitted for review by the Joint Standing Committee on Health and Human Services during the Second Regular Session of the 122nd Legislature.

LD 69

An Act To Reduce Costs to the Health Services System

ONTP

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

LD 69 proposed to provide a mechanism for reimbursing hospitals and health care providers that contract with the Department of Health and Human Services for services. The bill proposed to require new contracts to be signed prior to the end of the old contracts and proposed to provide for payment if this is not done.

LD 76

Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Payment for Goods and Services

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE SNOWE-MELLO	ONTP	

LD 76 proposed to require the Department of Health and Human Services, Bureau of Medical Services, Division of Audit to amend rules in order to fund all goods and services required by licensing and certification survey citations as conducted by state or federal surveyors under Medicaid and MaineCare rules.

Joint Standing Committee on Health and Human Services

LD 107

**An Act Guaranteeing Freedom of Choice Regarding the
Disposition of One's Own Organs**

PUBLIC 208

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 107 proposed to remove the provision of law that allows the next of kin to a person who has expressed intent to donate that person's own body organ or tissue after death to override the intention of that person. It also proposed to remove the provision of law that requires that a donor card be signed in the presence of 2 witnesses who must sign the donor card in the presence of the donor. The bill proposed to clarify that a person may donate that person's own body organ or tissue after death by way of a will, a donor card, an electronic donor registry or a driver's license on which a designation is made by organ donor decal, code or notation.

Enacted law summary

Public Law 2005, chapter 208 repeals the law that allows the next of kin to a person who has expressed intent to donate that person's own body organ or tissue after death to override the intention of that person. It also repeals the provision of law that requires that a donor card be signed in the presence of 2 witnesses who must sign the donor card in the presence of the donor. The law also clarifies that a person may donate that person's own body organ or tissue after death by way of a will, a donor card, an electronic donor registry or a driver's license on which a designation is made by organ donor decal, code or notation.

LD 108

**An Act To Require the Department of Health and Human Services
To Analyze Costs before the Legislature Imposes Mandates**

ONTP

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 108 proposed to impose on the Legislature a mandate review procedure similar to the procedure used in health insurance matters. The procedure would apply to proposed mandates that would impose costs on physicians and health care providers licensed by the Department of Health and Human Services.

LD 129

**An Act To Plan for a Pilot Program for Distributing Unopened
Medicines and Medical Supplies**

P & S 20

<u>Sponsor(s)</u> WATSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-347
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LD 129 proposed to establish the unused prescription drug program under which unused prescription drugs are accepted and dispensed to low-income persons. To be eligible for the program a person must have a family income below 350% of the federal poverty level, must not be receiving MaineCare prescription drug benefits,

Joint Standing Committee on Health and Human Services

must be a Maine resident and must have a valid prescription for the drug to be dispensed. The program would accept unused and unopened prescription drugs from drug manufacturers, drug wholesale and terminal distributors, hospitals, health clinics, federally qualified health centers, Indian health centers and rural health centers and assisted living facilities licensed by the Department of Health and Human Services.

Enacted law summary

Private and Special Law 2005, chapter 20 directs the Department of Health and Human Services to begin planning for a pilot program for distributing unopened medicines and medical supplies that are not needed by the person for whom they were purchased and requires a report to the Joint Standing Committee on Health and Human Services prior to operation of the pilot program.

LD 134 **An Act To Implement the Recommendations of the Commission To Study Public Health** **ONTP**

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

LD 134 proposed to implement certain recommendations of the Commission to Study Public Health, which was created pursuant to Resolve 2003, chapter 95. The bill proposed to:

1. Create the Maine Obesity Prevention Fund, to be funded from sources determined by the Legislature to be contributing causes of obesity;
2. Extend the Commission to Study Public Health through the Second Regular Session of the 122nd Legislature;
3. Direct the Dirigo Health board and the Department of Health and Human Services to study and report on incentives provided to encourage purchases of healthy food and beverages;
4. Direct the Department of Administrative and Financial Services, Bureau of Human Resources, Division of Employee Health and Benefits to implement a comprehensive employee health program addressing obesity;
5. Direct the Department of Administrative and Financial Services to create an expedited bid process for pilot projects related to employee health;
6. Direct the Department of Labor, Bureau of Rehabilitation Services, Division of the Blind and Visually Impaired to pursue reforms that will increase the availability of healthy foods and beverages in cafeterias, snack bars and vending machines under the division's purview;
7. Direct the State Employee Health Commission to direct health insurance carriers who provide health coverage for state employees, retirees and MaineCare recipients to investigate, and possibly implement, potentially cost-saving services for obesity prevention among their insureds; and

Joint Standing Committee on Health and Human Services

8. Direct the Department of Professional and Financial Regulation, Bureau of Insurance to encourage all health insurance carriers to provide incentives for their insureds to make use of potentially cost-saving services for obesity prevention.

LD 142 An Act To Protect Supplemental Security Income Benefits ONTP

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

LD 142 proposed to require the Department of Health and Human Services to structure copayments and deductibles in the MaineCare program to ensure that persons receiving Supplemental Security Income benefits do not pay for their MaineCare benefits more than 25% of their Supplemental Security Income benefits. The bill proposed to require the department to adopt rules for that purpose and to designate the rules as routine technical rules.

LD 146 An Act To Repeal the Tax on Private Nonmedical Institutions CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TARDY	ONTP MAJ OTP-AM MIN	S-173

LD 146 proposed to repeal the 5% service provider tax imposed on private nonmedical institutions.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 148 An Act To Require Certain Physicians To Provide Information ONTP
about Thimerosal in Vaccines

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

LD 148 proposed to require the Department of Health and Human Services, Bureau of Health to prepare a poster and brochure on the use of thimerosal and other preservatives in vaccines. The bill proposed to require physicians who administer vaccines to make the brochure available to patients and to display the poster. The bill proposed to require the brochure and poster to be available on the Department of Health and Human Services' publicly accessible site on the Internet.

Joint Standing Committee on Health and Human Services

LD 151 An Act To Improve the Delivery of Maine's Mental Health Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	H-716 PINGREE S-367 S-373 MARTIN

LD 151 proposed to establish a procedure for the involuntary administration of medication to a patient at a nonstate mental health institution or a state mental health institute, with an appeal procedure within the department and if that appeal is unsuccessful, then a further appeal to the court. The bill proposed to require the Department of Health and Human Services to adopt rules to implement the administration of medication provisions and to require amendment of the department's rules regarding the rights of recipients of mental health services. The bill proposed to designate rules adopted to be routine technical rules.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 154 An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens ONTP

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

LD 154 proposed to restore funding for fiscal years 2005-06 and 2006-07 for cuts made in the fiscal year 2004-05 budget in the MaineCare account for children's mental health services and adult and elderly mental health services.

LD 160 An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol ONTP

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

Current law prohibits smoking in the enclosed areas of restaurants and most other public places, but does not prohibit smoking in bingo halls, off-track betting facilities and private clubs that are licensed for the sale of food and alcohol. LD 160 proposed to prohibit smoking in the enclosed areas of all places licensed for the sale of food and alcohol while those places are open for such purposes.

Joint Standing Committee on Health and Human Services

LD 168 **An Act To Establish a Statewide Residency Requirement for General Assistance** **ONTP**

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

LD 168 proposed to establish a 30-day residency requirement for general assistance benefits.

LD 173 **An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization** **ONTP**

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

LD 173 proposed to require the Department of Health and Human Services to accept assessments of eligibility for nursing facility services completed for federal purposes for persons with end-stage diseases and persons who are terminally ill.

LD 176 **An Act To Eliminate Limitations on Access to Medications under Certain State Programs** **ONTP**

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

LD 176 proposed to provide that beginning October 15, 2005 prescription drug benefits in the MaineCare program, the elderly low-cost drug program and the Maine Rx Plus Program must provide access to medically necessary prescription drugs for members and enrollees in those programs without the imposition of a prior authorization procedure. The Department of Health and Human Services would be directed to adopt routine technical rules to implement this provision.

Joint Standing Committee on Health and Human Services

LD 181	Resolve, Requiring the Department of Health and Human Services To Reimburse Henrietta D. Goodall Hospital for 2002 MaineCare Costs	ONTP
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<u>Sponsor(s)</u> TUTTLE COURTNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 181 proposed to direct the Department of Health and Human Services to fully pay Henrietta D. Goodall Hospital for its 2002 MaineCare costs by October 15, 2005.

LD 182	An Act To Provide Funding for Domestic Violence Shelters	ONTP
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<u>Sponsor(s)</u> GROSE MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 182 proposed the collection of an additional fee of \$1 for each marriage license issued in the State. The fee would be deposited into a special revenue fund for the operation of domestic violence shelters.

LD 196	An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services	INDEF PP
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<u>Sponsor(s)</u> TUTTLE MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-239
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LD 196 proposed to require the Department of Health and Human Services to conduct an annual review of the adequacy of reimbursement rates paid to licensed ambulance services under the MaineCare program. The bill proposed to require the department to adjust reimbursement rates to levels that are no less than the average federal Medicare reimbursement rates for the same services. See PL 2005, chapter 326, Part FF1 & 2 for appropriation and allocation for this purpose.

Joint Standing Committee on Health and Human Services

LD 201 **An Act To Discontinue Transitional Child Care Services** **ONTP**

<u>Sponsor(s)</u> DUPREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 201 proposed to eliminate transitional child care benefits under the Temporary Assistance for Needy Families program.

LD 203 **An Act To Make Changes to the ASPIRE-TANF Program** **ONTP**

<u>Sponsor(s)</u> DUPREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 203 proposed to require the Department of Health and Human Services to charge a copayment based on family income for child care for participants in the ASPIRE-TANF program under the Maine Revised Statutes, Title 22, chapter 1054-A.

LD 210 **An Act To Allow Patients To Keep Medications upon Discharge
from a Nursing Facility or Hospital** **ONTP**

<u>Sponsor(s)</u> MARRACHE NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 210 proposed to provide that, when a patient or resident is discharged or moves from a hospital, nursing facility or assisted living facility licensed in this State, the patient or resident retains ownership of any medications owned while a patient or resident and may take those medications to the next place of treatment or residence.

Joint Standing Committee on Health and Human Services

LD 211 **An Act To Require the Disclosure by Hospitals and Ambulatory Surgical Centers of Charges to Certain Payors** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W STRIMLING	ONTP MAJ OTP-AM MIN	

LD 211 proposed to amend the law on disclosure of hospital and ambulatory surgical center prices for inpatient, outpatient and emergency services. The bill proposed to require disclosure to the public of amounts charged to each of the 10 most frequent payors for each service or procedure.

LD 219 **An Act To Improve the Child Welfare Ombudsman Function** **PUBLIC 410**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM	S-371

LD 219 proposed to provide strict confidentiality to the reports and records of the director of the ombudsman program, which provides services to children and families who are receiving child welfare services from the Department of Health and Human Services.

Enacted law summary

Public Law 2005, chapter 410 authorizes the child welfare ombudsman program to create records and case-specific reports and designates all information, records and case-specific reports as confidential and subjects disclosure to the provisions of the Maine Revised Statutes, Title 22, section 4008, subsections 2, 3 and 4.

LD 219, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

LD 239 **Resolve, To Develop a Partnership To Prevent, Identify and Treat Eating Disorders** **RESOLVE 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MAYO	OTP-AM	H-240

LD 239 proposed to direct the Commissioner of Health and Human Services, the Maine Hospital Association and the Superintendent of Insurance, in consultation with several hospitals throughout the State, to develop a plan to create a partnership between the State and hospitals throughout the State to identify and treat eating disorders in young women. A report on the plan would be submitted to the Second Regular Session of the 122nd Legislature.

Joint Standing Committee on Health and Human Services

Enacted law summary

Resolve 2005, chapter 33 directs the Department of Health and Human Services to convene an eating disorders work group and to report to the Joint Standing Committee on Health and Human Services by November 2, 2005 on inpatient and outpatient resources for preventing, identifying and treating eating disorders.

LD 246 **An Act To Remove Certain Orthodontic Procedures from
MaineCare Coverage BY REQUEST** **ONTP**

<u>Sponsor(s)</u> GREELEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 246 proposed that beginning January 1, 2006, the MaineCare program may provide orthodontic coverage for children only as required to correct birth defects and debilitating syndromes and as required by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services. The bill proposed to direct the department to adopt implementing rules, which are designated routine technical rules.

LD 266 **An Act To Ensure That All Providers of MaineCare Services Are
Maine-based Businesses** **ONTP**

<u>Sponsor(s)</u> ANDREWS LEWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 266 proposed to provide that, beginning January 1, 2006, the Department of Health and Human Services may not reimburse a provider of MaineCare health care services unless the provider is a business or sole proprietorship based in the State. The bill proposed to provide an exception to this restriction if obtaining the necessary health care service from a Maine-based business or sole proprietorship is not practical.

LD 318 **An Act To Protect the MaineCare Program** **ONTP**

<u>Sponsor(s)</u> MCKANE DOW		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 318 proposed to amend the MaineCare law as follows:

1. It would return the MaineCare eligibility levels to the levels in effect prior to the passage of the Dirigo Health law, Public Law 2003, chapter 469;
2. It would eliminate the noncategorical adult eligibility expansion of the MaineCare program;

Joint Standing Committee on Health and Human Services

3. It would increase the MaineCare reimbursement rate for hospitals from 75% to 88% of their actual costs, the same as Medicare; and
4. It would repeal that provision of the MaineCare Basic program in the Maine Revised Statutes, Title 22, section 3174-FF, subsection 3, paragraph H that relates to MaineCare coverage for noncategorical adults.

LD 343 **An Act To Require That Health Care Providers Use Uniform Rates BY REQUEST** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 343 proposed to require that beginning January 1, 2006 a health care provider will charge the same for the health care service regardless of the patient or the anticipated payor.

LD 349 **An Act To Require That the Department of Health and Human Services Include a Bureau of Elder Services** **INDEF PP**

<u>Sponsor(s)</u> CAMPBELL MAYO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 349 proposed to require that the bureaus established within the Department of Health and Human Services include the Bureau of Elder Services.

LD 359 **An Act To Change the Child Care Facility Licensing Laws** **CARRIED OVER**

<u>Sponsor(s)</u> DUPREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-346
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LD 359 proposed to require that a license for a child care facility be issued for a 2-year term, that the Department of Health and Human Services make at least one unannounced inspection of a child care facility within the 2-year license term and that the fee for a 2-year child care facility license be \$160.

The bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

Joint Standing Committee on Health and Human Services

LD 367

**An Act To Monitor and Maintain Maximum Levels of Assistance
in the General Assistance Program**

PUBLIC 231

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

LD 367 proposed to require that beginning October 2005 and annually thereafter, the aggregate maximum level of general assistance must be established at the greater of 110% of the fair market rents and the amount achieved by annually increasing the most recent aggregate maximum level of general assistance by the percentage increase in the federal poverty level of the current year over the prior year.

Enacted law summary

Public Law 2005, chapter 231 requires that beginning October 2005 and annually thereafter, the aggregate maximum level of general assistance must be established at the greater of 110% of the fair market rents or the amount achieved by annually increasing the most recent aggregate maximum level of general assistance by the percentage increase in the federal poverty level of the current year over the prior year.

LD 382

**Resolve, To Require the Department of Health and Human
Services To Amend Rules Regarding Licensing of Intermediate
Care Facilities for Mental Retardation**

RESOLVE 52

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSTHWAITE WESTON	OTP-AM	H-342

LD 382 proposed to require the Department of Health and Human Services, Bureau of Medical Services, Division of Licensing and Certification to amend the major substantive rules regarding the granting of licenses to all intermediate care facilities for mental retardation nursing that are approved for Medicaid certification of eligibility.

Enacted law summary

Resolve 2005, chapter 52 requires the Department of Health and Human Services to amend its rules pertaining to the licensing of intermediate care facilities for mental retardation in order to eliminate duplicative or nonessential state licensing requirements. Rules adopted to implement these changes are major substantive rules and must be provisionally adopted and submitted to the Joint Standing Committee on Health and Human Services for review no later than January 3, 2006.

Joint Standing Committee on Health and Human Services

LD 388

**An Act To Ensure Continued Federal Funding of the Maine
Developmental Disabilities Council**

**PUBLIC 137
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER MARTIN	OTP-AM	H-207

LD 388 proposed to authorize the Maine Developmental Disabilities Council to be the designated state agency for the purposes of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Enacted law summary

Public Law 2005, chapter 137 authorizes the Maine Developmental Disabilities Council to be the designated state agency for the purposes of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Public Law 2005, chapter 137 was enacted as an emergency measure effective May 20, 2005.

LD 401

**Resolve, Directing the Department of Health and Human Services
To Develop a Proposal To Create the Office of Minority Health**

ONTP

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

LD 401 proposed to direct the Department of Health and Human Services to develop a proposal to create the Office of Minority Health within the department and to submit its proposal to the Second Regular Session of the 122nd Legislature.

LD 402

**An Act To Require Able-bodied Welfare Recipients To Seek
Employment and Work or Volunteer BY REQUEST**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO CEBRA	ONTP	

LD 402 is a concept draft pursuant to Joint Rule 208. It proposed to amend the current law dealing with welfare recipients. The bill proposed to require able-bodied welfare recipients to work with town officials and municipal officers to seek meaningful employment and require them to work or volunteer after having received welfare for a certain period of time.

Joint Standing Committee on Health and Human Services

LD 442 **An Act To Provide Health Care Savings Accounts and Health Care Management in MaineCare** **ONTP**

<u>Sponsor(s)</u> BOWEN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 442 proposed to direct the Department of Health and Human Services to establish health savings accounts and a health care management program within the MaineCare program, subject to a waiver from the federal Centers for Medicare and Medicaid Services. The bill proposed to require the department to report by February 15th of each year to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters regarding operation of the health care savings accounts and health care management program within the MaineCare program.

LD 444 **An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program** **CARRIED OVER**

<u>Sponsor(s)</u> BRENNAN PINGREE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 444 proposed to provide that a member of MaineCare whose services are limited under MaineCare Basic is eligible for additional medically necessary services if failure to provide those services creates a substantial likelihood of deterioration of medical condition or if providing those services is cost-effective.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 451 **An Act To Simplify Application for Benefits and Services under the Department of Health and Human Services** **ONTP**

<u>Sponsor(s)</u> HUTTON MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 451 is a concept draft pursuant to Joint Rule 208. It proposed to allow a first-time applicant for benefits or services under the Department of Health and Human Services to make application in person, when so required, at a location geographically and physically nearer the applicant's place of residence.

Joint Standing Committee on Health and Human Services

LD 454 **An Act To Prohibit Private Nonmedical Institutions from Passing Along the Service Provider Tax to Residents** **ONTP**

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

LD 454 proposed to prohibit private nonmedical institutions from including the 5% service provider tax in the bill of a resident beginning October 1, 2005.

LD 458 **Resolve, To Direct the Department of Health and Human Services To Establish a Procedure for the Timely Assessment of an Older Individual's Need for Mental Health Services** **ONTP**

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

LD 458 proposed to direct the Department of Health and Human Services to establish a procedure for the timely assessment of an older individual's need for mental health services.

LD 460 **An Act To Require That Certain Health Care Staff Be Certified in CPR and To Require That Nursing Homes Be Equipped with Automated External Defibrillators** **ONTP**

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

LD 460 proposed to require that nursing homes and other facilities for adults such as long-term care facilities, residential care facilities, assisted living programs and assisted housing programs be equipped with an automated external defibrillator on each floor of the facility. This bill also proposed to require staff members of such facilities to be trained in CPR and in the operations of automated external defibrillators.

Joint Standing Committee on Health and Human Services

LD 463 **Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option** **CARRIED OVER**

<u>Sponsor(s)</u> MAYO PINGREE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 463 proposed to require the Department of Health and Human Services to amend the rules to allow workers with disabilities to purchase coverage in the MaineCare program beginning January 1, 2006. The rules would maintain the current income eligibility limits while removing separate limits on earned and unearned income. This resolve proposed to designate the rules as routine technical rules.

This bill was carried over by H.P. 1203 to any next special or regular session of the 122nd Legislature.

LD 480 **An Act To Reduce Costs Caused by New Procedure Changes for Health Care Providers** **PUBLIC 241**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-341
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LD 480 proposed to provide for a minimum of 6 months between the date of adoption of a rule by the Department of Health and Human Services and the effective date of that rule for health care providers.

Enacted law summary

Public Law 2005, chapter 241 provides for a 30 day period during which nonemergency rules adopted by the Department of Health and Human Services pertaining to process or procedural changes for licensed health care providers do not take effect after adoption. The law does not apply to any rule affecting reimbursement rates applicable to those providers.

LD 481 **Resolve, To Ensure That Public Assistance Benefits Do Not Exceed Average Wages for a County** **ONTP**

<u>Sponsor(s)</u> THOMAS DOW		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 481 proposed to direct the Department of Health and Human Services to propose a limit on all forms of public assistance that would be implemented through a cap on public assistance benefits funded from the General Fund in order to encourage adults in families that might otherwise be eligible for benefits to seek employment. The resolve proposed to direct the department to report to the Joint Standing Committee on Health and Human Services by January 1, 2006 on the proposed limit on public assistance.

Joint Standing Committee on Health and Human Services

LD 482

An Act To Ensure Adequate Health Care for Children

PUBLIC 373

<u>Sponsor(s)</u> DUDLEY STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-641
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LD 482 proposed to repeal the following provisions of law regarding spiritual health care treatment of children:

1. The defense against criminal prosecution for endangerment of the welfare of a child for a person who provides treatment for a child or dependent person by spiritual means through prayer alone;
2. The exemption for health care practitioners who provide treatment by spiritual means alone from the requirement of health care providers to report to the Department of Health and Human Services regarding treatment of persons with cancer;
3. The provision that treatment solely by spiritual means by an accredited practitioner of a recognized religious organization is not considered child abuse or neglect; and
4. The provision regarding mandatory reporting of abuse or neglect to the medical examiner for postmortem investigation that a child who has been treated solely by spiritual means by an accredited practitioner of a recognized religious organization is not considered child abuse or neglect.

Enacted law summary

Public Law 2005, chapter 373 balances the right of children to receive necessary health care and the right to spiritual treatment from an accredited practitioner of a recognized religious organization. The law does the following:

1. It adds to the definition of the crime of "endangering the welfare of a child" knowingly depriving a child of necessary health care that places the child in danger of serious harm;
2. It removes the unnecessary word "alone" in the defense to the crime of endangering the welfare of a child or dependent person;
3. It amends the definition of "jeopardy to health or welfare" to a child in the child protective laws to add deprivation of necessary health care that places the child in danger of serious harm; and
4. It repeals an unnecessary and confusing provision regarding reporting to the Medical Examiner under the Maine Revised Statutes, Title 22, section 4013, while leaving in statute the requirement to report a child's death under Title 22, section 3025, subsection 1, paragraph I.

Joint Standing Committee on Health and Human Services

LD 494

**An Act To Establish a Program for the Purchase of Prescription
Drugs from out of the Country for the Elderly and Disabled**

PUBLIC 165

<u>Sponsor(s)</u> CAMPBELL MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-327
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LD 494 proposed to require the Department of Health and Human Services to establish a prescription drug program to provide access to drugs from out of the State and out of the country, including Canada, for residents who are elderly or have disabilities. The program proposed to allow access to brand-name drugs in original sealed packaging. The program would not provide access to habit-forming drugs for the alleviation of pain or antibiotics for acute illnesses. The program proposed to require the patient to show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. The program proposed to include a procedure for random testing. The bill proposed to include authority to adopt rules, which are designated as routine technical rules.

Enacted law summary

Public Law 2005, chapter 165 requires the Department of Health and Human Services to establish a prescription drug program to provide access to drugs from out of the State and out of the country for residents who are elderly or have disabilities. The program allows access to brand-name drugs in original sealed packaging. The program does not provide access to habit-forming drugs for the alleviation of pain or antibiotics for acute illnesses. The program requires the patient to show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. The program includes a procedure for random testing. The law includes authority to adopt rules, which are designated as routine technical rules. The law requires the program to operate in conformance with federal and state law and rule and authorizes it to operate when permitted by federal law or under a federal waiver. The law requires the Department of Health and Human Services to specifically approve the use of any pharmacy outside the country that is used by the program.

LD 514

An Act To Preserve the Fund for a Healthy Maine

ONTP

<u>Sponsor(s)</u> SCHATZ DAMON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 514 proposed to deallocate \$6,500,000 per year allocated under the 2006-2007 biennium current services budget to the Fund for a Healthy Maine - Bureau of Health program and allocate these funds to a new Fund for a Healthy Maine - Healthy Maine Partnerships program in order to preserve funding for Healthy Maine Partnerships organizations. These funds would remain available until expended for this purpose and would not be available for transfer or use outside of the Fund for a Healthy Maine.

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LD 519

An Act To Strengthen the Laws Concerning Methadone Clinics

ONTP

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

LD 519 proposed to require an applicant for a methadone clinic to submit to criminal record and other background checks, require a business and treatment plan for a new methadone clinic to provide ongoing counseling for clinic clients and require a new clinic to have been issued a certificate of need.

LD 545

Resolve, To Improve Procedures for Assessing the Mental Health Services Needs of Older Individuals

RESOLVE 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM	S-209
RICHARDSON J		

LD 545 proposed to direct the Department of Health and Human Services to:

1. Adopt rules to develop a mental health assessment screen to be used in the needs assessment of applicants for long-term care services;
2. Develop an efficient, cost-effective data collection process to identify consumers in need of mental health services in all long-term care settings;
3. Convene a working group of interested parties to assist the department in developing a mental health assessment screen as part of the needs assessment of applicants for long-term care services and a data collection process to identify consumers in need of mental health services in long-term care settings; and
4. Submit a report on its progress in developing a mental health assessment screen as part of the needs assessment of applicants for, and a data collection process to identify consumers in need of mental health services in, long-term care settings, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1, 2006.

Enacted law summary

Resolve 2005, chapter 55 directs the Department of Health and Human Services to recommend a procedure for the timely assessment of an older individual's need for mental health services, including recommendations on an efficient, cost-effective data collection process to identify consumer needs for mental health services for older persons, regardless of the setting. The resolve also requires the Department of Health and Human Services and the Joint Advisory Committee on Select Services for Older Persons, in consultation with other consumers, providers and advocates, to undertake a review and make recommendations on a mental health assessment screen as part of the needs assessment of applicants for long-term care services and several other issues pertaining to the status of mental health services to persons over 60 years of age. The resolve also directs the department to

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consult with the Joint Advisory Committee on Select Services for Older Persons, the State Board of Nursing and the Department of Education to review training curricula for direct care workers in all long-term care settings and to recommend revisions to the curricula necessary to include a stronger focus on the identification of and management of behavioral disorders in the long-term care population.

The department and the Joint Advisory Committee on Select Services for Older Persons are required to jointly submit a report, including recommendations on these issues and suggested legislation, to the Joint Standing Committee on Health and Human Services by January 14, 2006.

LD 553 Resolve, Regarding Responsible Management of Point-of-sale RESOLVE 46
Marketing Materials for Tobacco Products

<u>Sponsor(s)</u> BOWEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-343
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LD 553 proposed to prohibit the display of tobacco products, smoking paraphernalia or displays that market tobacco products or smoking paraphernalia in a manner that can be viewed by minors. This bill also proposed to eliminate the exception to the law governing the manner of displaying and offering for sale of tobacco products of the display or offering for sale of tobacco products in packages of 10 or more.

Enacted law summary

Resolve 2005, chapter 46 directs the Department of Health and Human Services, Bureau of Health to develop an education and recognition program to encourage tobacco retailers to manage responsibly point-of-sale marketing materials for tobacco products. The law requires a report by February 1, 2006 to the Joint Standing Committee on Health and Human Services on plans to implement the education and recognition program.

LD 559 An Act To Require a Study and Comparative Report on Welfare ONTP

<u>Sponsor(s)</u> SAVIELLO HASTINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 559 proposed to direct the State Planning Office to study welfare in the State and the other New England states and submit a comparative 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 appropriations and financial affairs by January 1, 2006. The report would cover all forms of federal, state and municipal welfare, including the TANF program, food stamps, heating assistance, emergency assistance, general assistance, Social Security and Social Security Disability, the MaineCare, Cub Care, Maine Rx Plus and the elderly low-cost drug programs and other health care and prescription drug programs. The bill proposed to require the State Planning Office to update the report by January 1, 2008 and every 2 years thereafter.

Joint Standing Committee on Health and Human Services

LD 561

An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award

PUBLIC 236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH PERRY J	OTP-AM MAJ ONTP MIN	H-349

LD 561 proposed to change the name of the Bangor Mental Health Institute to the Dorothea Dix Center for Public Service and create the Dorothea Dix Award.

Enacted law summary

Public Law 2005, chapter 236 changes the name of the Bangor Mental Health Institute to the Dorothea Dix Psychiatric Center and establishes a biennial Dorothea Dix Award. In addition, the law authorizes the revision of references to the Augusta Mental Health Institute, which was renamed the Riverview Psychiatric Center in 2003.

LD 584

An Act To Encourage Long-term Care Insurance and Expand Eligibility for MaineCare

ONTP

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

LD 584 proposed to provides an exemption to the estate recovery procedures for a MaineCare recipient who resided in a nursing facility or assisted living facility and who used long-term care insurance under specific circumstances. The policy of long-term care insurance would have been approved by the Superintendent of Insurance and would have paid for benefits in a nursing facility or assisted living facility licensed in the State in an amount equal to or greater than \$125 per day or the full cost of care in the facility, whichever is less. The insurance would have paid for care for a time period of at least 2 years or until the death of the recipient, whichever occurred first. The bill proposed to direct the Department of Health and Human Services and the Superintendent of Insurance to adopt routine technical rules to implement the exception.

See PL 2005, chapter 12, section DDD-10.

Joint Standing Committee on Health and Human Services

LD 604 **Resolve, Directing the Department of Health and Human Services To Study Initiatives for Local Pharmacies Participating in the MaineCare Program** **RESOLVE 83**

<u>Sponsor(s)</u> PERRY A SULLIVAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-556
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LD 604 proposed to direct the Department of Health and Human Services to provide local alternatives to MaineCare's mail-order pharmacy.

Enacted law summary

Resolve 2005, chapter 83 requires the Department of Health and Human Services to study access to drugs in state-sponsored programs and initiatives for local pharmacies participating in the MaineCare program. It requires a report to the Joint Standing Committee on Health and Human Services by September 15, 2005 on the telepharmacy initiative and by January 15, 2006 on all initiatives.

LD 609 **An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 609 proposed to change the law concerning the general assistance program for municipalities to specify that general assistance may not be given for applicants receiving Medicare, MaineCare or Dirigo Health, or other prescription coverage, for coverage denied by those programs.

LD 630 **An Act Regarding Possession of Prescription Drugs** **PUBLIC 252**

<u>Sponsor(s)</u> BISHOP MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-358
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LD 630 proposed to allow a prescription drug prescribed for a person to be kept outside of the container in which it was dispensed. The bill allows close family members and other persons authorized by a person lawfully in possession of a drug, controlled substance or hypodermic apparatus to assist in filling a prescription, preparing the drug or substance for administration or administering the drug or substance.

Joint Standing Committee on Health and Human Services

Enacted law summary

Public Law 2005, chapter 252 allows a prescription drug prescribed for a person to be kept outside of the container in which it was dispensed and defines the words "when in use" in the drug laws. It provides an affirmative defense to certain drug prosecutions for a person who holds a valid prescription and who intends to use the drug for legitimate medical use in conformity with the instructions.

LD 655 An Act Allowing for a Contracted Case Manager in Certain Child Welfare Cases ONTP

<u>Sponsor(s)</u> CRAVEN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 655 proposed to allow the Department of Health and Human Services to contract with a private agency to perform duties within the Child and Family Services and Child Protection Act that involve full case and court responsibility when a child is in state custody and working toward a specified case goal.

LD 678 An Act To Require Fair and Timely MaineCare Payments to Hospitals CARRIED OVER

<u>Sponsor(s)</u> MILLS P CROSTHWAITE	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-181
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LD 678 proposed to require the Department of Health and Human Services to use current hospital cost reports to calculate amounts owed to hospitals and pay any amounts due within one year of receiving the hospital cost report.

This bill was carried over on the Special Appropriations by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 687 An Act To Amend the Hospital Tax CARRIED OVER

<u>Sponsor(s)</u> DOW MCKANE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-164
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LD 687 proposed to return the tax rate ON HOSPITALS to the original rate of .74% of net operating revenues.

Joint Standing Committee on Health and Human Services

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 688 **An Act To Ensure Access to Swing Beds in Hospitals** **ONTP**

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

LD 688 proposed to allow a hospital to convert up to 10 acute care beds to hospital swing beds without being required to submit a certificate of need.

LD 694 **An Act To Restore Fair MaineCare Payments to Critical Access Hospitals** **PUBLIC 342 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P AUSTIN	OTP-AM	S-262

LD 694 proposed to require the Department of Health and Human Services to use a current critical access hospital cost report as the basis for determining MaineCare reimbursement rates and restore the full staff enhancement payment for critical access hospitals.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

Enacted law summary

Public Law 2005, chapter 342 requires the Department of Health and Human Services to allocate from hospital tax revenues under the Maine Revised Statutes, Title 36, chapter 375, \$1,000,000 in state and federal funds that must be distributed annually among critical access hospitals for staff enhancement payments. The law also provides that the provisions of Title 22, section 1714-B are subject to approval from the federal Centers for Medicare and Medicaid Services.

Public Law 2005, chapter 342 was enacted as an emergency measure effective June 8, 2005.

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LD 699 An Act To Repeal Tax and Match CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS R	ONTP MAJ OTP-AM MIN	S-193

LD 699 proposed to repeal the service provider tax imposed on private nonmedical institution services and the tax imposed on health care providers, hospitals and nursing homes.

LD 707 An Act To Improve Care for Adults with Mental Retardation ONTP

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

LD 707 proposed to direct the Department of Health and Human Services to give preference to residential services provided in private homes over residential services provided in privately operated or agency-operated residential care facilities. It proposed to direct the department to undertake an initiative to provide information to the public regarding opportunities for providing residential services for persons with mental retardation, including training on mental retardation and the requirements for obtaining approval as a private home provider of residential services.

LD 710 Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices RESOLVE 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ ONTP MIN	H-381

Beginning January 1, 2006, LD 710 proposed to require a manufacturer of pharmaceutical drugs or a research organization or other health organization that sponsors a clinical trial of a pharmaceutical drug, treatment option or medical device and that enrolls as a participant in the trial a person who is receiving mental health treatment at a state mental health institute, as defined in the Maine Revised Statutes, Title 34-B, section 3201, at a community or specialty hospital if that treatment is fully or partially reimbursed with state funds, or at a juvenile or adult correctional facility to notify the Executive Director of Dirigo Health prior to beginning the clinical trial. The bill proposed to require annual reports from the executive director regarding notifications of clinical trials.

Enacted law summary

Resolve 2005, chapter 77 directs the Department of Health and Human Services to study the accessibility of information regarding the results of certain clinical trials of pharmaceuticals, treatment options and medical devices and the enrollment of certain persons in those trials. The resolve requires a report by January 30, 2006 to

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the Joint Standing Committee on Health and Human Services with the results of the study. The resolve requires the Department of Health and Human Services to post on its website links to public information regarding clinical trials of pharmaceuticals, treatment options and medical devices by November 15, 2005.

LD 725

An Act To Require the Disclosure of Certain Financial Information from Hospitals and Their Affiliates

PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MAYO	OTP-AM	H-339

LD 725 proposed to require a hospital licensed by the Department of Health and Human Services to disclose annually certain financial information regarding the hospital and any entity that is owned, controlled or affiliated with the hospital.

Enacted law summary

Public Law 2005, requires the annual public disclosure of federal Internal Revenue Service Form 990 for each hospital and for each tax-exempt entity related to that hospital that is required by federal law to submit that form to the Internal Revenue Service. The law also requires hospitals to annually publicly disclose the federal Internal Revenue Service Form 1120 for each for-profit corporation in which the hospital has a controlling interest. This information must be submitted annually to the Department of Health and Human Services, which must make the information available to the public for inspection and photocopying and must post the information on its public website.

LD 741

An Act To Designate the Department of Health and Human Services as the Official State Agency Responsible for Programs for Persons Affected by Brain Injury

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-171

LD 741 proposed to designate the Department of Health and Human Services as the official state agency responsible for acquired brain injury services and programs. It proposed to direct the Commissioner of Health and Human Services to appoint an acquired brain injury advisory council to advise the department on all matters related to the administration of acquired brain injury programs and services. It proposed to require that membership on the council be broadly representative of persons with acquired brain injury and their families and providers of services to persons with acquired brain injury and their families.

Enacted law summary

Public Law 2005, chapter 229 requires the Commissioner of Health and Human Services to provide recommendations to the Joint Standing Committee on Health and Human Services by January 16, 2006 on the

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most appropriate method for creating a permanent, effective and coordinated system within the Department of Health and Human Services for advising the commissioner and the department on all matters pertaining to the administration and provision of services and programs for persons with acquired brain injury and their families.

LD 742 **An Act To Postpone the Repeal Date on Nonhospital Expenditures
in the Capital Investment Fund** **PUBLIC 227**

<u>Sponsor(s)</u> TURNER SHIELDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-179
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LD 742 proposed to postpone by 3 years the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program for nonhospital projects.

Enacted law summary

Public Law 2005, chapter 227 changes the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program for nonhospital projects, to 2008.

LD 768 **An Act Regarding General Assistance under Special
Circumstances** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 768 proposed to provide that a municipality remains responsible for 30 days to 6 months for the basic living needs of a person who qualifies for general assistance for whom a social service agency has provided housing if that housing is provided in a new municipality.

LD 769 **Resolve, To Examine Smoking Cessation Programs for Maine's
Youth** **RESOLVE 44**

<u>Sponsor(s)</u> BARSTOW	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-345
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LD 769 proposed to require the Department of Health and Human Services to review and assess the effectiveness of programs in the State that seek to prevent young people from using or to help young people stop using tobacco products. The resolve proposed to require a report of this review to the Joint Standing Committee on Health and Human Services, which may submit a bill to the Second Regular Session of the 122nd Legislature.

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Enacted law summary

Resolve 2005, chapter 44 requires the Department of Health and Human Services to review and assess the effectiveness of programs in the State that seek to help young people stop using tobacco products. The resolve requires a report of this review to the Joint Standing Committee on Health and Human Services by January 31, 2006, and authorizes the committee to submit a bill to the Second Regular Session of the 122nd Legislature.

LD 801 **Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health** **ONTP**

<u>Sponsor(s)</u> CUMMINGS COURTNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 801 proposed to direct the Department of Health and Human Services to develop strategies to reduce tobacco use and improve public health.

LD 817 **An Act To Fix within State Government the Responsibility for Mental Health Services to Maine's Elderly** **ONTP**

<u>Sponsor(s)</u> MAYO CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 817 is a concept draft pursuant to Joint Rule 208. It proposed to assign responsibility for the mental health needs of Maine's elderly to the Department of Health and Human Services, Adult Mental Health Services Program and to establish the duties of the Bureau of Elder and Adult Services in order to comply with this assignment.

LD 835 **Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare** **RESOLVE 117
EMERGENCY**

<u>Sponsor(s)</u> CURLEY ROTUNDO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-523 S-381 GAGNON
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LD 835 proposed to create the Blue Ribbon Commission on the Future of MaineCare. The commission, would be composed of 6 persons, is appointed by the Governor, President of the Senate and Speaker of the House. The commission would be directed to study the future of the MaineCare program, options for coverage, models for

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financing and coordination with individual and group coverage. The commission would also be required to examine the public policy, various models of responsibility for health care and alternatives for funding and fiscal stability. The commission would be directed to provide recommendations for the future of the MaineCare program. The commission may hold public hearings and public meetings. The commission would be directed to consult with the MaineCare Advisory Committee, the Maine Quality Forum, the Advisory Council on Health Systems Development and associations of health care providers, employers providing health benefits and health carriers. Commission staffing may be provided by the Legislative Council. The Department of Health and Human Services, the Governor's Office of Health Policy and Finance, the Maine Health Data Organization and the Maine Health Data Processing Center would be directed to provide information and assistance as requested to provide reports and any accompanying legislation by January 1, 2006 and December 1, 2006.

Enacted law summary

Resolve 2005, chapter 117 creates the Blue Ribbon Commission on the Future of MaineCare. The commission, composed of 10 persons, is directed to study the MaineCare program and make recommendations on how to improve the quality, adequacy, effectiveness and delivery of services under the program in the most cost-effective manner possible in an effort to ensure its sustainability over time, including various options for providing coverage for persons in need of health care services. In conducting this study, the commission is required to make recommendations about the extent to which MaineCare is meeting its current and future responsibilities; review the effectiveness of various models in financing and providing health care coverage to low-income and vulnerable populations; study and report on eligibility levels, service benefits, expenditures and other factors affecting future costs under the MaineCare program; estimate future program costs; review and summarize the economic impact of MaineCare, including its role in maintaining Maine's health care provider network; provide an analysis of changes in funding and health care policy at the federal level, including changes in the federal match rate formula and how such changes will affect MaineCare; and review and make recommendations related to actions taken by the federal Bipartisan Commission on Medicaid and the Medically Underserved.

Commission staffing may be provided by the Office of Policy and Legal Analysis and the Office of Fiscal and Program Review. The Department of Health and Human Services, the Governor's Office of Health Policy and Finance, the Maine Health Data Organization and the Maine Health Data Processing Center are directed to provide information and assistance as requested. The commission is required to provide a report and any accompanying legislation by December 7, 2005. The commission is authorized to accept outside funds to fund any necessary expenses of the commission beyond legislative per diem and expenses of commission members.

Resolve 2005, chapter 117 was finally passed as an emergency measure effective June 21, 2005.

LD 839

**Resolve, To Alleviate the Negative Impact of Certain Taxes on
Hospitals and Private Nonmedical Institutions**

**RESOLVE 45
EMERGENCY**

Sponsor(s)
ANDREWS
KAELIN

Committee Report
OTP-AM

Amendments Adopted
S-180

LD 839 proposed to exempt from the tax imposed on hospitals of 2.23% of net operating revenue those hospitals that are acute care, noncritical access hospitals with fewer than 70 licensed beds and MaineCare revenue representing less than 7% of gross patient services revenue.

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Enacted law summary

Resolve 2005, chapter 45 directs the Department of Health and Human Services and the Governor's Office of Health Policy and Finance to review the impact of the hospital tax and private nonmedical institution portion of the service provider tax on hospitals and private nonmedical institutions with the goal of alleviating the negative impact on those facilities. The resolve requires a report to the Joint Standing Committee on Health and Human Services by September 1, 2005.

Resolve 2005, chapter 45 was finally passed as an emergency measure effective May 25, 2005.

LD 846 An Act To Prevent Discrimination against Persons without Health Insurance CARRIED OVER

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

Beginning January 1, 2006, LD 846 proposed to limit a hospital licensed under the Maine Revised Statutes, Title 22, chapter 405 in the amount the hospital may bill a person who has been served in an inpatient or outpatient capacity and who does not have health insurance or other health coverage. The limit would be 150% of the reimbursement rate provided by the MaineCare program for the same inpatient or outpatient service.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 863 Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services RESOLVE 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN MAYO	OTP-AM	H-610

LD 863 proposed to require the Department of Health and Human Services to deliver services to children based on a wraparound model of care and indicate the amount of funding expended for services to children based on the wraparound funding model. It also proposed to require the department to submit a demonstration waiver application by October 1, 2005 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to establish a wraparound funding demonstration pilot in 3 areas of the State.

Enacted law summary

Resolve 2005, chapter 108 requires the Department of Health and Human Services to develop a comprehensive plan for service reforms and system improvements regarding children's services provided by the department and to submit that plan to the Joint Standing Committee on Health and Human Services and the Children's Mental Health Oversight Committee by January 3, 2006. The department must develop the plan in collaboration with

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consumers, families, providers and advocates. The plan must address, at a minimum, children's services delivery structures, financing of these services, quality assurance and quality improvement strategies as part of the management of the system and must include certain components and must address system values and standards, reform and system improvement, complex multisystem needs, system readiness and a plan for implementation.

LD 885

An Act To Discourage Further the Sale of Tobacco to Minors

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM MAJ ONTP MIN	S-172

LD 885 proposed to prohibit minors from entering tobacco specialty shops, to impose the same restrictions on who may sell tobacco products in retail establishments as are currently imposed for the retail sale of alcohol, to redirect revenue from fines assessed by the courts for underage tobacco sales from the Criminal Justice Academy to the Office of the Attorney General and to correct an accounting inconsistency created when retail tobacco license fees were redirected to the General Fund in 2004.

Enacted law summary

Public Law 2005, chapter 223 prohibits minors from entering tobacco specialty shops, imposes the same restrictions on who may sell tobacco products in retail establishments as are currently imposed for the retail sale of alcohol, redirects revenue from fines assessed by the courts for underage tobacco sales from the Criminal Justice Academy to the Office of the Attorney General and corrects an accounting inconsistency created when retail tobacco license fees were redirected to the General Fund in 2004. The law specifies that a person under 18 years of age is permitted to enter a tobacco specialty store if accompanied by a parent or legal guardian.

LD 886

An Act To Promote Parity in the Laws Governing Smoking in the Workplace

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER	OTP-AM	S-261

LD 886 proposed to clarify that enclosed areas of workplaces that are open to the public are governed by the public places smoking laws; increase the range of fines that may be imposed for violation of the Workplace Smoking Act of 1985; add an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes; and proposed to repeal the provision that exempts workplaces from the Workplace Smoking Act of 1985 if the employer and all employees agree to do so.

Enacted law summary

Public Law 2005, chapter 338 clarifies that enclosed areas of workplaces that are open to the public are governed by the public places smoking laws; increases the range of fines that may be imposed for violation of the Workplace Smoking Act of 1985; adds an enforcement provision to the law that is consistent with enforcement

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provisions in other tobacco-related statutes; and repeals the provision that exempts workplaces from the Workplace Smoking Act of 1985 if the employer and all employees agree to do so.

The law allows for fines of up to \$1,500 for each violation of the workplace smoking laws in cases where the employer has engaged in a pattern of conduct that demonstrates a lack of good faith in complying with those laws, and allows the Attorney General to seek injunctive relief, including a preliminary or final injunction and fines, penalties and equitable relief, or to seek to prevent or restrain violations of those laws.

The law also limits the "opt-out" provision under current workplace smoking laws to federally chartered veterans' service organizations and to private clubs in existence prior to January 1, 2004. The law retains provisions in current law that require the mutual agreement of the employer and all the employees to allow smoking in those facilities, but adds the requirements that they also have a written procedure ensuring that only the employer and employees, members and invited guests accompanied by a member are allowed entry and that they demonstrate, by a written secret ballot vote taken at least once every 3 years, that a majority of the membership has voted to allow smoking.

LD 892 An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce PUBLIC 327

<u>Sponsor(s)</u> WESTON CURLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-241
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LD 892 proposed to accomplish the following:

1. Direct the Department of Labor to compile and post on-line a report on health care occupations;
2. Require that certain licensed, registered and certified health care workers receive a voluntary survey to allow the collection of data on health care occupations;
3. Add a representative of the Department of Labor to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257; and
4. Direct the Department of Health and Human Services to post on its website its recommendations based on its review of the health workforce forum's report.

Enacted law summary

Public Law 2005, chapter 327 directs the Department of Labor to compile and post on-line a report on health care occupations. It requires that certain licensed, registered and certified health care workers receive a voluntary survey to allow the collection of data on health care occupations. It adds a representative of the Department of Labor to the health workforce forum established in the Maine Revised Statutes, Title 22, section 257. It directs the Department of Health and Human Services to post on its website its recommendations based on its review of the health workforce forum's report. The law directs the Department of Health and Human Services to contract with the Department of Labor and others as appropriate to undertake the research described in the bill using existing federal emergency management funds. It directs both departments to seek additional public and private

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funds to continue the research and to report on those efforts to the Joint Standing Committee on Health and Human Services at the first meeting of that committee held between October 1, 2005 and December 31, 2005.

LD 904 An Act To Create the Maine Asthma and Lung Disease Research Fund CARRIED OVER

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-294
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LD 904 proposed to establish the Maine Asthma and Lung Disease Research Fund in the Department of Health and Human Services, Bureau of Health to provide grants for research into the health effects of indoor and outdoor air pollution and the prevention, causes, treatment and cure of lung diseases such as asthma, emphysema and chronic obstructive pulmonary disease. The funding source of the fund would be a voluntary checkoff on the individual income tax form that allows a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 941 An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products PUBLIC 145 EMERGENCY

<u>Sponsor(s)</u> RICHARDSON M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-326
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LD 941 proposed to require a person who sells tobacco products at agricultural fairs, festivals or exhibitions to obtain only one license during the fair season. The bill also would establish a fee of \$10 for each cart that a person operates during a fair season in addition to the \$50 license fee. The bill also proposed to define a "seasonal mobile tobacco vendor" as a person who sells tobacco products at more than one location during a fair season.

Enacted law summary

Public Law 2005, chapter 145 requires a person who sells tobacco products at agricultural fairs, festivals or exhibitions to obtain only one license during the fair season, a seasonal mobile tobacco vendor license that includes the specific name, dates and location of each agricultural fair, festival and exhibition at which the license authorizes the licensee to operate. The law also establishes a fee of \$10 for each cart that a person operates during a fair season in addition to the \$50 license fee. The law also defines a "seasonal mobile tobacco vendor" as a person who sells tobacco products at more than one location during a fair season. The law requires the Department of Health and Human Services to consider the size of the retail establishment to be the square footage of the vending equipment located on the premises when determining the fee.

Public Law 2005, chapter 145 was enacted as an emergency measure effective May 20, 2005.

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LD 950 **An Act To Allow the Shipment of Cigars into Maine** **CARRIED OVER**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 950 proposed to provide exceptions for cigars to the laws governing delivery sales of tobacco products in the State.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 954 **An Act To Make Fairs and Festivals Safer for Children** **ONTP**

<u>Sponsor(s)</u> BOWEN		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 954 proposed to prohibit a person from smoking while operating an amusement ride for children 12 years of age or younger.

LD 1013 **An Act To Improve Access to Ambulatory Diabetes Education and Follow-up** **ONTP**

<u>Sponsor(s)</u> SMITH N COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1013 proposed to direct the Department of Health and Human Services to promote a program for self-management of diabetes known as ambulatory diabetes education and follow-up and to encourage health care providers to offer the program to MaineCare members. The bill proposed to direct the department to provide reimbursement for the program on a basis that reimburses federally qualified health centers and Indian Health Service-supported centers at 100% of their costs. The bill proposed to direct the department to adopt routine technical rules.

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LD 1034

An Act To Prevent Lead Poisoning of Children and Adults

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-642
MAYO	OTP-AM MIN	S-358 WOODCOCK

LD 1034 proposed to create the Lead Poisoning Prevention Fund to support grants, contracts and programs for educational outreach to prevent lead poisoning in children and adults. The bill proposed to create a fee to be imposed on manufacturers and other persons who contribute to environmental and occupational lead hazards. The bill proposed to require the Department of Health and Human Services, Bureau of Health to adopt rules by July 1, 2006 to assess fees based on a person's relative contribution to lead hazards, the lead content of products, releases of lead to the environment or known occupational lead exposures. The Bureau of Health would report to the Joint Standing Committee on Health and Human Services by January 15, 2006 with recommendations to implement the fee schedule.

Enacted law summary

Public Law 2005, chapter 403 creates the Lead Poisoning Prevention Fund to support grants, contracts and programs for educational outreach to prevent lead poisoning in children and adults. It imposes a fee of 25¢ per gallon of paint estimated to have been sold in the State during the prior year, to be paid by manufacturers or wholesalers of paint sold in the State, as determined by rule adopted by the Department of Health and Human Services. The law includes a provision that repeals the lead poisoning prevention fee effective July 1, 2011.

LD 1036

An Act To Amend the Laws Governing the Burial or Cremation of CARRIED OVER Certain Persons

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

Under current law, when certain eligible people die, a decision on an application to a municipality for assistance with burial or cremation expenses must be rendered within 10 days. LD 1036 proposed to reduce the time frame for a decision from 10 to 2 days. In addition, this bill proposed to reduce the pool of relatives responsible for burial or cremation costs.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1072 An Act To Require Health Care Providers To Contain Costs ONTP

<u>Sponsor(s)</u> CANAVAN MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1072 proposed to repeal the voluntary requirement under the Dirigo Health laws asking hospitals to contain costs. The bill proposed to enact a mandatory requirement that hospitals contain costs.

LD 1136 An Act To Implement the Recommendations of the Legislative Youth Advisory Council PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1136, submitted by the Legislative Youth Advisory Council, proposed to direct the Department of Health and Human Services to develop a standard form to be used to indicate approval by the department for children in the custody of the department to participate in school sports, field trips and other extracurricular activities.

Enacted law summary

Public Law 2005, chapter 309 was submitted by the Legislative Youth Advisory Council. It directs the Department of Health and Human Services to develop a standard form to be used to indicate approval by the department for children in the custody of the department to participate in school sports, field trips and other extracurricular activities.

LD 1156 An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places PUBLIC 257

<u>Sponsor(s)</u> WALCOTT MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-421
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LD 1156 proposed to clarify certain definitions in the law governing smoking in public places, tighten the restrictions regarding exposure of children to secondhand smoke in day care facilities, remove the exemption for privately chartered buses, expand the application of the provision prohibiting retaliation, increase the range of fines that may be imposed for violation of the law and add an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes.

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Enacted law summary

Public Law 2005, chapter 257 clarifies certain definitions in the law governing smoking in public places, tightens the restrictions regarding exposure of children to secondhand smoke in day care facilities, removes the exemption for privately chartered buses, expands the application of the provision prohibiting retaliation, increases the range of fines that may be imposed for violation of the law and adds an enforcement provision to the law that is consistent with enforcement provisions in other tobacco-related statutes. It sets a new maximum fine for violations of the smoking laws from at \$1,500 and applied only in instances where there is a pattern of violations.

LD 1178

An Act Regarding Access to Prescription Drugs and Reimportation

P & S 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN BURNS	OTP-AM	S-293 S-383 GAGNON

LD 1178 proposed to establish the Maine Save program to assist consumers by providing access to drugs through Internet connections to pharmacies and wholesale providers of prescription drugs for residents who lack comprehensive prescription drug coverage. The program would provide access to brand-name drugs in original sealed packaging. The program would provide access to drugs that are controlled substances, drugs that are sensitive to environmental factors such as heat or cold or that are antibiotics for acute illnesses. The program would require the patient to show evidence of use of a pharmacist licensed in the State to coordinate all prescriptions and prevent harmful drug interactions. The program would include an advisory group to review the program, consider issues related to access, quality and safety and advise the Commissioner of Health and Human Services regarding program design and operation. The program would include a requirement for random testing of drugs. The bill proposed to include authority to adopt rules, which are designated as routine technical rules.

Enacted law summary

Private and Special Law 2005, chapter 26 reconvenes, adds members to and changes the duties of the Governor's Committee To Study the Feasibility of Importation of Prescription Drugs, and requires a report to the Joint Standing Committee on Health and Human Services. The law authorizes the State to move forward if the United States Congress passes a law allowing drug reimportation or if a federal waiver is granted.

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LD 1183 An Act Regarding Access to Mental Health Services CARRIED OVER

<u>Sponsor(s)</u> BRENNAN DUDLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-279
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LD 1183 proposed to allow more than 16 visits per year for psychological services benefits for individual and group counseling for which a member is eligible under MaineCare Basic if the member obtains prior approval for the extra visits from the department.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1186 An Act To Clarify the Smoking Ban for Off-track Betting Facilities PUBLIC 362

<u>Sponsor(s)</u> HOTHAM	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-528
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LD 1186 proposed to clarify the ban on smoking in off-track betting and simulcast racing facilities licensed after June 30, 2003, allowing existing facilities to move or be sold and without losing their exemption from the smoking ban.

Enacted law summary

Public Law 2005, chapter 362 clarifies the ban on smoking in off-track betting and simulcast racing facilities licensed after June 30, 2003, allowing existing facilities to move or be sold without losing their exemption from the smoking ban. The law allows off-track betting facilities and simulcast racing facilities that were in operation on June 30, 2003 to be purchased or moved to a new location within the same municipality without losing their exemption from the laws prohibiting smoking in public places. The law places limits on the size of the smoking area in the newly purchased or relocated off-track betting or simulcast racing facilities, prohibits slot machines in those facilities and requires that the off-track betting or simulcast racing facility be in a separately enclosed area.

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LD 1206 **Resolve, To Fund a Group Home for Young Adults with Disabilities in Southern Maine** **ONTP**

<u>Sponsor(s)</u> HOBBINS MERRILL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1206 proposed to direct the Department of Health and Human Services to establish a facility in southern Maine to serve as a residential facility for young adults who are in need of continuous care to treat their physical disabilities and who would otherwise be eligible for treatment in a nursing facility. The resolve proposed to direct the department to seek to establish and operate this facility within existing resources but authorizes the department to seek an appropriation should existing resources not be sufficient. It further proposed to direct the department to report on the status of the residential facility, its costs and the extent to which it can be used as a model to develop additional community placements for disabled individuals.

LD 1208 **Resolve, Regarding the Prevention of Suicide** **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER MILLER	<u>Committee Report</u>	<u>Amendments Adopted</u> S-308
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LD 1208 proposed to establish a working group to study the high rate of suicide in Maine. The working group would submit its report to the Joint Standing Committee on Health and Human Services by December 7, 2005.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1228 **An Act To Create Consistency in the Regulation of Small Group Homes** **ONTP**

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1228 proposed to amend the number of beds a residential care facility and a children's home must have for fire safety purposes to make the inspection standards consistent between residential care facilities and children's homes.

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LD 1270 **Resolve, To Increase Prospective Interim Payments to Certain Rural Hospitals** **ONTP**

<u>Sponsor(s)</u> DAMON PINGREE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1270 proposed to direct the Department of Health and Human Services to study the prospective interim payments payable to hospitals and to increase those payments to rural hospitals that provide high-quality care, implement cost-control initiatives and are adversely affected by new financial policies.

LD 1284 **Resolve, Regarding Increased Reimbursement for Physicians Caring for MaineCare Members** **RESOLVE 104**

<u>Sponsor(s)</u> MARRACHE SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-569
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LD 1284 proposed to require the Department of Health and Human Services to adopt major substantive rules that establish a MaineCare reimbursement schedule that provides a greater rate of MaineCare reimbursement to physicians in private practice who have a high ratio of patients who are MaineCare recipients. The schedule would provide for a higher rate of MaineCare reimbursement if the physician is located in a rural area of the State.

Enacted law summary

Resolve 2005, chapter 104 directs the Department of Health and Human Services to convene a working group to develop standards for the distribution of \$3,000,000 in increased physician incentive payment funding in the MaineCare program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2006.

LD 1302 **Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education** **RESOLVE 121 EMERGENCY**

<u>Sponsor(s)</u> MARRACHE PLOWMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-570 S-325 MAYO S-385 GAGNON
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LD 1302 proposed to establish the Task Force to Study Cervical Cancer Prevention, Detection and Education. The purpose of the task force would be to raise public awareness of the causes and nature of cervical cancer,

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personal risk factors, value of prevention, early detection, options for testing, treatment costs, new technology and medical care reimbursement. The task force would also be charged with several other duties, including, but not limited to, identifying preventive strategies and new technologies, including newly introduced vaccines that are effective in preventing and controlling the risk of cervical cancer. The members of the task force would be appointed by the Governor, the President of the Senate and the Speaker of the House. The task force would submit its final report to the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2007.

Enacted law summary

Resolve 2005, chapter 121 establishes the Task Force to Study Cervical Cancer Prevention, Detection and Education to raise public awareness of the causes and nature of cervical cancer, personal risk factors, value of prevention, early detection, options for testing, treatment costs, new technology and medical care reimbursement. The task force is also charged with several other duties, including, but not limited to, identifying preventive strategies and new technologies, including newly introduced vaccines that are effective in preventing and controlling the risk of cervical cancer. The law requires an initial report by November 15, 2005 and a final report by November 15, 2006 and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation. The Task Force to Study Cervical Cancer Prevention, Detection and Education is required to seek outside funds to fully fund all costs of the task force.

Resolve 2005, chapter 121 was finally passed as an emergency measure effective June 21, 2005.

LD 1307 **An Act Requiring Public Disclosure of Health Care Prices** **ONTP**

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

LD 1307 proposed to require health care practitioners to provide the same consumer price information required of hospitals and ambulatory surgical centers, effective January 1, 2006.

LD 1310 **An Act To Ensure Rural Access to Prescription Drugs** **ONTP**

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

LD 1310 is a concept draft pursuant to Joint Rule 208.

This bill proposed to require the Legislature to undertake an immediate overview of prescription drug policies of the Department of Health and Human Services under all programs in this State that improve access to

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prescription drugs, including MaineCare, the elderly low-cost drug program and the Maine Rx Plus Program, to ensure that rules for these programs do not limit access to prescription drugs in rural areas.

The bill also proposed that an overview of the pharmacy incentive payment be undertaken and an alternative change in the reimbursement per prescription be considered.

This bill proposed to direct the Department of Health and Human Services to undertake emergency rulemaking to implement rules that allow rural clients who are taking consistent schedules of prescription drugs to have 3-month prescriptions and allow an 8-day window when a prescription drug may be refilled, an increase from the current 5-day window and the one-month prescription allowed. A client would be considered a rural client if that client lives more than 15 miles from a pharmacy. The Department of Health and Human Services would also adopt rules that allow doctors to identify both experimental and likely short-term prescriptions and long-term prescriptions to reduce the rate of waste from prescriptions that are filled but not used.

LD 1324 **An Act To Improve Access to Affordable Prescription Drugs** **PUBLIC 343**

<u>Sponsor(s)</u> BRAUTIGAM MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-571
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LD 1324 proposed to establish the Pharmacy Cost Management Council to develop and implement measures to control the cost of prescription drugs and expand the State's purchasing power. The council would be required to provide annual reports 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 appropriations and financial affairs by March 1, 2006 and each year thereafter. The meetings of the council and its records would be public.

Enacted law summary

Public Law 2005, chapter 343 amends the Pharmaceutical Cost Management Council enacted in Public Law 2005, chapter 12, section PP-1 and established in Title 5, section 2031, to add 3 consumer members, changes the parameters of the council to duties and adds to those duties coordinating and exchanging information, examining cost containment tools and reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2006.

LD 1325 **An Act To Ensure Continuity of Care Related to Implementation of the Federal Medicare Drug Benefit** **PUBLIC 401**

<u>Sponsor(s)</u> BRAUTIGAM	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-686
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LD 1325 proposed to provide for continuity of care related to implementation of the Medicare D prescription drug benefit as follows.

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1. The bill proposed to authorize the Department of Health and Human Services to provide assistance to persons applying for and enrolled in the elderly low-cost drug program so that they may obtain benefits under Medicare D.
2. The bill proposed to allow coverage under the elderly low-cost drug program for persons enrolled in Medicare D under certain circumstances.
3. The bill proposed to provide for wrap services, continuity of care and education and outreach in the elderly low-cost drug program.
4. The bill proposed to direct the Department of Health and Human Services to adopt routine technical rules for the provisions of the bill in the elderly low-cost drug program.
5. The bill proposed to direct the Department of Health and Human Services to provide transitional prescription and nonprescription drug benefits under the elderly low-cost drug program for persons enrolled in the program who may be eligible for or are enrolled in Medicare D.
6. The bill proposed to retain funding appropriated in the elderly low-cost drug program for state fiscal years 2004-05, 2005-06 and 2006-07.
7. The bill proposed to require the Department of Health and Human Services to coordinate benefits among the elderly low-cost drug program, the MaineCare program and Medicare D in order to increase access to needed prescription and nonprescription drugs at affordable costs.
8. The bill proposed to direct the Department of Health and Human Services to amend the rules regarding the amount of income that may be retained by a resident of a nursing, residential care or assisted living facility to allow an increase to cover the cost of the person's copayment for needed prescription and nonprescription drugs under the elderly low-cost drug program, the MaineCare program and Medicare D.

Enacted law summary

Public Law 2005, chapter 401 provides for continuity of care related to implementation of the Medicare D prescription drug benefit. The law enacts in a new statutory section the elderly low-cost drug program in order to better organize the statute. It authorizes the Department of Health and Human Services to provide administrative services, information and enrollment and prescription drug services through the elderly low-cost drug program and MaineCare program that coordinate with the benefits that will be available beginning January 1, 2006 under the new Medicare Part D benefit. It requires the department to adopt emergency rules, after receiving advice from a stakeholders group, for the elderly low-cost drug program and the MaineCare program by January 1, 2006.

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LD 1350 **An Act Regarding the Office of Substance Abuse** **ONTP**

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1350 is a concept draft pursuant to Joint Rule 208. It proposed to create a task force to develop a proposal to establish an Office of Alcohol and Addiction Services, which would have responsibility for the entire spectrum of substance abuse services currently provided by the State. Under this proposal, the services that were provided by the Department of Health and Human Services, Office of Substance Abuse would be provided by a new Division of Drug Control Policy within the newly established Office of Alcohol and Addiction Services. The task force would submit its report and implementing legislation to the First Regular Session of the 123rd Legislature.

LD 1359 **An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center** **PUBLIC 253
EMERGENCY**

<u>Sponsor(s)</u> PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-422
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LD 1359 proposed to extend the statutory authority of the Maine Health Data Processing Center from September 1, 2005 to September 1, 2010. The bill also proposed to eliminate the major substantive rule requirement for the Maine Health Data Organization enforcement rules and the quality data rules, make a number of modifications to provide consistency within the statutes and repeal language that is obsolete.

Enacted law summary

Public Law 2005, chapter 253 extends the statutory authority of the Maine Health Data Processing Center from September 1, 2005 to September 1, 2009.

Public Law 2005, chapter 253 was enacted as emergency measure effective May 31, 2005.

LD 1382 **An Act To Establish Permanent Subsidized Guardianship** **PUBLIC 372**

<u>Sponsor(s)</u> ROSEN R SOCKALEXIS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-305
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LD 1382 proposed to add the concept of permanent legal guardianship to the dispositional alternatives available to District Courts under the Maine Revised Statutes, Title 22. This concept allows relatives and other parties to be awarded permanent legal guardianship of children subject to child protection orders and actions and allow

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payment of a guardianship subsidy for special needs children who have been in the custody of the State or for Native American children in the custody of the tribe who move into a permanent legal guardianship status.

Enacted law summary

Public Law 2005, chapter 372 adds the concept of permanent legal guardianship to the dispositional alternatives available to District Courts under the Maine Revised Statutes, Title 22. This concept would allow relatives and other parties to be awarded permanent legal guardianship of children subject to child protection orders and actions and allow payment of a guardianship subsidy for special needs children who have been in the custody of the State or for Native American children in the custody of the tribe who move into a permanent legal guardianship status. It establishes a guardianship subsidy for special needs children placed under permanency guardianship by the District Court.

LD 1389	Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 49 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1389 proposed to provide for legislative review of Chapter 100: Enforcement Procedures, a major substantive rule of the Maine Health Data Organization.

Enacted law summary

Resolve 2005, chapter 49 provides for legislative review of Chapter 100: Enforcement Procedures, a major substantive rule of the Maine Health Data Organization and approves that rule.
Resolve 2005, chapter 49 was finally passed as an emergency measure effective May 25, 2005.

LD 1390	Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 95 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-592
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LD 1390 proposed to provide for legislative review of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization.

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Enacted law summary

Resolve 2005, chapter 95 provides for legislative review of Chapter 120: Release of Data to the Public, a major substantive rule of the Maine Health Data Organization. It requires that the rules be amended to provide a health care quality exception to the review criteria for requests for clinical data.

Resolve 2005, chapter 95 was finally passed as an emergency measure effective June 7, 2005.

LD 1401 **An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund** **PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN MILLETT	OTP	S-333

LD 1401 proposed to provide coordination among the State Health Plan and the capital investment fund, adopted by the Governor under the Maine Revised Statutes, Title 2, chapter 5, and the certificate of need process under Title 22, chapter 103-A as follows.

1. It proposed to clarify that the capital investment fund serves as a limit for allocating resources under the certificate of need program.
2. It proposed to specify that demographic, health care service and health care cost data must be used by the Governor in drafting the State Health Plan. It proposed to require that the State Health Plan be consistent with the requirements of the certificate of need program. It proposed to require review of the process for the development of the State Health Plan and the plan itself by the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to its being finalized and issued by the Governor.
3. It proposed to specify that demographic, health care service and health care cost data must be used by the Commissioner of Health and Human Services in making determinations regarding issuance of certificates of need. It proposed to require certificate of need decisions to further the goals of the State Health Plan. It proposed to add to the certificate of need standards protection of the public health and safety. It proposed to require the Commissioner of Health and Human Services in making decisions regarding certificate of need to consider the State Health Plan.

Enacted law summary

Public Law 2005, chapter 369 provides coordination among the State Health Plan and the capital investment fund, adopted by the Governor under the Maine Revised Statutes, Title 2, chapter 5, and the certificate of need process under Title 22, chapter 103-A. It clarifies that the capital investment fund serves as a limit for allocating resources under the certificate of need program. It specifies that demographic, health care service and health care cost data must be used by the Governor in drafting the State Health Plan. It requires that the State Health Plan be consistent with the requirements of the certificate of need program. It requires review of the process for the development of the State Health Plan and the plan itself by the joint standing committee of the Legislature having

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jurisdiction over health and human services matters prior to its being finalized and issued by the Governor. It clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every 2 years thereafter. It specifies that demographic, health care service and health care cost data must be used by the Commissioner of Health and Human Services in making determinations regarding issuance of certificates of need.

LD 1404 **Resolve, To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process** **RESOLVE 113**

<u>Sponsor(s)</u> BRENNAN BRAUTIGAM	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-332
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LD 1404 proposed to establish prior authorization pharmacy benefit procedures for the MaineCare and elderly low-cost drug programs. The bill proposed to establish a drug utilization review committee within MaineCare. The bill proposed to require the Department of Health and Human Services to publish a MaineCare handbook and to contract for a MaineCare study and survey and to report the results to the Joint Standing Committee on Health and Human Services by March 1, 2006.

Enacted law summary

Resolve 2005, chapter 113 directs the Department of Health and Human Services to undertake a number of initiatives, including rulemaking regarding prior authorization, preferred drug lists and procedures for providers to follow for members of the MaineCare program.

LD 1411 **An Act Regarding the Reporting of Hospital and Ambulatory Surgical Center Prices** **PUBLIC 391**

<u>Sponsor(s)</u> CANAVAN MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-660
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LD 1411 proposed to direct the Department of Health and Human Services to adopt rules to standardize the reporting of pricing information on the most common inpatient and emergency services and outpatient procedures by hospitals and ambulatory surgical centers. It also proposed to repeal the confidentiality provision in the laws covering mandatory reporting of sentinel events.

Enacted law summary

Public Law 2005, chapter 391 directs the Maine Health Data Organization to develop and produce annual reports on average private-payer payments in health care facilities and to health care practitioners. It directs the Maine Health Data Organization to adopt routine technical rules to establish criteria for services and procedures and to standardize the manner of listing prices by hospitals and ambulatory surgical centers pursuant to the Maine Revised Statutes, Title 22, section 1718.

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LD 1417 **An Act To Amend the Law Banning Smoking in Buildings Where
Bingo or Beano Is Played BY REQUEST** **ONTP**

<u>Sponsor(s)</u> HUTTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1417 proposed to allow a beano or bingo hall to maintain a designated smoking area as long as the area is segregated from the main hall and sealed with a door; is equipped with a ventilation system; has a public address system and has the master board, flashboard or chalkboard visible to all players in both the smoking and nonsmoking areas; has a member of the licensee present in both the smoking and nonsmoking areas; and posts a sign listing the toll-free telephone number of the Maine Tobacco HelpLine administered by the Department of Health and Human Services in a visible location in the designated smoking area. This bill also proposed to direct the Department of Health and Human Services to provide signs listing the Maine Tobacco HelpLine toll-free telephone number to licensed beano or bingo hall operators who request the sign.

LD 1420 **An Act To Establish a Maternal and Infant Death Review Panel** **CARRIED OVER**

<u>Sponsor(s)</u> PINGREE MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1420 proposed to direct the Department of Health and Human Services to establish a multidisciplinary panel to review maternal and infant death cases in this State. This panel, in accordance with the Maine Revised Statutes, Title 22, chapter 1071, subchapter 11-A, would provide the panel with authority to gain access to relevant data including medical, public health, social service and mental health records and ensures that proceedings and records in the possession of the panel remain confidential and exempt from subpoena and legal discovery. The bill also proposed to permit the panel to contact families of the deceased to request additional information and offer grief support resources.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1438 **Resolve, Regarding Discharges from Hospitals** **RESOLVE 112**

<u>Sponsor(s)</u> CURLEY MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-557
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LD 1438 proposed to require a hospital that has so-called "swing bed" services to establish admissions policies limiting the types of patients that hospital may accept and requiring the hospital to discharge patients to that hospital's own swing beds or to licensed nursing facilities of the patients' choice.

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Enacted law summary

Resolve 2005, chapter 112 requires the Department of Health and Human Services to convene a working group to develop hospital discharge guidelines. The guidelines must take into consideration the resources that are available to meet the clinical needs of the patient, the recommendations of the patient's health care provider and the preferences of the patient and patient's family. The resolve requires a report regarding the discharge guidelines to the Joint Standing Committee on Health and Human Services by February 1, 2006.

LD 1468

An Act To Protect the Public from Secondhand Smoke

ONTP

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

LD 1468 proposed to prohibit smoking within 20 feet of the entrance or exit of a health care facility. The bill also proposed to prohibit smoking in a private vehicle when a child under 18 years of age is in the vehicle.

LD 1483

**An Act To Amend the Laws Governing Reimbursement of
Nursing Facilities and Nursing Home Admission Contracts**

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-211

LD 1483 proposed to provide that a nursing facility or a private nonmedical institution is entitled to reimbursement through the MaineCare program to provide a return on equity capital. It proposed to require the Department of Health and Human Services to include in its calculation of reimbursement for services provided by nursing facilities an allowance for the cost of a medical director. It proposed to allow a nursing facility to enter into a contract with a resident or a resident's legal representative that provides that payment of the nursing facility's services is the highest priority for the application of a resident's financial resources. It proposed to provide that if timely payment has not been made to the nursing facility, the resident or resident's legal representative may be obligated to pay the resident's income or other assets directly to the nursing facility, including through direct deposit or electronic transfer means; to designate the nursing facility as the representative payee for Social Security or other payments; to otherwise apply the resident's resources to fulfill the resident's obligations; or to pay to the nursing facility money that has been improperly diverted. The bill proposed to allow a nursing facility to collect attorney's fees and costs from an agent under a power of attorney who breaches that agent's fiduciary duty.

Enacted law summary

Public Law 2005, chapter 242 raises the cap, for MaineCare reimbursement purposes, on the medical director's salary to \$10,000 for a nursing facility or a private nonmedical institution that receives reimbursement through the MaineCare program. That amount is subject to an annual cost-of-living adjustment and is subject to a cap on indirect costs.

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LD 1487 **An Act To Repeal Certificate of Need as It Applies to Hospitals,
Ambulatory Surgical Units and Physician Offices** **ONTP**

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

LD 1487 proposed to remove hospitals, ambulatory surgical facilities, physician offices and other health care facilities from the certificate of need process. The bill proposed to retain certificate of need for nursing facilities. The bill also proposed to require the Department of Health and Human Services to submit a report on alternative methods of reimbursement under the MaineCare program to the Legislature by January 15, 2006.

LD 1492 **An Act To Permit the Department of Health and Human Services
To Charge Fees to Homestead Facility Residents** **PUBLIC 256**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-423

LD 1492 proposed to include the Homestead facility among state institutions for which the Commissioner of Health and Human Services is directed to establish charges for the care and treatment of residents. The bill proposed to define "resident" for this purpose and changes "Augusta Mental Health Institute" to "Riverview Psychiatric Center."

Enacted law summary

Public Law 2005, chapter 256 includes the Homestead facility at the Riverview Psychiatric Center in Augusta among state institutions for which the Commissioner of Health and Human Services is directed to establish charges for the care and treatment of residents.

LD 1507 **An Act To Control the Spread of Methamphetamines** **ONTP**

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

LD 1507 proposed to require that only licensed retailers dispense pseudoephedrine, that the amount of pseudoephedrine dispensed be limited to 9 grams per day per person and that pseudoephedrine be dispensed only when the recipient of the product has been identified. The bill also proposed to require that retailers maintain a log of persons to whom pseudoephedrine is dispensed. Violation of any of these requirements would be a civil violation for which a fine of not more than \$300 may be imposed for each occurrence. Multiple violations would be grounds for suspension or revocation of a retail license.

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The bill also proposed to make it a Class D crime for any person to provide more than 90 grams of pseudoephedrine to another. It proposed to make it a Class E crime for any person to acquire improperly more than 9 grams of pseudoephedrine products.

LD 1515 **Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System** **RESOLVE 85**

<u>Sponsor(s)</u> PINGREE MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-479
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LD 1515 proposed to require the Department of Health and Human Services to develop a regional system for the financing, management and oversight of the state mental health system.

Enacted law summary

Resolve 2005, chapter 85 requires the Department of Health and Human Services to ensure that the plan presented to the court to achieve compliance with the Augusta Mental Health Institute Consent Decree Plan and the system transformation plan required in Public Law 2005, chapter 12, Part XXX are consumer-directed, community-based and comprehensive. The resolve also specifies the values and standards, service reform and improvement components and readiness parameters to be used in the transformation of the adult mental health services system. The resolve also requires the Department of Health and Human Services to provide a report and recommendations, including any recommendations of the working group required under section 1 of this resolve, to the Joint Standing Committee on Health and Human Services no later than January 15, 2006.

LD 1538 **An Act To Amend the Laws Authorizing the Medical Use of Marijuana BY REQUEST** **ONTP**

<u>Sponsor(s)</u> GAGNON THOMPSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1538 proposed to amend the law authorizing the medical use of marijuana in the following ways.

1. It proposed to increase the amounts considered a useable amount for medical use. It also proposed to authorize a physician to indicate a greater amount if necessary to meet the medical needs of the patient or to accommodate the various means of administering marijuana.
2. It proposed to require the Department of Health and Human Services to issue identification cards to an eligible patient or that person's designated caregiver so that a person's lawful possession may be easily and expeditiously verified.

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3. This bill also proposed to clearly articulate that the fact that a parent was or is a user of marijuana under the medical exemption may not be used against that parent in any matter relating to the care and custody of a child.

LD 1539 **An Act Pertaining to Reporting of Prescription Drug Advertising Costs** **PUBLIC 286**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN FISCHER	OTP-AM	S-210

LD 1539 proposed to delay implementation of the deadline for filing reports regarding marketing activities by pharmaceutical manufacturers.

The bill also proposed to clarify that the Department of Health and Human Services may disclose that information to an entity that provides services to the department under the laws requiring those reports, but proposed to specify that such disclosure does not change the confidential status of the information.

Enacted law summary

Public Law 2005, chapter 286 delays implementation of the deadline for filing reports regarding marketing activities by pharmaceutical manufacturers. The law also clarifies that the Department of Health and Human Services may disclose that information to a contractor that provides services to the department under the laws requiring those reports, but specifies that such disclosure does not change the confidential status of the information.

LD 1541 **An Act Pertaining to Disclosure of Prescription Drug Prices** **PUBLIC 402
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON CROSBY	OTP-AM	H-639 PINGREE S-292

LD 1541 proposed to limit the pricing information that a manufacturer must report to the Department of Health and Human Services to average manufacturer price and best price as defined by federal law. It proposed to eliminate the instructions on calculating other pharmaceutical pricing information and the requirement to describe the methodology for calculating pricing information that is reported to the department and modify the certification provisions and strengthens the confidentiality protection afforded to the reported information.

Enacted law summary

Public Law 2005, chapter 402 clarifies details of the reporting of prescription drug pricing, including the methodology of pricing and certification requirements. It maintains current law on confidentiality, extending

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confidentiality explicitly to information disclosed to an entity under contract to the Department of Health and Human Services and restricting use of disclosed information to the purposes for which it was disclosed. It directs the department to adopt routine technical rules to implement actual price disclosure and certification.

Public Law 2005, chapter 402 was enacted as an emergency measure effective June 17, 2005.

LD 1554 **Resolve, To Establish the Commission To Study the Delivery of Services to Maine Citizens with Brain Injuries** **ONTP**

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

LD 1554 proposed to create the Commission to Study the Delivery of Services to Maine Citizens with Brain Injuries and proposed to require the commission to submit its report to the Joint Standing Committee on Health and Human Services by December 7, 2005.

LD 1555 **An Act To Improve Quality, Effectiveness and Efficiency in the Department of Health and Human Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN NASS R		

LD 1555 proposed to address the following issues in the field of community-based services for persons with developmental disabilities and mental retardation: reimbursement, audit and appeal procedures, rules, regulations and administrative requirements, standardized data, contract formats and financial reports, medication courses, deemed status licensure, maintenance of the Child Development Services System, gastronomy tubes, rules regarding residential options, advocacy regarding federal legislation, cost-of-living adjustments and Dirigo Health insurance.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1568 **An Act To Allow Nurse Practitioners To Sign Death Certificates** **PUBLIC 359
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	OTP-AM	H-594

LD 1568 proposed to authorize a certified nurse midwife or a nurse practitioner who is present at a death or after a death to sign a death certificate in the case of a fetal death. The bill proposed to authorize a nurse practitioner

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to sign a death certificate in the case of the death of a patient in the care of the nurse practitioner or in the case of the death of a patient whose recent medical condition is known to the nurse practitioner.

Enacted law summary

Public Law 2005, chapter 359 authorizes a certified nurse midwife or a nurse practitioner who is present at a death or after a death to sign a death certificate in the case of the death of a patient in the care of the nurse practitioner or in the case of the death of a patient whose recent medical condition is known to the nurse practitioner.

Public Law 2005, chapter 359 was enacted as an emergency measure effective June 9, 2005.

LD 1580 **An Act To Enhance Maine's Medical Errors Reporting System** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN SNOWE-MELLO	ONTP	

LD 1580 is a concept draft pursuant to Joint Rule 208. It proposed to enhance the system for reporting of medical errors by hospitals, ambulatory surgical centers and mental health hospitals.

LD 1601 **An Act To Prevent the Manufacturing of Methamphetamine in
Maine** **PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	S-334

LD 1601 proposed to place several restrictions on over-the-counter decongestant cold medicines that can be used in the toxic chemical process of making the illegal drug methamphetamine. The bill proposed to affect medicines in solid pill or dry form that contain ephedrine, pseudoephedrine or phenylpropanolamine because those products are commonly used to manufacture methamphetamine. The bill proposed to define those products as "targeted methamphetamine precursors."

The bill proposed to exempt medicines in liquid, gel cap or liquid-filled capsule form because those products are not commonly used to manufacture methamphetamine.

The bill proposed to restrict the sale of targeted methamphetamine precursors to blister packs containing less than 3 grams of the targeted active ingredients and allows no more than 3 packages to be sold in a single transaction. It proposed to require targeted methamphetamine precursors to be sold by a pharmacist or pharmacy technician and stored in a location that is locked or otherwise not accessible to the public. It proposed to authorize but does not require a pharmacy to request identification and log sales of these products.

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The bill proposed to allow single-dose packages to continue to be sold at any store as long as they are close to and within sight of store staff.

The bill proposed to allow a pharmacist or pharmacy technician to refuse to make a suspicious sale of targeted methamphetamine precursors and to report the situation to a law enforcement agency. It proposed to confer immunity from civil liability on a pharmacist or technician who in good faith refuses to sell the drug or who makes a report to law enforcement.

The bill also proposed to designate more than 9 grams of a targeted methamphetamine precursor as a schedule Z illegal drug, but provides an affirmative defense if it is possessed for a legitimate medical purpose. The bill proposed to require the Department of Health and Human Services, Office of Substance Abuse to create a Maine Meth Watch Program, based on a national so-called "Meth Watch" program, which would help deter suspicious sales and theft of precursor-containing medicines and other products used in the illegal manufacturing of methamphetamine.

The bill proposed to authorize the Commissioner of Public Safety to adopt major substantive rules on further restrictions if the commissioner finds that certain circumstances pose a threat to the public health, safety and welfare.

Enacted law summary

Public Law 2005, chapter 430 places several restrictions on over-the-counter decongestant cold medicines that can be used in the toxic chemical process of making the illegal drug methamphetamine. It affects medicines in solid pill or dry form that contain ephedrine, pseudoephedrine or phenylpropanolamine because those products are commonly used to manufacture methamphetamine and defines those products as "targeted methamphetamine precursors."

The law restricts the sale of multiple-dose packages of targeted methamphetamine precursors to blister packs containing no more than 3 grams and allows no more than 3 packages to be sold in a single transaction. It requires targeted methamphetamine precursors to be sold by a pharmacist, pharmacy technician or employee under that person's supervision after the pharmacist's approval and requires that the product be stored in a location that is locked or otherwise not accessible to the public. It authorizes but does not require a pharmacy to request identification and log sales of these products.

The law allows single-dose packages to continue to be sold at any store as long as they are close to and within sight of store staff.

The law allows a pharmacist or pharmacy technician to refuse to make a sale of targeted methamphetamine precursors and to report the situation to a law enforcement agency. It confers immunity from civil liability on a pharmacist or technician who in good faith refuses to sell the drug or who makes a report to a law enforcement agency.

The law designates more than 9 grams of a targeted methamphetamine precursor possessed by a person as a Schedule Z illegal drug and provides an affirmative defense if it is possessed for a legitimate medical purpose. The law requires the Department of Health and Human Services, Office of Substance Abuse to create the Maine Meth Watch Program, based on a national so-called "Meth Watch" program, which helps deter suspicious sales and theft of targeted methamphetamine precursor-containing medicines and other products used in the illegal manufacturing of methamphetamine.

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The law authorizes the Director of the Office of Substance Abuse in the Department of Health and Human Services to adopt major substantive rules on further restrictions for the liquid or gel forms of targeted methamphetamine precursors, on mandatory identification and on requiring a purchase log if the Director of the Maine Drug Enforcement Agency finds circumstances that pose a threat to the public health, safety and welfare and the Director of the Office of Substance Abuse has consulted with the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 1614 An Act To Sustain and Strengthen Community Health Coalitions CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R PINGREE		

LD 1614 proposed to establish the Commission to Certify and Recertify Comprehensive Community Health Coalitions, to establish a system of comprehensive community health coalitions and to appropriate \$200,000 in fiscal year 2006-07 for the Commission to Certify and Recertify Comprehensive Community Health Coalitions. The bill proposed to enact effective date of January 1, 2006.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1618 An Act Regarding Advertising by Drug Manufacturers and PUBLIC 392
Disclosure of Clinical Trials

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM MAJ ONTP MIN	H-661 H-675 LERMAN

LD 1618 proposed to require the Department of Health and Human Services to adopt rules incorporating by reference federal laws and regulations concerning misbranded drugs and devices and prescription drug advertising. The bill also requires drug manufacturers to provide information concerning clinical trials of prescription drugs advertised in the State, provides immunity for disclosure of that information, directs the department to maintain this information on an Internet website and enables the department to collect a fee from manufacturers to support a clinical trial database. The bill proposed to make violations of these requirements violations of the Maine Unfair Trade Practices Act, which are subject to a fine of not more than \$10,000.

Enacted law summary

Public Law 2005, chapter 392 requires the Department of Health and Human Services to adopt rules incorporating by reference federal laws and regulations concerning misbranded drugs and devices and prescription drug advertising. It requires drug manufacturers to provide information concerning clinical trials of prescription drugs. It requires manufacturers to pay fees that will be used to support overseeing the implementation of the new prescription drug advertising laws, including maintaining links to publicly accessible

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websites to which manufacturers are posting clinical trial information, assessing harm from drugs to Maine residents and undertaking a public education initiative. The law makes violations of these requirements violations of the Maine Unfair Trade Practices Act, which are subject to a fine of not more than \$10,000. It directs the Department of Health and Human Services to report by January 15, 2007 on compliance with the provisions, the completeness of and ease of public access to information provided by drug manufacturers and the need for further action or legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 1620 **Resolve, Regarding Legislative Review of Portions of Chapter 101: 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 68 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1620 proposed to provide for legislative review of portions of Chapter 101: 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 2005, chapter 68 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97 - Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services. The resolve approves the rule.

Resolve 2005, chapter 68 was finally passed as an emergency measure effective May 31, 2005.

LD 1621 **Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 69 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1621 proposed to provide for legislative review of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Enacted law summary

Resolve 2005, chapter 69 provides for legislative review of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization. The resolve approves the rule.

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Resolve 2005, chapter 69 was finally passed as an emergency measure effective May 31, 2005.

LD 1631 **Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays** **CARRIED OVER**

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

LD 1631 proposed to require the Department of Health and Human Services to reimburse providers for costs, including, but not limited to, interest, bank fees and accounting fees, incurred due to MaineCare reimbursement delays.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1642 **An Act To Further the Transition to the New Department of Health and Human Services** **PUBLIC 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PINGREE	OTP-AM	S-349

LD 1642 proposed to further the transition to the new Department of Health and Human Services as follows.

1. It proposed to eliminate from the law governing salary ranges certain now-defunct positions from the former Department of Human Services and the former Department of Behavioral and Developmental Services.
2. It proposed to establish the salaries of the Deputy Commissioner of Integrated Services and the Deputy Commissioner of Health, Integrated Access and Strategy in the Department of Health and Human Services.
3. It proposed to establish a number of positions as major policy-influencing positions within the Department of Health and Human Services.
4. It proposed to establish within the department the Health, Integrated Access and Strategy Unit; the Operations and Support Unit; the Finance Unit; and the Integrated Services Unit.
5. It proposed to direct the Commissioner of Health and Human Services to create a new budget and financial management system and reporting structure for the department.
6. It proposed to specify that the units established within the department assume the functions and duties of the bureaus, divisions and offices established under the Maine Revised Statutes, Title 22 and Title 34-B and the Office of Substance Abuse established under Title 5, chapter 521. It also proposed to specify that the rules, guidelines, policies and manuals adopted or distributed by the former Department of Human Services or the

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former Department of Behavioral and Developmental Services continue in effect without regard to references to offices, bureaus, divisions, units or employee titles that no longer exist.

Enacted law summary

Public Law 2005, chapter 412 furthers the transition to the new Department of Health and Human Services as follows.

1. It eliminates from the law governing salary ranges certain now-defunct positions from the former Department of Human Services and the former Department of Behavioral and Developmental Services.
2. It establishes the salaries of the Deputy Commissioner of Integrated Services and the Deputy Commissioner of Health, Integrated Access and Strategy in the Department of Health and Human Services and lists in statute positions that serve at the pleasure of the Commissioner.
3. It establishes a number of positions as major policy-influencing positions within the Department of Health and Human Services.
4. It establishes within the department the Health, Integrated Access and Strategy Unit; the Operations and Support Unit; the Finance Unit; and the Integrated Services Unit.
5. It directs the Commissioner of Health and Human Services to create a new budget and financial management system and reporting structure for the department.
6. It specifies that the units established within the department assume the functions and duties of the bureaus, divisions and offices established under the Maine Revised Statutes, Title 22 and Title 34-B and the Office of Substance Abuse established under Title 5, chapter 521. It also specifies that the rules, guidelines, policies and manuals adopted or distributed by the former Department of Human Services or the former Department of Behavioral and Developmental Services continue in effect without regard to references to offices, bureaus, divisions, units or employee titles that no longer exist.
7. It adds provisions allowing the commissioner to transfer savings within personal services lines during fiscal year 2005-06 in order to fund reallocations of pay ranges to achieve pay equity, requires the commissioner to report to the Joint Standing Committee on Health and Human Services on the progress towards goals established for the merger of the former Department of Human Services and the former Department of Behavioral and Developmental Services.
8. It requires the child welfare ombudsman program, the long-term care ombudsman program and the Office of Advocacy within the Department of Health and Human Services to report to the committee by February 15, 2006 on ways to maximize their independence, effectiveness and ability to provide consumer advocacy and ombudsman services and long-term budget stability.

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LD 1673

**An Act To Implement Certain Recommendations of the
Commission To Study Maine's Community Hospitals**

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM A	S-356
PINGREE	ONTP B	S-363 MAYO
	OTP-AM C	

LD 1673 proposed to enact the recommendations of the Commission to Study Maine's Community Hospitals established in Public Law 2003, chapter 469, which created Dirigo Health. The Commission to Study Maine's Community Hospitals was charged with the duty to study the role of community hospitals in the 21st century, including assessing cost efficiencies, cost effectiveness and overall affordability of available health care services. Specifically, the bill proposed to accomplish the following.

1. Amend the Hospital Cooperation Act to make it easier for hospitals to collaborate by reducing concerns relative to antitrust ramifications. It also extends the Act to include health care providers other than hospitals, and changes the short title of the law to "the Hospital and Health Care Provider Cooperation Act."
2. Require hospitals to submit to the Maine Health Data Organization their annual financial information using electronic standardized accounting template software designed by the Governor's Office of Health Policy and Finance and provided to hospitals by the Maine Health Data Organization.
3. Continue voluntary targets for hospitals for:
 - A. Hospital entity operating margins;
 - B. Cost increases for a mixed inpatient and outpatient measure; and
 - C. Cost increases for an inpatient-only measure.

The operating margin target would not be more than 3%. The mixed inpatient and outpatient cost increase target would not be more than the forecasted increase in the hospital market basket index for the coming federal fiscal year. The inpatient-only cost increase target would be negotiated between the Maine Hospital Association and the Governor's Office of Health Policy and Finance and determined no later than October 1, 2005.

4. Instruct the Maine Hospital Association and the Governor's Office of Health Policy and Finance to agree by January 1, 2006 on a timetable, format and methodology for the hospital association to measure and report on outpatient cost-efficiency. The methodology would use the ambulatory payment classification system as the unit of cost.
5. Request that the Maine Hospital Association develop, by January 1, 2006, standardized definitions of various administrative cost categories that hospitals may use when establishing budgets and reporting spending on administrative costs.
6. Instruct the Governor's Office of Health Policy and Finance to convene a health care administrative streamlining work group to facilitate the creation and implementation of a single portal through which hospitals can access and transmit member eligibility, benefit and claims information from multiple insurers.

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The work group would be directed to investigate funding mechanisms, including seeking outside funding for start-up and ongoing operational costs, with the intention that the portal become independent and sustainable over time, and ways to ensure that savings resulting from implementation of such a portal are passed on to purchasers in the form of rate reduction by hospitals and other providers and by reduction in administrative costs by insurers and 3rd-party administrators. The work group would also consider the incorporation of medical and quality data to the extent possible in the future. The work group would be directed to submit a report and any necessary suggested legislation to the Governor and 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 November 1, 2006.

7. Instruct the Department of Health and Human Services to review the existing hearing process provided in the laws governing certificates of need to determine whether that process ensures that the Commissioner of Health and Human Services has all the information needed to make a fair and accurate determination of whether each project proposed for certification meets the needs of Maine citizens. It would direct the Department of Health and Human Services to conduct the review described and then report its findings and any proposed changes to the law to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2006. It also proposed to require that the department, by January 1, 2006, review and make recommendations regarding the certificate of need program's staffing needs and fee structure, including comparisons to other states, and report its findings to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Enacted law summary

Public Law 2005, chapter 394 enacts certain recommendations of the Commission to Study Maine's Community Hospitals established in Public Law 2003, chapter 469, which created Dirigo Health. It requires hospitals to submit to the Maine Health Data Organization their annual financial information using an electronic standardized accounting template. It continues voluntary targets for hospitals for hospital entity operating margins; cost increases for a mixed inpatient and outpatient measure; and cost increases for an inpatient-only measure. The operating margin target is not more than 3% applied to the consolidated hospital system. The mixed inpatient and outpatient cost increase target is no more than 110% of the forecasted increase in the hospital market basket index for the coming federal fiscal year. The inpatient-only cost increase target will be negotiated between the Maine Hospital Association and the Governor's Office of Health Policy and Finance and determined no later than October 1, 2005. It instructs the Maine Hospital Association and the Governor's Office of Health Policy and Finance to agree by January 1, 2006 on a timetable, format and methodology for the hospital association to measure and report on outpatient cost-efficiency. The methodology must use the ambulatory payment classification system as the unit of cost. It requests that the Maine Hospital Association develop, by January 1, 2006, standardized definitions of various administrative cost categories that hospitals may use when establishing budgets and reporting spending on administrative costs. It instructs the Governor's Office of Health Policy and Finance to convene a health care administrative streamlining work group to facilitate the creation and implementation of a single portal through which hospitals can access and transmit member eligibility, benefit and claims information from multiple insurers. The work group is directed to investigate funding mechanisms, including seeking outside funding for start-up and ongoing operational costs, with the intention that the portal become independent and sustainable over time, and ways to ensure that savings resulting from implementation of such a portal are passed on to purchasers in the form of rate reduction by hospitals and other providers and by reduction in administrative costs by insurers and 3rd-party administrators. The work group may also consider the incorporation of medical and quality data to the extent possible in the future. The work group is directed to submit a report and any necessary suggested legislation to the Governor and the joint standing committee of the

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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 November 1, 2006. The law requires review in 2006 of the proposals in the bill that were not enacted by the joint standing committee of the Legislature having jurisdiction over health and human services matters. The law requires that the rule-making provisions of the Maine Administrative Procedure Act apply to rulemaking by the Governor's Office of Health Policy and Finance. The law directs that legislative oversight of Dirigo Health be governed by the joint rules and requires consideration of ensuring thorough and ongoing oversight, normal budgetary procedures and controls and consistency with the subject matter jurisdiction of the joint standing committees.

LD 1683

An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority

**PUBLIC 407
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMITH N	OTP-AM	S-339

LD 1683 proposed to expand the list of entities and facilities that qualify for financing by the Maine Health and Higher Educational Facilities Authority to include certain licensed air ambulances.

Enacted law summary

Public Law 2005, chapter 407 expands the list of entities and facilities that qualify for financing by the Maine Health and Higher Educational Facilities Authority to include certain licensed air ambulances.

Public Law 2005, chapter 407 was enacted as an emergency measure effective June 17, 2005.

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Enacted

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LD 176	An Act To Eliminate Limitations on Access to Medications under Certain State Programs	ONTP	Page 330
LD 210	An Act To Allow Patients To Keep Medications upon Discharge from a Nursing Facility or Hospital	ONTP	Page 332
LD 211	An Act To Require the Disclosure by Hospitals and Ambulatory Surgical Centers of Charges to Certain Payors	ONTP	Page 333
LD 343	An Act To Require That Health Care Providers Use Uniform Rates	ONTP	Page 335
LD 460	An Act To Require That Certain Health Care Staff Be Certified in CPR and To Require That Nursing Homes Be Equipped with Automated External Defibrillators	ONTP	Page 339
LD 687	An Act To Amend the Hospital Tax	CARRIED OVER	Page 347
LD 688	An Act To Ensure Access to Swing Beds in Hospitals	ONTP	Page 348

LD 699	An Act To Repeal Tax and Match	CARRIED OVER	Page 349
LD 846	An Act To Prevent Discrimination against Persons without Health Insurance	CARRIED OVER	Page 354
LD 1013	An Act To Improve Access to Ambulatory Diabetes Education and Follow-up	ONTP	Page 358
LD 1072	An Act To Require Health Care Providers To Contain Costs	ONTP	Page 360
LD 1580	An Act To Enhance Maine's Medical Errors Reporting System	ONTP	Page 378

Health Data

Enacted

LD 9	Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse	RESOLVE 36 EMERGENCY	Page 321
LD 1359	An Act To Amend the Maine Health Data Organization Statutes and To Extend the Operation of the Maine Health Data Processing Center	PUBLIC 253 EMERGENCY	Page 368
LD 1389	Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 49 EMERGENCY	Page 369
LD 1390	Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 95 EMERGENCY	Page 369
LD 1621	Resolve, Regarding Legislative Review of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 69 EMERGENCY	Page 381

Not Enacted

LD 211	An Act To Require the Disclosure by Hospitals and Ambulatory Surgical Centers of Charges to Certain Payors	ONTP	Page 333
LD 343	An Act To Require That Health Care Providers Use Uniform Rates	ONTP	Page 335

Health Planning

Enacted

LD 33	Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance	RESOLVE 115 EMERGENCY	Page 323
LD 742	An Act To Postpone the Repeal Date on Nonhospital Expenditures in the Capital Investment Fund	PUBLIC 227	Page 351
LD 1401	An Act To Further Coordinate the Laws Regarding Certificate of Need, the State Health Plan and the Capital Investment Fund	PUBLIC 369	Page 370

Not Enacted

LD 1307	An Act Requiring Public Disclosure of Health Care Prices	ONTP	Page 365
LD 1487	An Act To Repeal Certificate of Need as It Applies to Hospitals, Ambulatory Surgical Units and Physician Offices	ONTP	Page 374

Medicaid

Enacted

LD 545	Resolve, To Improve Procedures for Assessing the Mental Health Services Needs of Older Individuals	RESOLVE 55	Page 343
LD 604	Resolve, Directing the Department of Health and Human Services To Study Initiatives for Local Pharmacies Participating in the MaineCare Program	RESOLVE 83	Page 346

LD 694	An Act To Restore Fair MaineCare Payments to Critical Access Hospitals	PUBLIC 342 EMERGENCY	Page 348
LD 835	Resolve, To Establish the Blue Ribbon Commission on the Future of MaineCare	RESOLVE 117 EMERGENCY	Page 352
LD 863	Resolve, To Develop a Comprehensive Plan for Service Reforms and System Improvements Regarding Children's Services Provided by the Department of Health and Human Services	RESOLVE 108	Page 354
LD 1284	Resolve, Regarding Increased Reimbursement for Physicians Caring for MaineCare Members	RESOLVE 104	Page 364
LD 1404	Resolve, To Increase the Quality of Care and Reduce Administrative Burdens in the Pharmacy Prior Approval Process	RESOLVE 113	Page 371
LD 1438	Resolve, Regarding Discharges from Hospitals	RESOLVE 112	Page 372
LD 1483	An Act To Amend the Laws Governing Reimbursement of Nursing Facilities and Nursing Home Admission Contracts	PUBLIC 242	Page 373
LD 1492	An Act To Permit the Department of Health and Human Services To Charge Fees to Homestead Facility Residents	PUBLIC 256	Page 374
LD 1620	Resolve, Regarding Legislative Review of Portions of Chapter 101: 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 68 EMERGENCY	Page 381
<u>Not Enacted</u>			
LD 76	Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Payment for Goods and Services	ONTP	Page 325
LD 108	An Act To Require the Department of Health and Human Services To Analyze Costs before the Legislature Imposes Mandates	ONTP	Page 326
LD 146	An Act To Repeal the Tax on Private Nonmedical Institutions	CARRIED OVER	Page 328

LD 154	An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens	ONTP	Page 329
LD 173	An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization	ONTP	Page 330
LD 181	Resolve, Requiring the Department of Health and Human Services To Reimburse Henrietta D. Goodall Hospital for 2002 MaineCare Costs	ONTP	Page 331
LD 196	An Act To Enhance MaineCare Reimbursement Rates for Ambulance Services	INDEF PP	Page 331
LD 246	An Act To Remove Certain Orthodontic Procedures from MaineCare Coverage	ONTP	Page 334
LD 266	An Act To Ensure That All Providers of MaineCare Services Are Maine-based Businesses	ONTP	Page 334
LD 318	An Act To Protect the MaineCare Program	ONTP	Page 334
LD 442	An Act To Provide Health Care Savings Accounts and Health Care Management in MaineCare	ONTP	Page 338
LD 444	An Act Providing Procedures To Protect Members upon Redesign of the MaineCare Program	CARRIED OVER	Page 338
LD 463	Resolve, To Amend MaineCare Eligibility for the Workers with Disabilities Option	CARRIED OVER	Page 340
LD 584	An Act To Encourage Long-term Care Insurance and Expand Eligibility for MaineCare	ONTP	Page 345
LD 609	An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments	ONTP	Page 346
LD 678	An Act To Require Fair and Timely MaineCare Payments to Hospitals	CARRIED OVER	Page 347
LD 687	An Act To Amend the Hospital Tax	CARRIED OVER	Page 347
LD 699	An Act To Repeal Tax and Match	CARRIED OVER	Page 349
LD 1013	An Act To Improve Access to Ambulatory Diabetes Education and Follow-up	ONTP	Page 358

LD 1270	Resolve, To Increase Prospective Interim Payments to Certain Rural Hospitals	ONTP	Page 364
LD 1631	Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays	CARRIED OVER	Page 382

Mental Health

Enacted

LD 561	An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award	PUBLIC 236	Page 345
LD 1515	Resolve, To Establish a Responsive, Community-based, Cost-effective and Comprehensive Adult Mental Health System	RESOLVE 85	Page 375

Not Enacted

LD 151	An Act To Improve the Delivery of Maine's Mental Health Services	CARRIED OVER	Page 329
LD 154	An Act To Restore MaineCare Mental Health Services to Children, Adults and Senior Citizens	ONTP	Page 329
LD 458	Resolve, To Direct the Department of Health and Human Services To Establish a Procedure for the Timely Assessment of an Older Individual's Need for Mental Health Services	ONTP	Page 339
LD 817	An Act To Fix within State Government the Responsibility for Mental Health Services to Maine's Elderly	ONTP	Page 352
LD 1183	An Act Regarding Access to Mental Health Services	CARRIED OVER	Page 362

Mental Retardation and Other Developmental Disabilities

Enacted

LD 382	Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation	RESOLVE 52	Page 336
LD 388	An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council	PUBLIC 137 EMERGENCY	Page 337
LD 741	An Act To Designate the Department of Health and Human Services as the Official State Agency Responsible for Programs for Persons Affected by Brain Injury	PUBLIC 229	Page 350

Not Enacted

LD 707	An Act To Improve Care for Adults with Mental Retardation	ONTP	Page 349
LD 1554	Resolve, To Establish the Commission To Study the Delivery of Services to Maine Citizens with Brain Injuries	ONTP	Page 377

Prescription Drugs

Enacted

LD 9	Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse	RESOLVE 36 EMERGENCY	Page 321
LD 52	An Act To Authorize Certain Campers To Self-administer Emergency Medication	PUBLIC 140 EMERGENCY	Page 324
LD 129	An Act To Plan for a Pilot Program for Distributing Unopened Medicines and Medical Supplies	P & S 20	Page 326
LD 494	An Act To Establish a Program for the Purchase of Prescription Drugs from out of the Country for the Elderly and Disabled	PUBLIC 165	Page 342

LD 604	Resolve, Directing the Department of Health and Human Services To Study Initiatives for Local Pharmacies Participating in the MaineCare Program	RESOLVE 83	Page 346
LD 630	An Act Regarding Possession of Prescription Drugs	PUBLIC 252	Page 346
LD 710	Resolve, Regarding Clinical Trials of Pharmaceuticals, Treatment Options and Medical Devices	RESOLVE 77	Page 349
LD 1178	An Act Regarding Access to Prescription Drugs and Reimportation	P & S 26	Page 361
LD 1324	An Act To Improve Access to Affordable Prescription Drugs	PUBLIC 343	Page 366
LD 1325	An Act To Ensure Continuity of Care Related to Implementation of the Federal Medicare Drug Benefit	PUBLIC 401	Page 366
LD 1539	An Act Pertaining to Reporting of Prescription Drug Advertising Costs	PUBLIC 286	Page 376
LD 1541	An Act Pertaining to Disclosure of Prescription Drug Prices	PUBLIC 402 EMERGENCY	Page 376
LD 1618	An Act Regarding Advertising by Drug Manufacturers and Disclosure of Clinical Trials	PUBLIC 392	Page 380
<u>Not Enacted</u>			
LD 148	An Act To Require Certain Physicians To Provide Information about Thimerosal in Vaccines	ONTP	Page 328
LD 176	An Act To Eliminate Limitations on Access to Medications under Certain State Programs	ONTP	Page 330
LD 210	An Act To Allow Patients To Keep Medications upon Discharge from a Nursing Facility or Hospital	ONTP	Page 332
LD 609	An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments	ONTP	Page 346

LD 1310	An Act To Ensure Rural Access to Prescription Drugs	ONTP	Page 365
LD 1538	An Act To Amend the Laws Authorizing the Medical Use of Marijuana	ONTP	Page 375

Public Assistance

Enacted

LD 367	An Act To Monitor and Maintain Maximum Levels of Assistance in the General Assistance Program	PUBLIC 231	Page 336
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Not Enacted

LD 14	An Act To Clarify Eligibility for the Temporary Assistance for Needy Families Program	ONTP	Page 322
LD 142	An Act To Protect Supplemental Security Income Benefits	ONTP	Page 328
LD 168	An Act To Establish a Statewide Residency Requirement for General Assistance	ONTP	Page 330
LD 201	An Act To Discontinue Transitional Child Care Services	ONTP	Page 332
LD 203	An Act To Make Changes to the ASPIRE-TANF Program	ONTP	Page 332
LD 402	An Act To Require Able-bodied Welfare Recipients To Seek Employment and Work or Volunteer	ONTP	Page 337
LD 481	Resolve, To Ensure That Public Assistance Benefits Do Not Exceed Average Wages for a County	ONTP	Page 340
LD 559	An Act To Require a Study and Comparative Report on Welfare	ONTP	Page 344
LD 609	An Act To Reconcile General Assistance Prescription Drug Payments with Changes in Federal Prescription Drug Card Benefits and with MaineCare Prescription Drug Payments	ONTP	Page 346
LD 768	An Act Regarding General Assistance under Special Circumstances	ONTP	Page 351

Public Health

Enacted

LD 5	Resolve, To Study Initiatives To Increase Access to Dental Services for Children in the MaineCare Program	RESOLVE 34	Page 321
LD 21	Resolve, Directing the Department of Health and Human Services To Adopt Rules Regarding the Licensing of New Opioid Treatment Programs	RESOLVE 31	Page 323
LD 52	An Act To Authorize Certain Campers To Self-administer Emergency Medication	PUBLIC 140 EMERGENCY	Page 324
LD 55	Resolve, To Review Rules for Organ and Tissue Donation	RESOLVE 27 EMERGENCY	Page 324
LD 107	An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs	PUBLIC 208	Page 326
LD 129	An Act To Plan for a Pilot Program for Distributing Unopened Medicines and Medical Supplies	P & S 20	Page 326
LD 482	An Act To Ensure Adequate Health Care for Children	PUBLIC 373	Page 341
LD 553	Resolve, Regarding Responsible Management of Point-of-sale Marketing Materials for Tobacco Products	RESOLVE 46	Page 344
LD 769	Resolve, To Examine Smoking Cessation Programs for Maine's Youth	RESOLVE 44	Page 351
LD 885	An Act To Discourage Further the Sale of Tobacco to Minors	PUBLIC 223	Page 355
LD 886	An Act To Promote Parity in the Laws Governing Smoking in the Workplace	PUBLIC 338	Page 355
LD 892	An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce	PUBLIC 327	Page 356
LD 941	An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products	PUBLIC 145 EMERGENCY	Page 357

LD 1034	An Act To Prevent Lead Poisoning of Children and Adults	PUBLIC 403	Page 359
LD 1156	An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places	PUBLIC 257	Page 360
LD 1178	An Act Regarding Access to Prescription Drugs and Reimportation	P & S 26	Page 361
LD 1186	An Act To Clarify the Smoking Ban for Off-track Betting Facilities	PUBLIC 362	Page 362
LD 1302	Resolve, Establishing The Task Force To Study Cervical Cancer Prevention, Detection and Education	RESOLVE 121 EMERGENCY	Page 364
LD 1568	An Act To Allow Nurse Practitioners To Sign Death Certificates	PUBLIC 359 EMERGENCY	Page 377
LD 1673	An Act To Implement Certain Recommendations of the Commission To Study Maine's Community Hospitals	PUBLIC 394	Page 384
LD 1683	An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority	PUBLIC 407 EMERGENCY	Page 386

Not Enacted

LD 15	An Act To Inform Patrons of Food Service Establishments about the Use of Latex Gloves in Food Preparation	ONTP	Page 322
LD 134	An Act To Implement the Recommendations of the Commission To Study Public Health	ONTP	Page 327
LD 148	An Act To Require Certain Physicians To Provide Information about Thimerosal in Vaccines	ONTP	Page 328
LD 160	An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol	ONTP	Page 329
LD 182	An Act To Provide Funding for Domestic Violence Shelters	ONTP	Page 331

LD 514	An Act To Preserve the Fund for a Healthy Maine	ONTP	Page 342
LD 801	Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health	ONTP	Page 352
LD 904	An Act To Create the Maine Asthma and Lung Disease Research Fund	CARRIED OVER	Page 357
LD 950	An Act To Allow the Shipment of Cigars into Maine	CARRIED OVER	Page 358
LD 954	An Act To Make Fairs and Festivals Safer for Children	ONTP	Page 358
LD 1013	An Act To Improve Access to Ambulatory Diabetes Education and Follow-up	ONTP	Page 358
LD 1036	An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons	CARRIED OVER	Page 359
LD 1072	An Act To Require Health Care Providers To Contain Costs	ONTP	Page 360
LD 1208	Resolve, Regarding the Prevention of Suicide	CARRIED OVER	Page 363
LD 1417	An Act To Amend the Law Banning Smoking in Buildings Where Bingo or Beano Is Played	ONTP	Page 372
LD 1468	An Act To Protect the Public from Secondhand Smoke	ONTP	Page 373
LD 1507	An Act To Control the Spread of Methamphetamines	ONTP	Page 374
LD 1538	An Act To Amend the Laws Authorizing the Medical Use of Marijuana	ONTP	Page 375
LD 1580	An Act To Enhance Maine's Medical Errors Reporting System	ONTP	Page 378
LD 1614	An Act To Sustain and Strengthen Community Health Coalitions	CARRIED OVER	Page 380

Substance Abuse

Enacted

LD 9	Resolve, Regarding Legislative Review of Chapter 11: Registration, Collection and Dissemination of Prescription Data Relating to Schedule II, III and IV Drugs, a Major Substantive Rule of the Department of Health and Human Services, Office of Substance Abuse	RESOLVE 36 EMERGENCY	Page 321
LD 21	Resolve, Directing the Department of Health and Human Services To Adopt Rules Regarding the Licensing of New Opioid Treatment Programs	RESOLVE 31	Page 323
LD 239	Resolve, To Develop a Partnership To Prevent, Identify and Treat Eating Disorders	RESOLVE 33	Page 333
LD 769	Resolve, To Examine Smoking Cessation Programs for Maine's Youth	RESOLVE 44	Page 351
LD 885	An Act To Discourage Further the Sale of Tobacco to Minors	PUBLIC 223	Page 355
LD 886	An Act To Promote Parity in the Laws Governing Smoking in the Workplace	PUBLIC 338	Page 355
LD 941	An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products	PUBLIC 145 EMERGENCY	Page 357
LD 1156	An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places	PUBLIC 257	Page 360
LD 1601	An Act To Prevent the Manufacturing of Methamphetamine in Maine	PUBLIC 430	Page 378

Not Enacted

LD 160	An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol	ONTP	Page 329
LD 519	An Act To Strengthen the Laws Concerning Methadone Clinics	ONTP	Page 343

LD 801	Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health	ONTP	Page 352
LD 950	An Act To Allow the Shipment of Cigars into Maine	CARRIED OVER	Page 358
LD 954	An Act To Make Fairs and Festivals Safer for Children	ONTP	Page 358
LD 1186	An Act To Clarify the Smoking Ban for Off-track Betting Facilities	PUBLIC 362	Page 362
LD 1350	An Act Regarding the Office of Substance Abuse	ONTP	Page 368
LD 1417	An Act To Amend the Law Banning Smoking in Buildings Where Bingo or Beano Is Played	ONTP	Page 372
LD 1468	An Act To Protect the Public from Secondhand Smoke	ONTP	Page 373
LD 1507	An Act To Control the Spread of Methamphetamines	ONTP	Page 374
LD 1538	An Act To Amend the Laws Authorizing the Medical Use of Marijuana	ONTP	Page 375

Tax & Match

Enacted

None

Not Enacted

LD 146	An Act To Repeal the Tax on Private Nonmedical Institutions	CARRIED OVER	Page 328
LD 454	An Act To Prohibit Private Nonmedical Institutions from Passing Along the Service Provider Tax to Residents	ONTP	Page 339
LD 687	An Act To Amend the Hospital Tax	CARRIED OVER	Page 347
LD 699	An Act To Repeal Tax and Match	CARRIED OVER	Page 349

LD 839	Resolve, To Alleviate the Negative Impact of Certain Taxes on Hospitals and Private Nonmedical Institutions	RESOLVE 45 EMERGENCY	Page 353
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Tobacco Sale & Use

Enacted

LD 553	Resolve, Regarding Responsible Management of Point-of-sale Marketing Materials for Tobacco Products	RESOLVE 46	Page 344
LD 769	Resolve, To Examine Smoking Cessation Programs for Maine's Youth	RESOLVE 44	Page 351
LD 885	An Act To Discourage Further the Sale of Tobacco to Minors	PUBLIC 223	Page 355
LD 886	An Act To Promote Parity in the Laws Governing Smoking in the Workplace	PUBLIC 338	Page 355
LD 941	An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products	PUBLIC 145 EMERGENCY	Page 357
LD 1156	An Act To Protect Public Health by Clarifying the Laws Regarding Smoking in Public Places	PUBLIC 257	Page 360

Not Enacted

LD 160	An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol	ONTP	Page 329
LD 801	Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health	ONTP	Page 352
LD 950	An Act To Allow the Shipment of Cigars into Maine	CARRIED OVER	Page 358
LD 954	An Act To Make Fairs and Festivals Safer for Children	ONTP	Page 358
LD 1186	An Act To Clarify the Smoking Ban for Off-track Betting Facilities	PUBLIC 362	Page 362

LD 1417	An Act To Amend the Law Banning Smoking in Buildings Where Bingo or Beano Is Played	ONTP	Page 372
LD 1468	An Act To Protect the Public from Secondhand Smoke	ONTP	Page 373

*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

August 2005

Members:

Sen. Bruce S. Bryant, Chair

Sen. Joseph C. Perry

Sen. Chandler E. Woodcock

Rep. Thomas R. Watson, Chair

Rep. Walter A. Wheeler, Sr.

Rep. Stanley A. Moody

Rep. Jacqueline A. Lundeen

Rep. Troy D. Jackson

Rep. Mark E. Bryant

Rep. A. David Trahan

Rep. Earl E. Richardson

Rep. Richard M. Cebra

Rep. David E. Richardson

Staff:

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JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	82	96.5%	4.8%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>3.5%</u>	<u>0.2%</u>
Total Bills referred	85	100.0%	5.0%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	85	100.0%	5.0%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	1.2%	0.1%
<i>Ought to Pass as Amended</i>	21	25.6%	1.4%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>52</u>	<u>63.4%</u>	<u>3.4%</u>
Total unanimous reports	74	90.2%	4.9%
B. Divided committee reports			
<i>Two-way reports</i>	7	8.5%	0.5%
<i>Three-way reports</i>	1	1.2%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	8	9.8%	0.5%
Total committee reports	82	96.5%	5.4%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	18	21.2%	1.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	5.9%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	23	27.1%	1.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 20 **An Act To Amend the Law Governing Hunting and Fishing Licenses for Maine National Guard Members** **ONTP**

<u>Sponsor(s)</u> BRYANT-DESCHENE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 20, a concept draft pursuant to Joint Rule 208, proposed to make members of the Maine National Guard who were deployed overseas eligible to receive a free hunting or fishing license once that deployment ended.

LD 22 **Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Issue a Policy Clarifying Public Access Requirements for Ponds To Qualify for Fish Stocking Programs** **ONTP**

<u>Sponsor(s)</u> BRYANT-DESCHENE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 22 proposed to direct the Commissioner of Inland Fisheries and Wildlife to issue a written policy clarifying public access requirements for ponds to qualify for fish stocking programs.

LD 43 **An Act To Provide Hunters 70 Years of Age or Older with Antlerless Deer Permits** **ONTP**

<u>Sponsor(s)</u> SHERMAN CLUKEY	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 43 proposed to require the Commissioner of Inland Fisheries and Wildlife to issue an antlerless deer permit to a hunter who was 70 years of age or older.

LD 48 **An Act To Ensure the Safe and Timely Retrieval of Wounded Bear** **ONTP**

<u>Sponsor(s)</u> WATSON BRYANT B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 48 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to issue permits to licensed guides to dispatch wounded bear. The bill also would have authorized the commissioner to charge a \$5 fee to cover the administrative costs of issuing a permit.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 50

An Act To Ban Remote-control Hunting

PUBLIC 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR CLUKEY	OTP-AM	H-110

LD 50 was a concept draft pursuant to Joint Rule 208. It proposed to ban remote-control hunting.

Committee Amendment "A" (H-110) proposed to replace the bill and prohibit the owner or operator of a commercial shooting area or a commercial large game shooting area from using a website or a service or business via any other means that would permit a person to hunt large game, wild animals or game birds that are located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the large game, wild animal or game bird. This amendment would make a violation of this prohibition a Class E crime.

Enacted law summary

Public Law 2005, chapter 81 prohibits the owner or operator of a commercial shooting area or a commercial large game shooting area from using a website or a service that allows a person to hunt large game, wild animals or game birds that are located in this State through the use of a computer-controlled gun or shooting apparatus when the person using the website or service is physically removed from the immediate vicinity of the large game, wild animal or game bird.

LD 67

An Act To Allow the Use of Crossbows for Hunting

PUBLIC 419

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOODY	OTP-AM MAJ ONTP MIN	H-152

LD 67 proposed to remove the prohibition against using a crossbow or set bow to hunt a wild animal or wild bird.

Committee Amendment "A" (H-152) proposed to replace the bill and would:

1. Allow the use of crossbows to hunt bear and deer during the regular firearms season on those species and clarify that a person would not be able to use a crossbow to hunt deer during an expanded season or in expanded archery zones or in the muzzle-only deer season;
2. Establish a crossbow hunting license and fees;
3. Require a person to hold a valid big game hunting license to be eligible for a crossbow hunting license;
4. Require the Department of Inland Fisheries and Wildlife to adopt rules regulating the use of crossbows for hunting that would include a prohibition against the use of pistol-type crossbows or crossbows with a draw weight of less than 100 pounds or more than 200 pounds;

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5. Require the Commissioner of Inland Fisheries and Wildlife to establish a crossbow hunting education course;
6. Require a person to complete both the crossbow and the archery hunting education courses prior to obtaining a crossbow license;
7. Prohibit the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentences imposed; and
8. Make this Act effective January 1, 2006.

Enacted law summary

Public Law 2005, chapter 419 allows the use of crossbows to hunt bear and deer during the regular firearms season on those species but does not allow the use of crossbows to hunt deer during the expanded archery deer season or in the expanded archery zones or in the muzzle-loading-only deer season. It requires a person to complete both a crossbow and archery hunting education course to be eligible for a crossbow hunting license and sets a fee schedule for the license. Public Law 2005, chapter 419 directs the Commissioner of the Department of Inland Fisheries and Wildlife to establish a crossbow education course and to adopt rules regulating the use of crossbows that must include a prohibition against the use of pistol-type crossbows or crossbows with a draw weight of less than 100 pounds or more than 200 pounds. It also prohibits convicted felons from possessing a crossbow and takes effect January 1, 2006.

LD 82 An Act To Suspend or Revoke Licenses and Permits Issued by the ONTP
Department of Inland Fisheries and Wildlife to a Person
Convicted of Operating under the Influence

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	ONTP A	
	OTP-AM B	
	OTP-AM C	

LD 82 proposed to require the Commissioner of Inland Fisheries and Wildlife to suspend or revoke a license or permit issued under the Maine Revised Statutes, Title 12, Part 13 held by a person convicted of operating a motor vehicle under the influence. The bill would make a person ineligible to obtain a license or permit under Title 12, Part 13 during the applicable suspension or revocation period and would require the court to notify the Commissioner of Inland Fisheries and Wildlife of a person convicted of operating under the influence.

Committee Amendment "A" (S-71) was the majority report and proposed to add an appropriation and allocation section to the bill.

Committee Amendment "B" (S-72) was the minority report of the committee and proposed to replace the bill. This amendment proposed to authorize the court to suspend a person's hunting, fishing and trapping licenses for a period of one year after that person has been convicted of 3 OUI offenses within a 10-year period. For a person having 4 or more OUI offenses within a 10-year period, the court would be able to suspend those licenses for a period of at least one year and up to and including the permanent revocation of those licenses.

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LD 120 **An Act To Require the Turkey Season To Include the Last 2 Weeks of April** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 120 proposed to extend the turkey season to include the last 14 days in April.

LD 137 **An Act To Prohibit a Landowner from Charging a Fee for Bear Baiting** **ONTP**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 137 proposed to prohibit a landowner from charging a fee for bear baiting.

LD 144 **An Act To Redefine the Boundaries of the Fairfield Sanctuary** **PUBLIC 17**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 144 proposed to redefine the area of land owned by Good Will-Hinckley designated as a wildlife sanctuary. The new description would remove a portion of the land from the sanctuary, opening it to hunting.

Enacted law summary

Public Law 2005, chapter 17 redefines the area of land owned by Good Will-Hinckley that is designated as a wildlife sanctuary.

LD 165 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Support All-terrain Vehicle Clubs in Their Efforts To Mark Trails** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 165 proposed to direct the Department of Inland Fisheries and Wildlife to use \$30,000 of Other Special Revenue funds collected from all-terrain vehicle registration fees to support local all-terrain vehicle clubs in their efforts to develop and place signs for all-terrain vehicle trails.

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LD 217 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Review and Simplify Rules Governing Brook Trout Fishing** **ONTP**

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

LD 217 proposed to direct the Department of Inland Fisheries and Wildlife to evaluate the department's rules implementing the laws governing brook trout fishing and trout management and to develop any necessary recommendations to change the rules.

LD 231 **An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment** **PUBLIC 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-157

LD 231 proposed to establish a registration fee for certain snowmobile trail-grooming equipment.

Committee Amendment "A" (H-157) proposed to replace the bill and prohibit the use of snowmobile trail-grooming equipment on snowmobile trails unless that equipment is registered. It proposed to define "trail-grooming equipment" and limits those eligible to register trail-grooming equipment to organizations that have an approved contract with the Department of Conservation or a person who can show proof of membership in such an organization. This amendment would also establish a one-time registration fee of \$33 and provide that revenue from the registration of trail-grooming equipment be allocated in the same manner as revenue from snowmobile registrations. It also proposed to provide an exception to the registration requirement, under certain conditions, for landowners, commercial ski areas and federal, state and local governmental units. Finally, the amendment would make it a civil violation to fraudulently obtain a trail-grooming equipment registration or to operate unregistered trail-grooming equipment on a snowmobile trail.

Enacted law summary

Public Law 2005, chapter 93 prohibits the use of snowmobile trail-grooming equipment on snowmobile trails unless that equipment is registered. It limits those eligible to register trail-grooming equipment to organizations that have an approved contract with the Department of Conservation or a person who can show proof of membership in such an organization. Public Law 2005, chapter 93 establishes a one-time registration fee of \$33 and provides that revenue from the registration of trail-grooming equipment be allocated in the same manner as revenue from snowmobile registrations. It also provides an exception to the registration requirement, under certain conditions, for landowners, commercial ski areas and federal, state and local governmental units.

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LD 233 **An Act To Change the Definition of "Snowmobile"** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 233 proposed to amend the definition of "snowmobile" to match the definition in federal law.

LD 253 **An Act To Employ an Additional Game Warden for the Sebago Lake Region** **ONTP**

<u>Sponsor(s)</u> CRESSEY HASTINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 253 proposed to require the Commissioner of Inland Fisheries and Wildlife to add an additional game warden in the Sebago Lake region and to fund that position from the Lake and River Protection Fund.

LD 268 **An Act To Allow Electronic Calling Devices for Hunting Moose** **PUBLIC 117**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-80
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LD 268 proposed to allow the use of electronic calling devices to hunt any game animal except migratory game birds.

Committee Amendment "A" (S-80) proposed to remove section 1 of the bill, which would have specifically authorized electronic calling devices except when hunting migratory birds. Current law does not prohibit the use of such devices unless hunting moose or migratory game birds.

Enacted law summary

Public Law 2005, chapter 117 allows the use of electronic calling devices to hunt moose.

LD 283 **An Act To Improve the Moose Lottery Procedure** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 283 was an emergency measure and proposed to require the Commissioner of Inland Fisheries and Wildlife draw the first 1,000 permits exclusively from applicants who have 7 or more points during the selection process

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for moose permits. A person would accumulate one point for each consecutive year that person applies for a moose permit but is not selected. The bill would take effect upon approval.

LD 303 **An Act To Promote Fairness and Democracy in Wildlife Management** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 303 proposed to remove the current statutory requirement that any candidate for the office of Commissioner of Inland Fisheries and Wildlife commissioner have a record of demonstrated support for, and an understanding, of the basics of modern wildlife and fisheries management and have experience with hunting, fishing or trapping. It also proposed to remove the requirement that anyone appointed to serve as Deputy Commissioner of Inland Fisheries and Wildlife be qualified by training and experience in fisheries and wildlife management or conservation law enforcement.

LD 307 **An Act To Improve Recreational Watercraft Safety**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 307 proposed to establish a recreational watercraft training and certificate program to promote the safe operation of watercraft in the waters of the State.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 314 **An Act To Prohibit Bear Baiting** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 314 proposed to prohibit bear baiting except when it is done to protect livestock, domestic animals, threatened or endangered wildlife, public or private property, public safety or commercial timberlands or for scientific or research purposes.

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LD 336 **An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age** **ONTP**

<u>Sponsor(s)</u> JACKSON BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 336 proposed to lower the minimum age for operating an ATV from 16 years of age to 14 years of age. It also proposed to correct conflicts created by Public Law 2003, chapters 655 and 695 by incorporating the changes made by both laws.

LD 340 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Review Brook Trout Fishing Rules** **ONTP**

<u>Sponsor(s)</u> BRYANT B WATSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 340 proposed to direct the Department of Inland Fisheries and Wildlife to evaluate the effectiveness of the 4 categories of brook trout fishing rules in achieving the goals of the trout management plan.

LD 354 **An Act To Give Moose Permits to Members of the Wesget-Sipu Organization** **CARRIED OVER**

<u>Sponsor(s)</u> JACKSON MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 354 proposes to require the Commissioner of Inland Fisheries and Wildlife to issue a moose permit to every member of the Wesget-Sipu organization who requests a moose permit.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 364 **An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland** **ONTP**

<u>Sponsor(s)</u> LINDELL ROSEN R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 364 proposed to prohibit the use of personal watercraft on Rocky Pond in the Town of Orland.

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LD 420 An Act To Establish a 3-day Field Trial Competition on Bobcats ONTP

<u>Sponsor(s)</u> CARR	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 420 proposed to establish a 3-day field trial competition on bobcats that would begin in 2006 and would be held the last Thursday, Friday and Saturday in February of each year. The bill would prohibit the injuring or killing of a bobcat during a field trial.

LD 421 An Act To Improve the Water Quality of Hall Pond in Paris DIED BETWEEN HOUSES

<u>Sponsor(s)</u> HANLEY B	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 421 proposed to prohibit the operation of all motorboats, snowmobiles, ATVs and personal watercraft on Hall Pond in the Town of Paris.

LD 427 An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season ONTP

<u>Sponsor(s)</u> ANNIS DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 427 proposed to increase from 12 to 18 the maximum number of days of the muzzle-loading hunting season.

LD 431 An Act To Allow Certain Unregistered All-terrain Vehicles To Participate in Special Events in the State PUBLIC 177 EMERGENCY

<u>Sponsor(s)</u> LUNDEEN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-224
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LD 431 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to grant a conditional reciprocity to certain nonresident ATV users to participate in festivals and special events held in the State.

Committee Amendment "A" (H-224) proposed to replace the bill and would exempt an all-terrain vehicle registered in another state or a province of Canada from the registration requirements of this State if that all-terrain vehicle was participating in a special event in Maine and the organizers of the special event had the prior approval of the Commissioner of Inland Fisheries and Wildlife.

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Enacted law summary

Public Law 2005, chapter 177 exempts an all-terrain vehicle registered in another state or a province of Canada from the registration requirements of this State if that all-terrain vehicle is participating in a special event in Maine and the organizers of the special event have the prior approval of the Commissioner of Inland Fisheries and Wildlife.

Public Law 2005, chapter 177 was enacted as an emergency measure effective May 20, 2005.

LD 453 **An Act To Assist the Mobility of the Disabled in Hunting and Outdoor Recreation** **ONTP**

<u>Sponsor(s)</u> HUTTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 453 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to issue a complimentary ATV registration to a person who is a paraplegic or a single or double amputee.

LD 477 **An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands** **CARRIED OVER**

<u>Sponsor(s)</u> MOORE F	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 477 proposed to establish tribal sustenance moose hunting permits that would allow members of certain tribes to hunt moose on land owned by the State. The bill would require the Commissioner of Inland Fisheries and Wildlife to adopt rules to administer the permits and to protect the moose resource.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 512 **An Act To Remove the Ethics Course Requirement for First Hunting and Fishing Violations and Require the Department of Inland Fisheries and Wildlife To Hold the Courses in a Location Within 100 Miles of All Citizens of the State** **ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 512 proposed to amend the law that requires a person who commits a hunting or fishing violation to take an outdoor ethics course to apply only to a 2nd or subsequent violation and not to a first violation. This bill would

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require the Department of Inland Fisheries and Wildlife, the Bureau of Warden Service to schedule any courses within 100 miles of the residence of a person taking the course.

Committee Amendment "A" (H-388) was the minority report and would add an appropriations and allocations section to the bill.

LD 516 An Act To Prohibit Bear Baiting within 100 Yards of an Adjoining Property ONTP

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 516 proposed to prohibit bear baiting within 100 yards of an adjoining property unless written permission was granted by the owner or lessee.

LD 531 An Act To Limit the Harvesting of Eels in Maine Rivers ONTP

<u>Sponsor(s)</u> DAMON KAELIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 531 proposed to prohibit the fishing for or taking of eels in Maine inland waters, except by eel pot or by hook and line.

**LD 565 An Act To Amend the Law Regarding Fishing Derbies PUBLIC 96
EMERGENCY**

<u>Sponsor(s)</u> PIOTTI WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-137
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LD 565 proposed to exempt accredited postsecondary educational institutions that hold fishing derbies from the prize limits set by the Commissioner of Inland Fisheries and Wildlife for derbies if the derby event meets the following requirements:

1. Participants may not fish from motorboats;
2. Participants may only use artificial lures;
3. The derby must be an event that is only catch and release or catch, measure and release;

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4. Participants may target only warm-water species;
5. There is a limit of one rod per person and a maximum of 2 rods per boat; and
6. At least 80% of the prizes awarded are in the form of scholarships.

Committee Amendment "A" (H-137) proposed to replace the bill with an emergency measure that would establish a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. Additionally, the amendment would establish the following permit restrictions.

1. Rules adopted by the commissioner pursuant to the Maine Revised Statutes, Title 12, section 12504 would be applicable to permits issued under the new derby permit section, except for rules limiting the cash value of prizes or concerning an ice fishing derby.
2. A derby could be conducted only in bodies of water free of ice and could not target cold water species.
3. A person could not participate as an angler in a derby unless that person was affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student could invite a single guest to participate in the derby.
4. At least 80% of the prizes awarded at a derby would be in the form of scholarships.
5. An angler participating in a derby could not use a motorboat or have more than one rod per person or more than 2 rods per boat and would be limited to fishing with artificial lures only.
6. A derby would have to be an event that is only catch and release or catch, measure and release.

Enacted law summary

Public Law 2005, chapter 96 establishes a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. It provides a number of permit restrictions regarding how and when a derby may be conducted, form of prizes awarded and who may participate in such a derby.

Public Law 2005, chapter 96 was enacted as an emergency measure effective May 12, 2005.

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LD 612

An Act To Authorize the Exchange of a Designated Hunting Season for Another Hunting Season for the Same Game Species

PUBLIC 74

<u>Sponsor(s)</u> BRYANT M DIAMOND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-112
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LD 612 proposed to allow a person who holds a valid hunting permit to transfer that permit with a person who also holds a valid hunting permit. The bill would also require that the transfer take place prior to the start of a particular season.

Committee Amendment "A" (H-112) proposed to replace the bill. Current law allows a person who has been assigned a designated hunting area or zone by the department for purposes of hunting a game animal to exchange that designated zone or area with another person assigned a different hunting zone or area for the same game animal for purposes of hunting that same game animal. This amendment would allow a person to also exchange seasons for the same game animal.

Enacted law summary

Public Law 2005, chapter 74 expands the opportunities a person has to exchange hunting areas and zones for a specific species by authorizing a person to also exchange hunting seasons for the same species. Under current law, a person assigned a designated hunting area or zone by the Department of Inland Fisheries and Wildlife for purposes of hunting a certain species may exchange that designated zone or area with another person assigned a different hunting zone or area for the same species.

LD 628

An Act To Amend the Bear Hunting Laws

ONTP

<u>Sponsor(s)</u> EBERLE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 628 proposed to prohibit the hunting of bears with dogs and to authorize the Commissioner of Inland Fisheries and Wildlife to create and issue permits that would allow a person to kill or register a bear that was caught in another person's trap.

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LD 651 **An Act Regarding Education of Certain Personal Watercraft Operators** **ONTP**

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

LD 651 proposed to require a person 12 to 15 years of age to satisfactorily complete a boating safety education course approved by the National Association of State Boating Law Administrators in order to operate a personal watercraft. A person 12 to 15 years of age who had satisfactorily completed an approved boating safety education course would be required to possess proof of completion and proof of age while operating a personal watercraft and to produce this proof upon request of a game warden or law enforcement officer authorized to enforce the State's watercraft laws.

LD 652 **An Act To Provide Free Antlerless Deer Permits to Persons 100 Years of Age or Older** **PUBLIC 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND BRYANT M	OTP-AM	S-70

LD 652 proposed to allow a resident 100 years of age or older to obtain a complimentary license or permit to hunt any deer, including antlerless deer. Current law provides a complimentary license to hunt, trap or fish to residents 70 years of age or older; this benefit is due to expire January 1, 2006.

Committee Amendment "A" (S-70) proposed to authorize the Commissioner of Inland Fisheries and Wildlife to issue complimentary antlerless deer permits to residents 100 years of age or older.

Enacted law summary

Public Law 2005, chapter 75 authorizes the Commissioner of Inland Fisheries and Wildlife to issue complimentary antlerless deer permits to residents 100 years of age or older.

LD 660 **An Act To Allow the Taking of Another Deer by Persons Who Take a Deer on Youth Day** **ONTP**

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

LD 660 proposed to allow a youth who took a deer on youth deer hunting day to take another deer during the regular open season on deer.

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LD 664

An Act To Control Fish Stocking in Inland Waters

ONTP

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 664 proposed to prohibit the Commissioner of Inland Fisheries and Wildlife from authorizing another state agency to introduce fish into the inland waters of the State.

LD 723

An Act To Amend Laws Pertaining to Commercial Fishing and Baitfish

PUBLIC 237

<u>Sponsor(s)</u> CEBRA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-352
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LD 723 proposed to change the definition of dip net to include a minimum size, provide further definition of a commercial grader within the smelt wholesaler's license and set reporting requirements for commercial smelt dealers.

Committee Amendment "A" (H-352) proposed to replace the bill and:

1. Provide restrictions on the size of a dip net that can be used to take smelts in certain areas;
2. Provide that a person who holds a valid Maine fishing license could take smelts for recreational purposes only in inland waters free or partially free of ice from noon to 2:00 a.m. with a dip net. It would also provide that a licensee could keep only 5 dozen smelts of that person's bag limit alive and clarify that the bag limit is for a 24-hour period;
3. Provide that from ice-in to ice-out, smelt wholesale dealers would be prohibited from using baitfish traps and dip nets to take smelts, except a dip net could be used to assist in handling and transporting smelts;
4. Provide that in waters naturally free of ice, a smelt wholesale dealer could take smelts from noon to 2:00 a.m. by the use of a dip net and authorize the Commissioner of Inland Fisheries and Wildlife to establish a daily bag limit by rule. A licensee could keep the daily bag limit alive and the daily bag limit is for a 24-hour period. The amendment would also restrict wholesale dealers to 2 quarts during this time period;
5. Authorize the commissioner to shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes;
6. Prohibit smelt wholesale dealers from using food particles or any other type of bait or lure except artificial light for luring smelts into a drop net or lift net;
7. Amend the description of a smelt grader and give the commissioner the authority to modify that description by rule for conservation or enforcement purposes;

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8. Require a person who holds a smelt wholesaler dealer license who fishes with a hook and line or a dip net to use a grader to size smelts caught by hook and line and dip net;
9. Remove the requirement that smelt wholesale dealers report dates they fished for smelts;
10. Change the date that smelt wholesale dealers would report to the Department of Inland Fisheries and Wildlife from April 10th to May 31st annually and make all data submitted in the report confidential, except the commissioner could release otherwise confidential information if it is released in a form that is statistical or general in nature; and
11. Give the commissioner the discretion to prohibit a person from obtaining a smelt wholesale dealers license if that person failed to meet reporting requirements. Current law mandates that a person who fails to meet the reporting requirements is ineligible to obtain a smelt wholesale dealers license.

Enacted law summary

Public Law 2005, chapter 237 affects Maine's smelt fishing laws as follows:

1. Provides restrictions on the size of a dip net that can be used to take smelts in certain areas;
2. Provides that a person who holds a valid Maine fishing license may take smelts for recreational purposes only in inland waters free or partially free of ice from noon to 2:00 a.m. with a dip net. It also provides that a licensee may keep only 5 dozen smelts of that person's bag limit alive and clarifies that the bag limit is for a 24-hour period;
3. Provides that from ice-in to ice-out, smelt wholesale dealers are prohibited from using baitfish traps and dip nets to take smelts, except a dip net can be used to assist in handling and transporting smelts;
4. Provides that in waters naturally free of ice, a smelt wholesale dealer may take smelts from noon to 2:00 a.m. by the use of a dip net and authorizes the Commissioner of Inland Fisheries and Wildlife to establish a daily bag limit by rule. A licensee may keep the daily bag limit alive and the daily bag limit is for a 24-hour period. The amendment restricts wholesale dealers to 2 quarts during this time period;
5. It authorizes the commissioner to shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes;
6. Prohibits smelt wholesale dealers from using food particles or any other type of bait or lure except artificial light for luring smelts into a drop net or lift net;
7. Amends the description of a smelt grader and gives the commissioner the authority to modify that description by rule for conservation or enforcement purposes;
8. Requires a person who holds a smelt wholesaler dealer license who fishes with a hook and line or a dip net to use a grader to size smelts caught by hook and line and dip net;
9. Removes the requirement that smelt wholesale dealers report dates they fished for smelts;

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- 10. Changes the date that smelt wholesale dealers must report to the Department of Inland Fisheries and Wildlife from April 10th to May 31st annually and makes all data submitted in the report confidential, except the commissioner may release otherwise confidential information if it is released in a form that is statistical or general in nature; and
- 11. Gives the commissioner the discretion to prohibit a person from obtaining a smelt wholesale dealers license if that person fails to meet reporting requirements. Current law mandates that a person who fails to meet the reporting requirements is ineligible to obtain a smelt wholesale dealers license.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 759 **An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters** **PUBLIC 142**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON PERRY J	OTP-AM	H-225

LD 759 proposed to create a special antlerless deer license that allows a person with ambulatory disability to take an antlerless deer anywhere in the State where any deer may be taken. An applicant for the license would have to provide a letter signed by a licensed physician confirming the ambulatory disability.

Committee Amendment "A" (H-225) proposed to limit eligibility for the special antlerless deer permit to residents and clarify that these permits could be issued only in areas already open to antlerless deer hunting. The amendment would also clarify that an eligible person must submit an application and provide verification of disability before being issued a permit.

Enacted law summary

Public Law 2005, chapter 142 creates a special antlerless deer license for residents that allow a person with an ambulatory disability to take an antlerless deer in areas already open to antlerless deer hunting. It also provides that an eligible person must submit an application and provide verification of disability before being issued the permit.

LD 761 **An Act To Extend the Deer Hunting Season by One Week** **ONTP**

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

LD 761 proposed to extend the regular firearm deer hunting season by one week.

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LD 762 **An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience** **ONTP**

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

LD 762 proposed to allow a person 75 years of age or older who held a hunting permit for 3 of the past 5 years to receive a moose permit upon application to the Commissioner of Inland Fisheries and Wildlife.

LD 810 **An Act To Require the Use of Reflective Material on Ice Fishing Shacks** **DIED BETWEEN HOUSES**

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

LD 810 proposed to require that the information displayed on an ice fishing shack be in reflective material.

Committee Amendment "A" (H-231) proposed to replace the bill and prohibit a person from placing an ice fishing shack or structure on the inland waters of the State, unless it is marked midway up on 4 sides with Department of Transportation-approved reflective material measuring at least 12 square inches.

LD 857 **An Act To Increase Fines for Unregistered ATVs** **ONTP**

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

LD 857 proposed to increase the minimum fine for operating an unregistered ATV from \$100 to \$200.

LD 858 **An Act To Establish an All-terrain Vehicle Trail Pass System** **ONTP**

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

LD 858, a concept draft pursuant to Joint Rule 208, proposed to create an all-terrain vehicle trail pass system administered by the Department of Inland Fisheries and Wildlife, with revenues shared by the department and registered all-terrain vehicle clubs.

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LD 865 **Resolve, To Improve the Information and Education Services of the Department of Inland Fisheries and Wildlife** **ONTP**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 865 proposed to require the Commissioner of Inland Fisheries and Wildlife to do the following:

1. Assign staff from within the Department of Inland Fisheries and Wildlife, Division of Public Information and Education to act as liaisons with the Bureau of Resource Management and the Bureau of Administrative Services;
2. Conduct an internal review of the Division of Public Information and Education prior to developing a specific comprehensive plan for that division;
3. Create and fill 3 new positions within the Division of Public Information and Education;
4. Place in each regional office an employee from the Division of Public Information and Education to work closely with field personnel on communications and public outreach;
5. Develop a department wide communication plan and marketing strategy; and
6. Consider using the federal aid apportionment for aquatic education to enhance the aquatic education program within the Division of Public Information and Education.

LD 873 **An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime** **PUBLIC 143**

<u>Sponsor(s)</u> JACKSON MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-226
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LD 873 proposed to direct the Commissioner of Inland Fisheries and Wildlife to issue 2 moose hunting permits to a nonprofit group, such as Hunt of a Lifetime, dedicated to providing hunting and fishing experiences to children under 21 years of age with life-threatening, critical or terminal illnesses.

Committee Amendment "A" (H-226) proposed to give the Commissioner of Inland Fisheries and Wildlife the discretion to issue no more than 2 moose permits annually to a nonprofit group, such as Hunt of a Lifetime, dedicated to providing hunting and fishing experiences to children under 21 years of age with life-threatening, critical or terminal illnesses. It would also provide that the nonprofit group must apply for the permit in writing and would exempt a recipient from the requirement that a person be 10 years of age or older to obtain a hunting license.

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Enacted law summary

Public Law 2005, chapter 143 gives the Commissioner of Inland Fisheries and Wildlife the discretion to issue no more than 2 moose permits annually to a nonprofit group, such as Hunt of a Lifetime, dedicated to providing hunting and fishing experiences to children under 21 years of age with life-threatening or terminal illnesses. It provides that the nonprofit group must apply for the permit in writing and exempts a recipient from the requirement that a person be 10 years of age or older to obtain a hunting license.

LD 917 **An Act To Allow Hunting on Sunday for Resident Landowners** **ONTP**

<u>Sponsor(s)</u> FITTS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 917 proposed to allow resident landowners to hunt on Sunday on their own land if they owned 20 or more acres and the land was open to hunting by the public.

LD 923 **Resolve, To Begin and End the Fall Wild Turkey Hunting Season One Week Earlier** **ONTP**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 923 proposed to direct the Commissioner of Inland Fisheries and Wildlife to begin the fall wild turkey hunting season one week earlier and to end it one week earlier than was currently scheduled, so that the season tied in with the long Columbus Day weekend.

LD 935 **An Act To Allow Hunters in Maine To Take 2 Deer per Year** **ONTP**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 935 proposed to allow a person who had killed a deer during the regular deer hunting season to hunt and kill a 2nd deer with a muzzle-loading firearm during the muzzle-loading hunting season for deer. The 2nd deer would be a buck only.

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LD 940

An Act To Amend the Law Pertaining to All-terrain Vehicle Violations

ONTP

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 940 proposed to make the following changes to the laws governing all-terrain vehicle, ATV, violations.

1. Under current law, the Commissioner of Inland Fisheries and Wildlife is required to suspend licenses and permits of a person convicted of certain ATV violations. This act proposed to eliminate the requirement of suspension and instead allow the commissioner to suspend the licenses and permits of such a person.
2. It proposed to eliminate operating an ATV on the land of another without permission as one of the ATV violations warranting suspension of licenses, permits and registrations.
3. It proposed to restructure language regarding the presumption of permission for the operation of ATVs on private land.

LD 942

An Act To Prohibit Shooting Wild Turkey Decoys

PUBLIC 94

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-93
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LD 942 proposed to prohibit the shooting at or near wild turkey decoys with a firearm, a bow and arrow or a crossbow and to establish penalties for violations.

Committee Amendment "A" (S-93) proposed to replace the bill and remove the undefined term "wildfowl" and replace it with the defined term "migratory waterfowl." The amendment would include wild turkey decoys in the current law that prohibits shooting or shooting at wildfowl decoys or shooting within an area encompassed by wildfowl decoys. In current law this prohibition applies only to shooting with a firearm; this amendment would extend that prohibition to a bow and arrow and a crossbow.

Enacted law summary

Public Law 2005, chapter 94 prohibits the shooting at or near wild turkey decoys with a firearm, a bow and arrow or a crossbow.

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LD 953 **Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 953 proposed to direct the Commissioner of Inland Fisheries and Wildlife to change the current system of alternating weeks of hunting moose to 2 consecutive weeks, which would follow the bear baiting season.

LD 976 **An Act To Enhance the Safety of Whitewater Rafters** **ONTP**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 976 proposed to require the Commissioner of Inland Fisheries and Wildlife to adopt rules to require commercial whitewater outfitters to provide protective headgear to their clients and to enforce the use of the headgear.

LD 977 **An Act To Create a Civil Violation for Operating a Snowmobile Left of Center** **PUBLIC 73**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-111
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LD 977 proposed to make operating a snowmobile to the left of center of a private or public way a civil violation for which a fine of \$100 must be adjudged.

Committee Amendment "A" (H-111) proposed to replace the bill and make operating a snowmobile to the left of the center of a trail when approaching or navigating a curve, corner, grade or hill a civil violation.

Enacted law summary

Public Law 2005, chapter 73 makes operating a snowmobile to the left of the center of a trail when approaching or navigating a curve, corner, grade or hill a civil violation.

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LD 980

An Act To Distribute Fees from All-terrain Vehicle Registrations

ONTP

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 980 proposed to make a temporary ATV fee permanent by increasing the annual ATV registration fee for residents to \$20 and for nonresidents to \$38. This act also proposed to distribute all revenue generated from the registration of ATVs in a manner similar to the distribution of revenue from the registration of snowmobiles.

Currently, an additional \$3 temporary fee, scheduled to expire June 30, 2005, is imposed on the registrations of ATVs; the fee is dedicated to the ATV Recreational Management Fund in the Department of Conservation.

LD 1004

An Act To Amend Certain Fish and Wildlife Laws

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u> BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1004 proposed to do the following:

Add bow and arrow, archery equipment and hunting equipment to the items subject to seizure but not subject to libel requirements under enforcement and court procedures.

Add 2 permits to the list of items available to resident disabled veterans, to make it consistent with the over-70 complimentary licenses and permits.

Correct the reference to the education program that is required for archery licenses.

Change the term "muzzle-loading license" to "muzzle-loading permit." It is not considered a license because a person must possess a firearms license in order to obtain this permit.

Change the penalty for hunting without a license from \$50 plus an amount equal to twice the applicable license fee to a \$100 fine. The \$100 fine would be consistent with other license violation penalties.

Remove the restriction would be for fishing with artificial flies of attaching the flies to a line so that anglers would be allowed to attach dropper flies to the shank of the hook.

Change the beginning date that the special hide dealer's license is valid from September 1st to August 1st so that it would fall within the time period that hunting seasons are open.

Clarify that lake and river protection stickers must be permanently affixed to watercraft and are not transferable.

Correct conflicts within the all-terrain vehicle laws.

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Change language dealing with penalties to bring the inland fisheries and wildlife laws into conformity with MCJUSTIS.

Correct cross-references.

Committee Amendment "A" (S-317) proposes to do the following:

1. Change the State Government Evaluation Act review for the Department of Inland Fisheries and Wildlife from 2005 to 2007;
2. Increase the penalty for taking an antlerless deer in Washington County without a permit from a Class E crime to a Class D crime with a mandatory minimum fine of \$1,000 and at least 3 days in jail;
3. Clarify where a person can fish around fishways on East Grand Lake Dam and Spednic Lake Dam;
4. Clarify that the prohibition on possessing, selling or transporting an endangered or threatened species also applies to the parts of those species;
5. Provide a resident disabled veteran a complimentary guide license if that veteran meets the qualifications for a guide license under the Maine Revised Statutes, Title 12;
6. Clarify that a person may not fish with more than 3 unbaited artificial flies individually attached to a line or hook; and
7. Correct technical conflicts and cross-reference errors created during the recodification and revision of the Maine Revised Statutes, Title 12. All corrections are technical and do not make substantive changes to the law.

House Amendment "A" (H-668) proposed to allow the holder of a super pack license to take one deer and one antlerless deer per year and clarify that a super pack antlerless deer permit authorizes the holder to take an antlerless deer only pursuant to that permit. It would also provide that a person who hunts with a crossbow is subject to all applicable laws and rules.

House Amendment "A" to Senate Amendment "A" (H-684) proposed to remove the provision concerning the permission requirement.

Senate Amendment "A" (S-330) proposed that permission would not required of a landlord or lessee for a person to operate an ATV over land on which that person has a deeded right-of-way. This amendment also adds an emergency preamble and an emergency clause to the bill.

Senate Amendment "A" to House Amendment "A" (S-361) proposed to clarify that the holder of a super pack license can only use the antlerless deer permit that is issued as part of the super pack license to take an antlerless deer. The amendment would also makes technical changes to the house amendment.

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LD 1039 Resolve, Implementing the Recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine ONTP

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

LD 1039 proposed to require the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife the department's plans to implement the recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine and proposed to provide progress reports on the implementation of those recommendations every 6 months thereafter until November 1, 2008.

LD 1041 An Act To Create a Short-term All-terrain Vehicle Registration System ONTP

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

LD 1041 proposed to create a short-term registration system for all-terrain vehicles for nonresidents similar to the short-term registration system established for snowmobiles.

LD 1049 An Act To Allow a Person 18 Years of Age or Younger To Take an Antlerless Deer during Hunting Season without a Permit ONTP

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

LD 1049 proposed to allow people 18 years of age and younger who hold valid hunting licenses to hunt any deer without a permit.

LD 1093 An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild ONTP

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

LD 1093 proposed to prohibit the feeding of bears in the wild. It would not apply to bear baiting for hunting.

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LD 1095 **An Act To Alter the Slot Limit Restriction for Fishing** **ONTP**

<u>Sponsor(s)</u> JACKSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1095 proposed to prohibit the Department of Inland Fisheries and Wildlife from setting a slot limit length requirement for fish caught on a body of water that had a 2-fish limit. The act also proposed to authorize the department to set a minimum length on any fish.

LD 1104 **An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine** **ONTP**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1104 proposed to establish a pilot fisheries management program to restore, enhance and protect salmon, brook trout and alewives in the inland waters of Mount Desert Island and to serve as a possible model statewide. The Department of Inland Fisheries and Wildlife would be required to develop and implement the program in collaboration with the Department of Marine Resources and other appropriate federal, state and local government entities. The act proposed to require annual evaluation reports of the program to be submitted to 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 marine resources matters beginning March 31, 2006.

LD 1131 **An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish** **PUBLIC 180**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-143
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LD 1131 proposed to name the eastern brook trout as the State's heritage fish and forbid without legislative approval the stocking of any brook trout water listed by the Department of Inland Fisheries and Wildlife as having not been stocked since 1937.

Committee Amendment "A" (S-143) proposed to replace the bill and to direct the Commissioner of Inland Fisheries and Wildlife to adopt by major substantive rule a list of lakes and ponds identified as native brook trout waters that have never been stocked. It would authorize the commissioner to add bodies of water to the initial list of native brook trout waters by routine technical rule if that body of water meets criteria established by the commissioner. It would also provide that the commissioner may remove a lake or pond from the list by major substantive rule. This amendment proposed to provide that the commissioner may not stock or issue a permit to

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stock fish in native brook trout water and makes the use or possession of live bait fish on such a lake or pond a Class E crime. Finally, the amendment would recognize the eastern brook trout as a Maine heritage fish.

Enacted law summary

Public Law 2005, chapter 180 recognizes the eastern brook trout as a Maine heritage fish and directs the Commissioner of Inland Fisheries and Wildlife to adopt by major substantive rule a list of lakes and ponds identified as native brook trout waters that have never been stocked. It authorizes the commissioner to add bodies of water to the initial list of native brook trout waters by routine technical rule if that body of water meets criteria established by the commissioner. It also provides that the commissioner may remove a lake or pond from the list by major substantive rule. Public Law 2005, chapter 180 prohibits the commissioner from stocking or issue a permit to stock fish in native brook trout waters and makes the use or possession of live bait fish on such a lake or pond a Class E crime.

LD 1142 Resolve, To Increase the Efficiency and Effectiveness of the ONTP
Department of Inland Fisheries and Wildlife

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

LD 1142 proposed to direct the Department of Inland Fisheries and Wildlife to implement specific recommendations of the Management Assistance Team assessment from June 2004.

LD 1153 An Act To Establish a Muzzle-loading Shotgun Season on Deer ONTP

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

LD 1153 proposed to establish a muzzle-loading shotgun season on deer in the expanded archery areas of the State and after the archery season, as established by the Commissioner of Inland Fisheries and Wildlife. The muzzle-loading shotgun season would be in addition to the regular hunting season, and a deer tag would need to be purchased in addition to the other fees.

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LD 1176 **An Act Regarding Duties of Hunters Who Participate in the** **ONTP**
Expanded Archery Deer Hunting Season

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1176 proposed that a person hunting during the special archery-only deer hunting season would have a duty to return to the kill site upon request of a game warden and permit inspection of equipment used to harvest the deer.

LD 1220 **An Act To Improve the Process for Reporting Accidents Involving** **PUBLIC 436**
Off-road Vehicles

<u>Sponsor(s)</u> SMITH N COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-288
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LD 1220 proposed to apply laws dealing with the requirements and penalties for motorists involved in accidents to operators of snowmobiles and ATVs involved in accidents off-road or on public ways, including laws regarding accident reports and accidents involving death or personal injury, vehicle damage, unattended vehicles and property damage.

Committee Amendment "A" (H-288) proposed to replace the bill and provide that an operator involved in a watercraft, snowmobile or ATV accident who intentionally, knowingly or recklessly fails to provide that operator's name, address and the registration number of that operator's recreational vehicle or fails to render reasonable aid to injured persons commits a Class C crime. The amendment would also correct several cross-references and repeal certain provisions of current law and enact substantially similar provisions in reorganized form.

Enacted law summary

Public Law 2005, chapter 436 provides that an operator involved in a watercraft, snowmobile or ATV accident who intentionally, knowingly or recklessly fails to provide that operator's name, address and the registration number of that operator's recreational vehicle or fails to render reasonable aid to an injured person commits a Class C crime.

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LD 1253

Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt and Follow a Rules Policy Regarding Inland Fishing

ONTP

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

LD 1253 proposed to direct the Department of Inland Fisheries and Wildlife and the Inland Fisheries and Wildlife Advisory Council to adopt and follow a rules policy regarding inland fishing. The policy would state that when it was necessary to give a fish population extra protection, bag-limit or length-limit restrictions would be the first method employed to protect that fish population. Except in extraordinary cases, those restrictions would apply equally to open-water fishing and ice fishing. It also proposed that when a desired objective could not be achieved through bag or length restrictions, gear restrictions would be the next method employed and the method employed last would be restrictions of opportunity by shortening the seasons. In cases in which the department proposed a fishing rule that did not follow this rules policy, a statement would be included with the proposed rule explaining and justifying the decision not to follow the rules policy.

LD 1287

An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season

PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS DAVIS P	OTP-AM	H-433

LD 1287 would allow the use of any muzzle-loading firearm during muzzle-loading-only open season on deer and specify that double-barreled muzzle-loading firearms may be used with both barrels loaded.

Committee Amendment "A" (H-433) proposed to provide that during the muzzle-loading-only deer season a person may use both barrels of a traditional muzzleloader when using projectiles of 40 caliber or greater or buckshot and both barrels of a muzzle-loading shotgun.

Enacted law summary

Public Law 2005, chapter 280 provides that during the muzzle-loading-only deer season a person may use both barrels of a muzzle-loading shotgun or a traditional muzzleloader if it is loaded with projectiles of 40 caliber or greater or buckshot.

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LD 1298 **An Act To Provide Free Hunting and Fishing Permits to Senior Citizens** **ONTP**

<u>Sponsor(s)</u> BERUBE COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1298 proposed to allow senior citizens 70 years of age or older to hunt on the day established as youth deer hunting day. It would also provide a free hunting and fishing license to any person 70 years of age or older.

LD 1300 **An Act To Create the ATV Trail Advisory Council** **PUBLIC 186
EMERGENCY**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-287
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LD 1300 proposed to create the ATV Trail Advisory Council.

Committee Amendment "A" (H-287) proposed to modify the membership of the ATV Trail Advisory Council as follows:

1. Require that the 3 members who represent ATV clubs that are ATV Recreational Management Fund grantees be from local clubs from different regions of the State and that one of those members belong to both an ATV club and a snowmobile club;
2. Reduce the number of members who represent municipal ATV Recreational Management Fund grantees from 3 to one;
3. Reduce the number of members who represent a statewide organization with an interest in operating ATVs from 2 to one;
4. Require the business member to represent both ATV and snowmobile interests;
5. Require the landowner member to represent large landowners with holdings of more than 250,000 acres;
6. Add one member who represents a statewide environmental group;
7. Add one member who represents a statewide farming organization;
8. Add one member who represents woodlot owners' interests; and
9. Provide for 2 temporary members of the council from the Department of Inland Fisheries and Wildlife that are removed from the council after February 1, 2006.

It proposed to change the meeting dates for the council from August and February to April and September.

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It would establish special duties for the council and require the council to report its findings and recommendations regarding those duties to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2006.

Enacted law summary

Public Law 2005, chapter 186 creates the ATV Trail Advisory Council. It also provides special duties related to ATV matters for the council to complete in the short-term and requires the council to report its findings and recommendations regarding those duties to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2006.

Public Law 2005, chapter 186 was enacted as an emergency measure effective May 20, 2005.

LD 1313 **Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine** **RESOLVE 71**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BRYANT B	OTP-AM	H-450

LD 1313 proposed to direct the Commissioner of Inland Fisheries and Wildlife to establish an experimental 2-year moose lottery in Cumberland County and York County and report to the Legislature with an evaluation of the experimental lottery to the First Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-450) proposed to change the bill's title, remove the requirement that the Commissioner of Inland Fisheries and Wildlife establish an experimental moose hunt lottery in Cumberland County and York County and require the commissioner to evaluate the possibility of a moose hunt in southern Maine.

Enacted law summary

Resolve 2005, chapter 71 directs the Commissioner of Inland Fisheries and Wildlife to evaluate the feasibility of a moose hunt in southern Maine.

LD 1319 **An Act To Ban the Use of Traps and Dogs in Bear Hunting** **ONTP**

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

LD 1319 proposed to prohibit the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. The use of a dog or a trap would be permitted for certain scientific purposes or if it was undertaken by state or federal employees to kill or capture a specific animal that threatened livestock, domestic animals, threatened or endangered wildlife, property or public safety.

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LD 1344 **An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1344 proposed to restructure the membership of the Inland Fisheries and Wildlife Advisory Council. The act proposed to reduce the members that represent the 16 counties from 10 to 5 and proposed to require that the remaining 5 members represent bird watchers, herpetologists, wildlife watchers, naturalists and botanists.

LD 1351 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department** **ONTP**

<u>Sponsor(s)</u> WATSON BRYANT B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1351 proposed to require the Department of Inland Fisheries and Wildlife to prepare a written response and an implementation plan for recommendations contained in a report prepared in June 2004 by the Management Assistance Team of the International Association of Fish and Wildlife Agencies based on a programmatic review of the department. This implementation plan would include a schedule and an assignment of responsibilities within the department. The department would submit a report describing the department's progress in implementing this plan to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than the first Wednesday in December 2005 and every 2 years thereafter until the plan was implemented.

LD 1370 **An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council** **ONTP**

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1370 proposed to change the way members of the Inland Fisheries and Wildlife Advisory Council were selected.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1456 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Increase Turkey Hunting Opportunities** **RESOLVE 8
EMERGENCY**

<u>Sponsor(s)</u> BRYANT B BRYANT M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-76
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LD 1456 proposed to direct the Department of Inland Fisheries and Wildlife to provide turkey hunting permits to all qualified persons who submitted timely applications for permits for the 2005 spring turkey hunting season.

Committee Amendment "A" (S-76) proposed to add an appropriation and allocation section to the resolve.

Enacted law summary

Resolve 2005, chapter 8 directs the Department of Inland Fisheries and Wildlife to provide turkey hunting permits to all qualified persons who submitted timely applications for permits for the 2005 spring turkey hunting season.

Public Law 2005, chapter 8 was enacted as an emergency measure effective April 15, 2005.

LD 1460 **An Act To Ban Bear Hunting with Traps except To Protect the Public** **ONTP**

<u>Sponsor(s)</u> PELLETIER-SIMPS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1460 proposed to prohibit the trapping of bear except with the written permission of the Commissioner of Inland Fisheries and Wildlife to protect the public.

LD 1477 **Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed** **RESOLVE 50**

<u>Sponsor(s)</u> MARTIN JACKSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-169
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LD 1477 proposed to direct the Commissioner of Inland Fisheries and Wildlife to implement a program to prevent the upstream migration of exotic species past the Fish River Falls and into the Fish River watershed in Aroostook County.

Committee Amendment "A" (S-169) proposed to add language to the bill that directs the Commissioner of Inland Fisheries and Wildlife to implement the program only when funding is available from sources other than the General Fund.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted law summary

Resolve 2005, chapter 50 directs the Commissioner of Inland Fisheries and Wildlife to implement a program when money from non-General Fund sources is available, to prevent the upstream migration of exotic species past the Fish River Falls and into the Fish River watershed in Aroostook County.

LD 1519 **Resolve, To Address the Unauthorized Publication of Information** **RESOLVE 75**
Concerning Recreational Trails That Cross Private Property

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT B	OTP-AM	H-460

LD 1519 was a concept draft pursuant to Joint Rule 208.

The bill proposed to require that a guide for hiking or recreational trails indicate whether those trails are located on or cross private property if telecommunications towers are located on that property.

Committee Amendment "A" (H-460) proposed to replace the bill with a resolve. It would require the Department of Inland Fisheries and Wildlife and the Department of Conservation to work with the Executive Department, State Planning Office, landowners and other interested parties to develop and implement a program that ensures that publications regarding recreational trails that cross private property are authorized by the affected landowner, notify readers that the trail crosses private property and encourage trail users to be respectful of private property. It would also require the Department of Inland Fisheries and Wildlife and the Department of Conservation to jointly report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding the program and its implementation no later than January 2, 2006.

Enacted law summary

Resolve 2005, chapter 75 requires the Department of Inland Fisheries and Wildlife and the Department of Conservation to work with the Executive Department, State Planning Office, landowners and other interested parties to develop and implement a program that ensures that publications regarding recreational trails that cross private property are authorized by the affected landowner, notifies readers that the trail crosses private property and encourages trail users to be respectful of private property. It also requires the Department of Inland Fisheries and Wildlife and the Department of Conservation to jointly report to the Joint Standing Committee on Inland Fisheries and Wildlife regarding the program and its implementation by no later than January 2, 2006.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1531 **An Act To End the Use of Wire Neck Snares** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1531 proposed to end the use of wire neck snares by repealing the coyote control program and by removing the responsibility the Department of Inland Fisheries and Wildlife, Bureau of Resource Management had in assisting in the control of coyotes as part of the bureau's animal damage control functions.

LD 1648 **Resolve, Directing the Department of Inland Fisheries and Wildlife To Study the Feasibility of Establishing a Program To Assess Riverine Habitats in Maine** **RESOLVE 80**

<u>Sponsor(s)</u> TRAHAN BRYANT B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-483
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LD 1648 proposed to direct the Department of Inland Fisheries and Wildlife to coordinate and facilitate salmon and brook trout habitat restoration efforts. The resolve also would direct the department to conduct a statewide survey to create a priority list for habitat restoration and to facilitate the creation of a database.

Committee Amendment "A" (H-483) proposed to replace the resolve and direct the Department of Inland Fisheries and Wildlife to determine the scope, structure, activities and costs of a program to assess habitats provided by rivers and streams in Maine and report its findings to the Legislature by January 2, 2006.

Enacted law summary

Resolve 2005, chapter 80 directs the Department of Inland Fisheries and Wildlife to determine the scope, structure, activities and costs of a program to assess habitats provided by rivers and streams in Maine and report its findings to the Legislature by January 2, 2006.

Joint Standing Committee on Inland Fisheries and Wildlife

SUBJECT INDEX

Bear

Enacted

None

Not Enacted

LD 48	An Act To Ensure the Safe and Timely Retrieval of Wounded Bear	ONTP	Page 388
LD 137	An Act To Prohibit a Landowner from Charging a Fee for Bear Baiting	ONTP	Page 391
LD 314	An Act To Prohibit Bear Baiting	ONTP	Page 394
LD 516	An Act To Prohibit Bear Baiting within 100 Yards of an Adjoining Property	ONTP	Page 398
LD 628	An Act To Amend the Bear Hunting Laws	ONTP	Page 400
LD 1093	An Act To Promote Public Safety by Banning the Feeding of Bears in the Wild	ONTP	Page 412
LD 1319	An Act To Ban the Use of Traps and Dogs in Bear Hunting	ONTP	Page 418
LD 1460	An Act To Ban Bear Hunting with Traps except To Protect the Public	ONTP	Page 420

Bobcat

Enacted

None

Not Enacted

LD 420	An Act To Establish a 3-day Field Trial Competition on Bobcats	ONTP	Page 396
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Commercial Shooting Areas

Enacted

LD 50	An Act To Ban Remote-control Hunting	PUBLIC 81	Page 389
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Not Enacted

None

Coyote

Enacted

None

Not Enacted

LD 1531	An Act To End the Use of Wire Neck Snares	ONTP	Page 422
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Crossbows

Enacted

LD 67	An Act To Allow the Use of Crossbows for Hunting	PUBLIC 419	Page 389
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Not Enacted

None

Deer

Enacted

LD 652	An Act To Provide Free Antlerless Deer Permits to Persons 100 Years of Age or Older	PUBLIC 75	Page 401
LD 759	An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters	PUBLIC 142	Page 404
LD 1287	An Act Pertaining to the Use of Muzzle-loading Firearms during Muzzle-loading Deer Season	PUBLIC 280	Page 416

Not Enacted

LD 43	An Act To Provide Hunters 70 Years of Age or Older with Antlerless Deer Permits	ONTP	Page 388
LD 427	An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season	ONTP	Page 396
LD 660	An Act To Allow the Taking of Another Deer by Persons Who Take a Deer on Youth Day	ONTP	Page 401
LD 761	An Act To Extend the Deer Hunting Season by One Week	ONTP	Page 404
LD 935	An Act To Allow Hunters in Maine To Take 2 Deer per Year	ONTP	Page 407
LD 953	Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks	ONTP	Page 409
LD 1049	An Act To Allow a Person 18 Years of Age or Younger To Take an Antlerless Deer during Hunting Season without a Permit	ONTP	Page 412
LD 1153	An Act To Establish a Muzzle-loading Shotgun Season on Deer	ONTP	Page 414
LD 1176	An Act Regarding Duties of Hunters Who Participate in the Expanded Archery Deer Hunting Season	ONTP	Page 415
LD 1298	An Act To Provide Free Hunting and Fishing Permits to Senior Citizens	ONTP	Page 417

Department of Inland Fisheries and Wildlife

Enacted

None

Not Enacted

LD 253	An Act To Employ an Additional Game Warden for the Sebago Lake Region	ONTP	Page 393
LD 303	An Act To Promote Fairness and Democracy in Wildlife Management	ONTP	Page 394
LD 865	Resolve, To Improve the Information and Education Services of the Department of Inland Fisheries and Wildlife	ONTP	Page 406
LD 1004	An Act To Amend Certain Fish and Wildlife Laws	DIED BETWEEN HOUSES	Page 410
LD 1039	Resolve, Implementing the Recommendations of the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine	ONTP	Page 412
LD 1142	Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife	ONTP	Page 414
LD 1344	An Act To Promote Nonconsumptive Use of Maine's Fish and Wildlife Resources	ONTP	Page 419
LD 1351	Resolve, Directing the Department of Inland Fisheries and Wildlife To Prepare an Implementation Plan for Recommendations That Were Based on a Review of the Department	ONTP	Page 419
LD 1370	An Act To Change the Membership of the Inland Fisheries and Wildlife Advisory Council	ONTP	Page 419

Fishing Licenses and Fish Management

Enacted

LD 565	An Act To Amend the Law Regarding Fishing Derbies	PUBLIC 96 EMERGENCY	Page 398
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LD 723	An Act To Amend Laws Pertaining to Commercial Fishing and Baitfish	PUBLIC 237	Page 402
LD 1131	An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish	PUBLIC 180	Page 413
LD 1477	Resolve, Preventing the Upstream Migration of Exotic Species past the Fish River Falls and into the Fish River Watershed	RESOLVE 50	Page 420
LD 1648	Resolve, Directing the Department of Inland Fisheries and Wildlife To Study the Feasibility of Establishing a Program To Assess Riverine Habitats in Maine	RESOLVE 80	Page 422
<u>Not Enacted</u>			
LD 22	Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Issue a Policy Clarifying Public Access Requirements for Ponds To Qualify for Fish Stocking Programs	ONTP	Page 388
LD 217	Resolve, Directing the Department of Inland Fisheries and Wildlife To Review and Simplify Rules Governing Brook Trout Fishing	ONTP	Page 392
LD 340	Resolve, Directing the Department of Inland Fisheries and Wildlife To Review Brook Trout Fishing Rules	ONTP	Page 395
LD 531	An Act To Limit the Harvesting of Eels in Maine Rivers	ONTP	Page 398
LD 664	An Act To Control Fish Stocking in Inland Waters	ONTP	Page 402
LD 810	An Act To Require the Use of Reflective Material on Ice Fishing Shacks	DIED BETWEEN HOUSES	Page 405
LD 1095	An Act To Alter the Slot Limit Restriction for Fishing	ONTP	Page 413
LD 1104	An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine	ONTP	Page 413
LD 1253	Resolve, Directing the Department of Inland Fisheries and Wildlife To Adopt and Follow a Rules Policy Regarding Inland Fishing	ONTP	Page 416

Hunting Licenses

Enacted

LD 612	An Act To Authorize the Exchange of a Designated Hunting Season for Another Hunting Season for the Same Game Species	PUBLIC 74	Page 400
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Not Enacted

LD 20	An Act To Amend the Law Governing Hunting and Fishing Licenses for Maine National Guard Members	ONTP	Page 388
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LD 427	An Act To Increase the Maximum Number of Days of the Muzzle-loading Hunting Season	ONTP	Page 396
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LD 512	An Act To Remove the Ethics Course Requirement for First Hunting and Fishing Violations and Require the Department of Inland Fisheries and Wildlife To Hold the Courses in a Location Within 100 Miles of All Citizens of the State	ONTP	Page 397
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Moose

Enacted

LD 268	An Act To Allow Electronic Calling Devices for Hunting Moose	PUBLIC 117	Page 393
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LD 873	An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime	PUBLIC 143	Page 406
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LD 1313	Resolve, To Evaluate the Possibility of a Moose Hunt in Southern Maine	RESOLVE 71	Page 418
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Not Enacted

LD 283	An Act To Improve the Moose Lottery Procedure	ONTP	Page 393
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LD 354	An Act To Give Moose Permits to Members of the Wesget-Sipu Organization	CARRIED OVER	Page 395
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LD 477	An Act To Authorize the Use of Tribal Sustenance Hunting Permits on State Lands	CARRIED OVER	Page 397
LD 762	An Act To Provide Moose Permits to Persons 75 Years of Age or Older with Hunting Experience	ONTP	Page 405
LD 953	Resolve, To Make the Moose Hunting Season 2 Consecutive Weeks	ONTP	Page 409

Recreational Trails

Enacted

LD 1519	Resolve, To Address the Unauthorized Publication of Information Concerning Recreational Trails That Cross Private Property	RESOLVE 75	Page 421
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Not Enacted

None

Recreational Vehicle

Enacted

LD 231	An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment	PUBLIC 93	Page 392
LD 431	An Act To Allow Certain Unregistered All-terrain Vehicles To Participate in Special Events in the State	PUBLIC 177 EMERGENCY	Page 396
LD 977	An Act To Create a Civil Violation for Operating a Snowmobile Left of Center	PUBLIC 73	Page 409
LD 1220	An Act To Improve the Process for Reporting Accidents Involving Off-road Vehicles	PUBLIC 436	Page 415
LD 1300	An Act To Create the ATV Trail Advisory Council	PUBLIC 186 EMERGENCY	Page 417

Not Enacted

LD 82	An Act To Suspend or Revoke Licenses and Permits Issued by the Department of Inland Fisheries and Wildlife to a Person Convicted of Operating under the Influence	ONTP	Page 390
LD 165	Resolve, Directing the Department of Inland Fisheries and Wildlife To Support All-terrain Vehicle Clubs in Their Efforts To Mark Trails	ONTP	Page 391
LD 233	An Act To Change the Definition of "Snowmobile"	ONTP	Page 393
LD 307	An Act To Improve Recreational Watercraft Safety		Page 394
LD 336	An Act To Lower the Minimum Age for Operating an All-terrain Vehicle to 14 Years of Age	ONTP	Page 395
LD 364	An Act To Prohibit Personal Watercraft on Rocky Pond in the Town of Orland	ONTP	Page 395
LD 421	An Act To Improve the Water Quality of Hall Pond in Paris	DIED BETWEEN HOUSES	Page 396
LD 453	An Act To Assist the Mobility of the Disabled in Hunting and Outdoor Recreation	ONTP	Page 397
LD 651	An Act Regarding Education of Certain Personal Watercraft Operators	ONTP	Page 401
LD 857	An Act To Increase Fines for Unregistered ATVs	ONTP	Page 405
LD 858	An Act To Establish an All-terrain Vehicle Trail Pass System	ONTP	Page 405
LD 940	An Act To Amend the Law Pertaining to All-terrain Vehicle Violations	ONTP	Page 408
LD 980	An Act To Distribute Fees from All-terrain Vehicle Registrations	ONTP	Page 410
LD 1041	An Act To Create a Short-term All-terrain Vehicle Registration System	ONTP	Page 412

Turkey

Enacted

LD 942	An Act To Prohibit Shooting Wild Turkey Decoys	PUBLIC 94	Page 408
LD 1456	Resolve, Directing the Department of Inland Fisheries and Wildlife To Increase Turkey Hunting Opportunities	RESOLVE 8 EMERGENCY	Page 420

Not Enacted

LD 120	An Act To Require the Turkey Season To Include the Last 2 Weeks of April	ONTP	Page 391
LD 923	Resolve, To Begin and End the Fall Wild Turkey Hunting Season One Week Earlier	ONTP	Page 407

Sunday Hunting

Enacted

None

Not Enacted

LD 917	An Act To Allow Hunting on Sunday for Resident Landowners	ONTP	Page 407
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Wildlife Management Areas

Enacted

LD 144	An Act To Redefine the Boundaries of the Fairfield Sanctuary	PUBLIC 17	Page 391
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Not Enacted

None

Whitewater Rafting

Enacted

None

Not Enacted

LD 976

An Act To Enhance the Safety of Whitewater Rafters

ONTP

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Senior Analyst

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**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>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	116	85.9%	6.9%
<u><i>Bills Carried Over</i></u>	<u>19</u>	<u>14.1%</u>	<u>1.1%</u>
Total Bills referred	135	100.0%	8.0%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	135	100.0%	8.0%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	6.9%	0.5%
<i>Ought to Pass as Amended</i>	49	42.2%	3.2%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>41</u>	<u>35.3%</u>	<u>2.7%</u>
Total unanimous reports	98	84.5%	6.5%
B. Divided committee reports			
<i>Two-way reports</i>	17	14.7%	1.1%
<i>Three-way reports</i>	1	0.9%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	18	15.5%	1.2%
Total committee reports	116	85.9%	7.7%
III. CONFIRMATION HEARINGS	13	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	52	38.5%	3.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	5.9%	0.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	60	44.4%	3.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Judiciary

LD 25 **An Act To Educate Women on the Medical Risks Associated with Abortion** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP MAJ	
SNOWE-MELLO	OTP-AM MIN	

LD 25 proposed to amend the laws governing informed consent to abortion to require the attending physician to provide the woman with certain information orally and in writing at least 24 hours prior to performing an abortion. The information required would include the probable gestational age and anatomical development of the fetus at the time of the scheduled abortion; the physical and psychological risks associated with abortion and the abortion technique to be performed, in view of the patient's own pregnancy, including risks identified in a pamphlet to be published and distributed to doctors by the Department of Health and Human Services, Bureau of Health; and the name of the physician who is to perform the abortion.

Committee Amendment "A" (H-650), the minority report of the Joint Standing Committee on Judiciary, proposed to add an appropriations and allocations section to the bill. (Not adopted)

LD 34 **An Act To Institute Loser-pay Litigation in the State of Maine** **ONTP**

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

LD 34 proposed to require that the losing party in civil litigation pay the reasonable attorney's fees of the prevailing party.

LD 51 **Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts** **RESOLVE 90**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-495
COWGER		

LD 51 proposed to direct the Treasurer of State, in consultation with the Department of Health and Human Services and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents paying child support.

Committee Amendment "A" (H-495) proposed to replace the resolve. It proposed to direct the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without

Joint Standing Committee on Judiciary

reducing the resources that are available to pay the current support needs of the children involved. It proposed a report by the Treasurer by January 15, 2006, and proposed to authorize the Joint Standing Committee on Judiciary to report out legislation to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 90 directs the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without reducing the resources that are available to pay the current support needs of the children involved. The resolve also requires the Treasurer of State to submit by January 15, 2006 a report that includes any recommendations and suggested legislation. It authorizes the Joint Standing Committee on Judiciary to report out legislation to the Second Regular Session of the 122nd Legislature.

**LD 61 An Act To Authorize a Judge To Order Involuntary Commitment CARRIED OVER
of a Person with Mental Illness Not Taking Prescribed Medication**

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

LD 61 is a concept draft pursuant to Joint Rule 208. It proposed to amend the emergency application procedures for involuntary commitment under the laws governing the Department of Health and Human Services. The bill proposed that, if a person with mental illness is under the care of a health care professional and is under a current prescription for medication to address the mental illness, a judge may order involuntary commitment if the person is not taking the medication.

See also LD 151, Joint Standing Committee on Health and Human Services.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 103 An Act To Establish the Fully Informed Jury Act ONTP

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

LD 103 proposed to enact the Fully Informed Jury Act. It proposed to apply to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff. It proposed that the right to a trial by jury includes the right to inform the jury about the jury's power to judge the law as well as all the evidence. Failure to allow the defendant to inform the jury would be grounds for a mistrial or a new trial. It proposed to allow a party to present evidence on the law, including its merit, intent, constitutionality or applicability, as well as the motive, moral perspective or circumstances of the defendant.

Joint Standing Committee on Judiciary

LD 105

Resolve, Concerning Temporary Guardianship Laws

RESOLVE 91

<u>Sponsor(s)</u> BISHOP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-541
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LD 105 proposed to amend the temporary guardianship proceedings in the Maine Revised Statutes, Title 18-A. The bill proposed to: require notice to the allegedly incapacitated person prior to appointment of a temporary guardian and provide the right to retained or appointed counsel; require an application for temporary guardianship to set forth the factual basis for any power requested for the guardian to consent to medication; allow the allegedly incapacitated person the power to control, to the extent possible, visitation with family and friends; require the temporary guardian and the guardian ad litem or visitor to be qualified to serve in that capacity; and shorten the time period for the report of the guardian ad litem or visitor to the court from 10 days from the date of appointment to 5 days from that date.

Committee Amendment "A" (H-541) proposed to replace the bill with a resolve directing the Department of Health and Human Services to convene a working group to review the laws and practices concerning temporary guardianships.

Enacted law summary

Resolve 2005, chapter 91 directs the Department of Health and Human Services to convene a working group to review the laws and practices concerning temporary guardianships. Representatives of the Disability Rights Center and the Probate Courts must be included. The working group must report to the Joint Standing Committee on Judiciary by January 15, 2006 and the committee may submit legislation in response to the report.

LD 157

An Act Concerning the Disclosure of Juror Information

PUBLIC 285

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-244
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LD 157 proposed to reverse the onus of disclosure of jurors' names from requiring disclosure unless the court determines that the names should be kept confidential. The bill proposed that jurors' names be kept confidential unless the court determines that the interests of justice require the jurors' names to be released.

Committee Amendment "A" (S-244) proposed to replace the bill. It proposed to clarify what information about jurors and prospective jurors may be disclosed and when that disclosure may take place.

Enacted law summary

Public Law 2005, chapter 285 clarifies what information about jurors and prospective jurors may be disclosed and when that disclosure may take place. Chapter 285 provides that the juror qualification forms are confidential and may not be disclosed, except that the prospective juror information is available for review for voir dire purposes at the courthouse, and then only available for the attorneys and the attorneys' agents and investigators, as well as the pro se parties. Records and information used in connection with the jury selection process are confidential and may not be disclosed except as otherwise provided. Chapter 285 provides that during the service

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of the jurors and prospective jurors, their names are confidential and may not be disclosed except to the attorneys and the attorneys' agents and investigators, as well as the pro se parties. Disclosure of juror names is allowed once the juror service has expired, but only upon written request to the court. The court may disclose the names of the jurors only if it is in the interests of justice.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 162 **An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P		

LD 162 proposed to allow a lessee the right of first refusal to continue leasing a parcel of land when the land is transferred to a different owner and the new owner intends to continue leasing the land.

See also LD 1646.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 166 **An Act To Prohibit Firearms in a Courthouse** **PUBLIC 175
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR GAGNON	OTP-AM	H-217

LD 166 proposed to create a crime for an individual who is not a law enforcement officer acting in an official capacity to possess a firearm in a courthouse.

Committee Amendment "A" (H-217) proposed to expand who may possess a firearm in a courthouse to include a corrections officer when acting within the course and scope of the officer's employment. It also proposed to provide an exception for possession of a firearm when being offered as evidence.

Enacted law summary

Public Law 2005, chapter 175 makes it a crime for an individual to possess a firearm in a courthouse unless the individual is a law enforcement officer or a corrections officer when acting within the course and scope of the officer's employment. Chapter 175 allows a person to possess a firearm for the purpose of offering it as evidence in a court proceeding if the judge has approved the possession.

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Public Law 2005, chapter 175 was enacted as an emergency measure effective May 20, 2005.

LD 220 **An Act To Support the Disclosure of Information to Relatives
Who Are Likely To Provide Care to Children** **ONTP**

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

LD 220 proposed to permit the disclosure of information in child welfare cases to relatives who are likely to become caregivers to the child to facilitate placing children with relatives.

See also LD 867.

LD 250 **An Act To Make Technical Corrections to Maine's Appellate
Jurisdiction Laws Concerning Involuntary Hospitalization** **PUBLIC 48**

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

LD 250 proposed to clarify that the Superior Court has jurisdiction over appeals from the District Court in involuntary hospitalization cases in accordance with the Maine Revised Statutes, Title 34-B, section 3864, subsection 11.

Enacted law summary

Public Law 2005, chapter 48 clarifies that the Superior Court has jurisdiction over appeals from the District Court in involuntary hospitalization cases in accordance with the Maine Revised Statutes, Title 34-B, section 3864, subsection 11.

LD 256 **An Act To Ensure Compliance with Court-ordered Child Support** **ONTP**

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

LD 256 proposed to require a court to issue summary process and find a person in contempt when the person has defaulted on a child support order.

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LD 260

An Act To Amend the Laws Governing Mechanics Liens

PUBLIC 311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	OTP-AM	H-540

LD 260 proposed to amend the laws governing mechanics liens to require a lien claimant who has preserved a lien by filing an action in court to file a certificate or copy of the complaint in the registry of deeds within 30 days of bringing the action.

Committee Amendment "A" (H-540) proposed to replace the bill. It proposed to require mechanics lien claimants to file a notice in the registry of deeds within 60 days of filing a complaint in court to perfect the lien.

Enacted law summary

Public Law 2005, chapter 311 amends the mechanics lien laws to require lien claimants to file a notice in the registry of deeds within 60 days of filing a complaint in court to perfect the lien. This notice will inform potential purchasers of the property that the lien claim has been perfected and that the property is subject to the lien. Failure to file the notice before a bona fide purchaser takes title to property will defeat the lien claim.

LD 262

An Act To Protect Pregnant Women from Acts of Violence

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP MAJ	H-682 PELLETIER- SIMPSON
MARTIN	OTP-AM MIN	

LD 262 proposed to create the new crimes of murder, felony murder, assault, aggravated assault and elevated aggravated assault against an unborn child. The proposed punishment for these crimes is consistent with penalties for the same offenses committed against persons as defined in the Maine Revised Statutes, Title 17-A, chapter 9.

The proposed crimes against unborn children would not apply to an abortion to which the pregnant woman has consented, nor to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. The proposed crimes would not apply to the pregnant woman.

Committee Amendment "A" (H-647) proposed to include a purpose and intent section to make clear that the purpose of the new chapter creating crimes in which an unborn child's death results is to provide appropriate criminal justice consequences for crimes committed against an unborn child, not to provide status as a person to an unborn child. The proposed language provided that the chapter may not be construed to affect the State's policy concerning abortion or affect the rights of a pregnant woman concerning abortion as provided in the Maine Revised Statutes, Title 22, chapter 263-B.

The amendment proposed to remove from the bill those provisions creating the crimes of assault, aggravated assault and elevated aggravated assault on an unborn child, and from the new crime of manslaughter of an unborn

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child criminal liability of an employer who violates an occupational health and safety standard that causes the death of an unborn child. (Not adopted)

House Amendment "A" (H-682) proposed to replace the bill and provide for the crime of elevated aggravated assault on a pregnant person for a person who intentionally or knowingly causes serious bodily injury to a person the offender knows or has reason to know is pregnant.

Enacted law summary

Public Law 2005, chapter 408 creates the new crime of elevated aggravated assault on a pregnant person for a person who intentionally or knowingly causes serious bodily injury to a person the offender knows or has reason to know is pregnant. The crime is a Class A crime.

LD 272 **An Act To Provide an Exemption from Discrimination Laws to Fitness Centers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO DAVIS P	ONTP MAJ OTP-AM MIN	

LD 272 proposed to provide an exception to the law prohibiting discrimination in places of public accommodation to permit a fitness center to provide facilities and services exclusively to persons of one sex.

Committee Amendment "A" (S-137), the minority report of the Joint Standing Committee on Judiciary, proposed to correct the bill to exempt fitness centers from the law that prohibits discrimination in public accommodations to allow fitness centers to provide facilities and services to exclusively one sex. (Not adopted)

LD 281 **An Act Authorizing Property Managers To Bring Eviction Actions on Behalf of Landlords** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE SNOWE-MELLO	ONTP	

LD 281 proposed to give a property manager the authority to file an eviction action on behalf of a landlord.

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LD 301

**Resolve, To Implement the Recommendations of the Committee
To Study Compliance with Maine's Freedom of Access Laws**

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-713 DUPLESSIE

LD 301 is a unanimous recommendation of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to establish the permanent Freedom of Access Advisory Committee to maintain the integrity of Maine's freedom of access laws. The bill also proposed to establish the Public Access Ombudsman within the Department of the Attorney General. It also proposed to establish legislative staff services for the legislative committees that are required to conduct the review of exceptions to public records laws.

Committee Amendment "A" (H-632) proposed to delete the Public Access Ombudsman from the bill and shift some of the responsibilities to the Freedom of Access Advisory Committee. (Not adopted)

House Amendment "A" (H-713) proposed to convert the bill to a resolve, make the Freedom of Access Advisory Committee temporary rather than permanent, adjust the duties of the advisory committee and make changes to conform to the drafting standards for studies approved by the Legislative Council and the Joint Rules.

Enacted law summary

Resolve 2005, chapter 123 establishes the Freedom of Access Advisory Committee as a one-year study commission to provide information and advice to the Joint Standing Committee on Judiciary as it reviews public record exceptions and to review the public's access to public proceedings and records. The committee is also directed to make recommendations to the Governor, the Legislature and the Chief Justice of the Maine Supreme Judicial Court, as well as local and regional governmental activities, for changes in law and practice that are appropriate to maintain the integrity of the freedom of access laws and their underlying principles.

LD 321

Resolve, To Review the Housing Discrimination Laws

**DIED IN
CONCURRENCE**

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

LD 321 proposed to provide the same protections against housing discrimination to recipients of public assistance as to all other protected classes.

Committee Amendment "A" (S-136), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill with a resolve directing the Maine Human Rights Commission to convene a study group to review the housing discrimination laws as they protect recipients of public assistance. The amendment proposed that the commission submit a report to the Joint Standing Committee on Judiciary by January 31, 2006. (Not adopted)

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LD 324 **An Act To Clarify Ownership and Management of Architectural Firms** **ONTP**

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

LD 324 is a concept draft pursuant to Joint Rule 208. It proposed to require managers or the majority of directors of architectural firms to be licensed architects in order to prevent owners or shareholders of the firms who are engineers and not architects from managing licensed architects.

LD 385 **An Act To Limit the Liability of Ambulance Services in Maine** **PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-693 PELLETIER-SIMPSON
NASS R		

LD 385 proposed to provide a limitation on the tort liability of ambulance services. It also proposed to prohibit anyone from requiring an ambulance service to maintain liability insurance coverage in excess of these limits.

Committee Amendment "A" (H-543) proposed to replace the bill. It proposed to relocate to the law governing emergency medical services the proposed language that applies the Maine Tort Claims Act's liability caps to ambulance services. It also proposed to apply the Maine Tort Claims Act's individual employee cap on damages of \$10,000 to the employees of ambulance services. (Not adopted)

House Amendment "A" (H-693) proposed to replace the bill. It proposed to provide that a for-profit, incorporated emergency medical service be covered by the Maine Tort Claims Act only when it is acting within the scope of emergency response activities authorized by a contract between the emergency medical service and the governmental entity. It also proposed to provide that an ambulance service cannot be required to procure insurance coverage beyond the liability limits of the Maine Tort Claims Act for any liability that falls under the application of the Maine Tort Claims Act, and that an insurer cannot require coverage for liability beyond the liability limits when applicable.

Enacted law summary

Public Law 2005, chapter 398 provides that a for-profit, incorporated emergency medical service is covered by the Maine Tort Claims Act only when it is acting within the scope of emergency response activities authorized by a contract between the emergency medical service and the governmental entity.

Chapter 398 also provides that an ambulance service cannot be required to procure insurance coverage beyond the liability limits of the Maine Tort Claims Act for any liability that falls under the application of the Maine Tort Claims Act. Chapter 398 also provides that an insurer cannot require coverage for liability beyond the liability limits when applicable.

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LD 415

**Resolve, To Create the Committee To Study State Compliance
with the Federal Indian Child Welfare Act of 1978**

**RESOLVE 118
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO PELLETIER- SIMPSON	OTP-AM	H-710 DUPLESSIE S-138

LD 415 proposed to require the Department of Health and Human Services to comply with the federal Indian Child Welfare Act when dealing with a child who is a member of an Indian tribe recognized by the Federal Government or Maine.

Committee Amendment "A" (S-138) proposed to replace the bill with a resolve to create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee would consist of 12 members, including Legislators, representatives of the four tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The amendment proposed that the Chief Justice of the Supreme Judicial Court be asked to appoint a representative of the judicial branch to serve as a voting member of the committee. The amendment proposed that the committee study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005. The Judiciary Committee would have authority to introduce legislation in the Second Regular Session of the 122nd Legislature.

House Amendment "A" to Committee Amendment "A" (H-710) proposed to: specify that a single public hearing may be held in Augusta; remove a provision of the resolve concerning compensation of public members; and bring the resolve into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

Enacted law summary

Resolve 2005, chapter 118 creates the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee consists of 12 members, including Legislators, representatives of the four tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The Chief Justice of the Supreme Judicial Court is asked to appoint a representative of the judicial branch who will serve as a voting member of the committee. The committee will study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005.

Resolve 2005, chapter 118 was finally passed as an emergency measure effective June 21, 2005.

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LD 432 **An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens** **ONTP**

<u>Sponsor(s)</u> MCKANE DOW	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 432 proposed to extend the period of time from 90 days to 120 days during which a person may file a mechanics lien and avoid the dissolution of the lien.

LD 466 **An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Attorney's Fees** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 466 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to apply to actions filed in court to enforce access to public proceedings and records under the Maine freedom of access laws. It proposed to give the court discretion to award attorney's fees and litigation expenses to either party when certain circumstances exist.

LD 467 **An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information** **PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 467 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It proposed to provide an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted law summary

Public Law 2005, chapter 381 is the recommendation of the majority of the Committee to Study Compliance with Maine's Freedom of Access Laws. It provides an exception to the definition of "public record" in Maine's freedom of access laws for the personal contact information of public employees.

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LD 469

An Act To Simplify the Real Estate Foreclosure Process

PUBLIC 291

<u>Sponsor(s)</u> CRESSEY DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-466
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LD 469 proposed to require a lender who sells a property at auction after foreclosure to deliver the writ of possession to the buyer along with the deed to the property.

Committee Amendment "A" (H-466) proposed to limit the requirement that the mortgagee provide a writ of possession when delivering the deed for property sold at auction after foreclosure to situations in which the mortgagee actually obtained a writ of possession during the foreclosure process.

Enacted law summary

Public Law 2005, chapter 291 requires a lender who sells a property at auction after foreclosure to deliver the writ of possession, if such a writ was obtained, to the buyer along with the deed to the property.

LD 483

An Act To Facilitate Real Estate Ownership

ONTP

<u>Sponsor(s)</u> BOWEN SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 483 is a concept draft pursuant to Joint Rule 208. It proposed to amend real property law to allow a person who owns less than 100% of a parcel of property to gain clear title to that parcel if the person can prove that the parcel is in fact, if not in law, owned by the person. One method of proof, similar to the adverse possession laws, would be that the person made tax payments on the property for 20 years and that no one else made tax payments during this time.

LD 491

An Act To Cure an Inconsistency Regarding Judgment Liens

PUBLIC 62

<u>Sponsor(s)</u> DAVIS G	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 491 proposed to correct inconsistencies in the laws governing execution liens and writs of execution.

Enacted law summary

Public Law 2005, chapter 62 extends the period during which an execution of a lien on real estate, personal property or motor vehicles may be filed from one year to three years. It also provides that any lien that conforms to the requirements regarding notice and duration is valid for three years if notice of execution was filed after September 19, 1995 and within three years of the issuance of the execution.

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LD 522

An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors

PUBLIC 60

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

LD 522 proposed to exempt from jury duty veterinarians who are employed in or have an active veterinary medicine practice.

Enacted law summary

Public Law 2005, chapter 60 exempts from jury duty veterinarians who are employed in or have an active veterinary medicine practice.

LD 537

An Act Relating to Animals in Food Stores and Restaurants

PUBLIC 318

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-245

LD 537 proposed to repeal the Maine Revised Statutes, Title 17, section 3966 because it is inconsistent with the requirements of the Maine Human Rights Act dealing with reasonable accommodation of people with disabilities and access to places of public accommodation.

Committee Amendment "A" (S-245) proposed to replace the bill, and retain the current criminal provision of bringing an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises, but update the exception to cover all service animals, not just seeing-eye dogs.

Enacted law summary

Public Law 2005, chapter 318 updates the current criminal provision of bringing an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises to cover all service animals, not just seeing-eye dogs. The definition of "service animal" is consistent with the rules adopted by the Maine Human Rights Commission.

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LD 539 An Act Authorizing Municipalities To Establish Walking Trails DIED BETWEEN HOUSES

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

LD 539 proposed to authorize municipalities to establish walking trails and provide a private landowner limited liability for injury occurring on the municipal walking trail on that landowner's property.

Committee Amendment "A" (S-338), the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to establish a simplified optional framework for the public, nonprofit organizations and municipal government to establish trails. It did not propose to affect the liability of municipalities or private landowners already established under current law. (Not adopted)

LD 549 An Act To Expedite the Forcible Entry and Detainer Process in ONTP
Nonpayment Cases

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

LD 549 proposed to require a tenant with a written lease who receives a notice to quit for nonpayment of rent and has no defense for nonpayment to place the amount of rent owed in escrow with the District Court in order to receive a hearing on the notice. It proposed that if a tenant who receives a notice to quit for nonpayment does not place the amount of rent owned in escrow within three days after the expiration of the notice to quit, the court would be required to issue a writ of possession.

LD 570 An Act To Require the Fair Application of the Mechanic's Lien PUBLIC 287
Law

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	S-230
SMITH N		

LD 570 proposed to protect nonresidential owners from mechanics liens filed by a supplier of goods and services when the supplier does not have a contract with the owner.

Committee Amendment "A" (S-230) proposed to replace the bill. It proposed to rewrite the provisions concerning the requirements for avoiding the dissolution of a mechanics lien to include providing notice of the lien filing to the owner or owners if the lien claimant does not have a contract with the owner or owners.

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Enacted law summary

Public Law 2005, chapter 287 rewrites the provisions concerning the requirements for avoiding the dissolution of a mechanics lien to include providing notice to the owner or owners of the lien filing if the lien claimant does not have a contract with the owner or owners. Chapter 287 establishes a period during which the lien claimant and the contractor have the opportunity to work out the claim for payment underlying the lien before the lien claimant must provide notice of the filing of the complaint in court. The lien claimant must wait 30 days after filing the complaint against the contractor, the owner and other responsible parties to notify the owner of the property. The deadline for filing the return of service for serving the complaint on the owner, as provided in the Maine Rules of Civil Procedure, is tolled for 30 days, which is consistent with not serving the owner of the suit for 30 days.

LD 591 **An Act To Clarify the Provisions for Child Support Orders
Providing Health Insurance for Children** **ONTP**

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

LD 591 proposed to allow the court to order either parent, or both, to provide health insurance coverage for the child.

See also LD 1502.

LD 592 **An Act To Allow Case Management Officers To Conduct
Hearings in Divorce Court** **PUBLIC 385**

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

LD 592 proposed to authorize the Chief Justice of the Supreme Judicial Court to establish a pilot project in which one or more family case management officers have jurisdiction to hear and dispose of all elements of a divorce action when both parties to the divorce consent.

Enacted law summary

Public Law 2005, chapter 385 authorizes the Chief Justice of the Supreme Judicial Court to establish a pilot project in which one or more family case management officers have jurisdiction to hear and dispose of all elements of a divorce action when both parties to the divorce consent. By January 15, 2007, the State Court Administrator is required to report the results of any pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

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LD 621

An Act Regarding Divorce and Marital Property

PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS HOBBINS	OTP-AM	H-496

LD 621 proposed to add to the marital property statutes for divorce an inchoate equitable interest for a nonowner spouse in certain property, such as an individual retirement account, once a divorce complaint has been filed.

Committee Amendment "A" (H-496) proposed to replace the bill, but carry out the original intent.

Enacted law summary

Public Law 2005, chapter 298 provides that once a divorce starts, a pension in just one spouse's name is automatically titled in both parties' names without having to obtain an attachment, levy or court order to that effect, to the extent that the account or plan is either exempt or beyond the reach of an attaching or judgment lien creditor under state or federal law.

LD 627

An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation

PUBLIC 325

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE STRIMLING	OTP-AM	H-497

LD 627 proposed to prohibit a court or the Secretary of State from suspending the driver's license of a person for a reason not related to the operation of a motor vehicle, such as failure to pay child support or a civil fine, without providing 60 days' notice to the person.

Committee Amendment "A" (H-497) proposed to amend the motor vehicle laws to require the court to notify a person of suspension by the court of the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit when the suspension is for a motor vehicle-related violation. The amendment also proposed that the court must notify the Secretary of State of the suspension.

Enacted law summary

Public Law 2005, chapter 325 prohibits a court or the Secretary of State from suspending the driver's license of a person for a reason not related to the operation of a motor vehicle without providing 60 days' notice to the person. It also requires the court to notify a person of suspension by the court of the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit when the suspension is for a motor vehicle-related violation. The court must also notify the Secretary of State of the suspension.

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LD 644

An Act To Prohibit Discrimination in Housing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING PELLETIER- SIMPSON	ONTP	

LD 644 proposed to eliminate exclusions from the unlawful housing discrimination laws the rental of a one-family unit of a two-family dwelling if one unit is owner-occupied or the rental of four or fewer rooms of a one-family dwelling that is owner-occupied.

LD 645

An Act To Promote the Commonsense Consumption of Food

PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER MCKENNEY	OTP-AM	S-324

LD 645 proposed to create a defense for a person or business entity that serves food from claims of obesity of or excessive weight gain by consumers as a result of their long-term consumption of food from that person or entity. Exceptions to this defense would be instances in which food items are altered or misbranded and certain cases of other knowing and willful violations of state or federal law.

Committee Amendment "A" (S-324) proposed to replace the bill. It proposed to simplify the immunity provided to state that the manufacturer, distributor or seller of a food product is not liable for personal injury or death to the extent the liability is based on the person's weight gain or obesity resulting from the person's long-term consumption of the food product. It proposed no immunity for a manufacturer or distributor for claims that are otherwise available under other law if the manufacturer or distributor failed to comply with labeling or disclosure requirements under state or federal laws, rules or regulations. It also proposed no immunity for a manufacturer or distributor that provided materially false or misleading information to the public.

Enacted law summary

Public Law 2005, chapter 355 provides immunity to the manufacturer, distributor or seller of a food product for personal injury or death to the extent the liability is based on the person's weight gain or obesity resulting from the person's long-term consumption of the food product. No immunity is provided for a manufacturer or distributor for claims that are otherwise available under other law if the manufacturer or distributor failed to comply with labeling or disclosure requirements under state or federal laws, rules or regulations. It also does not provide immunity for a manufacturer or distributor that provided materially false or misleading information to the public.

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LD 668

An Act To Amend the Land Use Regulation Laws

ONTP

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

LD 668 proposed to allow a property owner to seek just compensation from a municipality or the State if the municipality or the State enforces a land use regulation that restricts the use of or reduces the value of private real property. The bill was based on a law enacted in the State of Oregon

Committee Amendment "A" (H-465), the minority report of the Joint Standing Committee on Judiciary, proposed to incorporate a fiscal note. (Not adopted)

LD 674

An Act To Remove the Jurisdiction of Probate Court in Child Protection Petitions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN PELLETIER- SIMPSON	ONTP	

LD 674 proposed to amend the child welfare laws to eliminate any role of the Probate Court in child protection petitions or other proceedings.

LD 681

An Act Regarding the Use of Arbitration in Certain Consumer Cases

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY O'BRIEN	ONTP	

LD 681 proposed to expand the ability of parties to use arbitration as an alternative dispute resolution mechanism in order to save time and expense in the resolution of consumer complaints.

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LD 693

**An Act To Increase Public Safety through the Enhancement of
Law Enforcement for the Houlton Band of Maliseet Indians**

PUBLIC 310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY SHERMAN	OTP-AM	S-229

LD 693 is a concept draft pursuant to Joint Rule 208. It proposed to amend state laws to provide for cooperation among law enforcement resources of the State, Aroostook County, the Town of Houlton and the Houlton Band of Maliseet Indians.

Committee Amendment "A" (S-229) proposed to replace the bill and provide a framework for the Houlton Band of Maliseet Indians to provide law enforcement services within their Trust Land.

Enacted law summary

Public Law 2005, chapter 310 authorizes the Houlton Band of Maliseet Indians to appoint law enforcement officers who will have authority to enforce all the laws of the State within the Houlton Band Trust Land, as defined in the Maine Revised Statutes, Title 30, chapter 601 and in the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Public Law 99-566 (1986). Law enforcement officers of the State, Aroostook County and the Town of Houlton have authority to enforce all laws of the State within the Houlton Band Trust Land. Chapter 310 provides that the Houlton Band of Maliseet Indians may enter into cooperation and mutual aid agreements with other state, county or local law enforcement agencies. It also provides that law enforcement officers of the Houlton Band of Maliseet Indians have the same powers, enjoy the same immunities and are subject to the same duties, limitations and training requirements as other law enforcement officers in this State that are in corresponding situations.

Chapter 310 requires the Houlton Band of Maliseet Indians to report by January 1, 2010 on the experience under this Act. The report must include observations and comments from State, Aroostook County and Houlton law enforcement agencies. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

Chapter 310 provides for the repeal of the entire provision on July 1, 2010.

LD 704

**An Act To Amend the Laws Governing De Minimis Infractions of
the Maine Criminal Code**

ONTP

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

LD 704 proposed to change the process for determining whether conduct alleged to violate the Maine Criminal Code is a de minimis infraction. This bill proposed to allow a judge or jury to base a verdict upon whether the defendant's conduct is a de minimis infraction.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-278), the minority report of the Joint Standing Committee on Judiciary, proposed to limit the jury's power to consider whether the defendant's conduct represents a de minimis infraction to trials of Class D and Class E crimes. (Not adopted)

LD 713 **An Act To Amend Maine's Divorce Laws** **ONTP**

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

LD 713 proposed to create new grounds for divorce: fraud or financial misconduct. This bill proposed to require a court, upon a showing by the complaining spouse of fraud or financial misconduct by a preponderance of the evidence, to make the complaining spouse whole through the disposition of the marital assets and, if necessary, from the assets and future income of the spouse who committed the fraud or financial misconduct.

Committee Amendment "A" (H-579), the minority report of the Joint Standing Committee on Judiciary, proposed to provide that if a divorce is granted on the grounds of fraud or financial misconduct, the court must order the disposition of marital and nonmarital assets to make the complaining spouse whole. The fraud or financial misconduct must be proved by clear and convincing evidence. (Not adopted)

LD 715 **An Act To Provide Support for Legal Services for Low-income Mainers** **PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY EDMONDS	OTP-AM	H-582

LD 715 proposed to provide that 7% of any fee collected after July 1, 2005 by the Judicial Department will be paid into the Maine Civil Legal Services Fund. It also proposed to increase from \$5 to \$10 the surcharge, imposed by the court on each civil fine, penalty or forfeiture imposed by the court, to be paid into the Maine Civil Legal Services Fund. The bill also proposed to provide an appropriation of \$400,000 each year for fiscal years 2005-06 and 2006-07 to support legal services to persons who are otherwise not able to pay for those services.

Committee Amendment "A" (H-582) proposed to expand the number of legal services providers that are eligible to receive funding from the Civil Legal Services Fund to include nonprofit organizations whose missions include the provision of free legal services, including the provision of civil legal services to needy people. It proposed to clarify that fees collected by the Judicial Branch for publications under the Maine Revised Statutes, Title 4, section 17-A and fees collected by the Court Alternative Dispute Resolution Service under section 18-A, subsection 8 would not be subject to the 7% distribution to the Civil Legal Services Fund. It proposed to delete from the bill the General Fund appropriation of \$400,000 in each of fiscal years 2005-06 and 2006-07.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2005, chapter 361 provides that 7% of any fee collected after July 1, 2005 by the Judicial Department will be paid into the Maine Civil Legal Services Fund. It also increases from \$5 to \$10 the surcharge, imposed by the court on each civil fine, penalty or forfeiture imposed by the court, to be paid into the Maine Civil Legal Services Fund. Chapter 361 also expands the number of legal services providers that are eligible to receive funding from the Civil Legal Services Fund to include nonprofit organizations whose missions include the provision of free legal services, including the provision of civil legal services to needy people.

LD 718 An Act To Increase the Amount of Equity in a Principal Residence ONTP
That Is Exempt from Attachment

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

LD 718 proposed to amend the law regarding exemption from attachment and execution to:

1. Clarify that the exemption for a residence applies only to the principal residence of the debtor;
2. Increase the amount of the principal residence exemption for a debtor less than 60 years of age to \$100,000;
3. Increase the amount of the principal residence exemption for a debtor who is at least 60 years of age to \$200,000; and
4. Reallocate the exemption for burial plots from the subsection of law that deals with residences to a separate subsection.

LD 722 An Act Deleting Gender-specific and Archaic Language from PUBLIC 154
Certain Laws Concerning the Office of the Attorney General

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER- SIMPSON HOBBINS	OTP-AM	H-277

LD 722 proposed to allow the Attorney General to appoint a director of investigations to perform duties the Attorney General delegates, within the existing budget provided. It also proposed to delete archaic language and fix gender-specific language.

Committee Amendment "A" (H-277) proposed to replace the bill to contain only technical changes to the laws governing the appointment of personnel by the Attorney General and delete all other provisions of the bill.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2005, chapter 154 makes technical changes to the laws governing the appointment of personnel by the Attorney General to correct gender-specific language and remove archaic language.

LD 732 **An Act To Provide a Defense in Protection from Abuse Orders** **ONTP**

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

LD 732 proposed to provide as a defense to a violation of a protection from abuse order when nonphysical contact or communication is alleged that the plaintiff initiated the nonphysical contact or communication.

LD 771 **An Act To Protect Consumers' Use of Gift Cards** **ONTP**

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

LD 771 proposed to prohibit an issuer of a gift card from charging dormancy charges or other fees prior to the date that the gift obligation is presumed abandoned; after that, any dormancy charges or fees imposed may not be unconscionable.

See also LD 1084.

LD 772 **An Act To Prohibit the Placement of Expiration Dates on Gift Cards** **ONTP**

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

LD 772 proposed to prohibit an issuer from placing an expiration date on a gift obligation.

See also LD 1084.

Joint Standing Committee on Judiciary

LD 780

An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid

PUBLIC 306

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-539
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LD 780 proposed to provide that if a tenant is billed for water or sewer service to the property rented by the tenant and the property is subject to a lien to secure payment for that service, the landlord is entitled to information on the current status of the tenant's water or sewer service account, including any amounts due or overdue.

Committee Amendment "A" (H-539) proposed to clarify that a landlord or the landlord's agent may request account information before there is a lien against the property.

Enacted law summary

Public Law 2005, chapter 306 provides that if a tenant is billed for water or sewer service to the property rented by the tenant and the property may be subject to a lien to secure payment for that service, the landlord or the landlord's agent is entitled to information on the current status of the tenant's water or sewer service account, including any amounts due or overdue.

LD 816

An Act To Prohibit Changing the Flow of Water on Another's Land

CARRIED OVER

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 816 proposed to classify as a nuisance the act of draining or reversing the direction of the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others. Similar to the nuisance of unlawfully diverting water from its natural course, a person who is aggrieved by the unlawful draining or changing of the direction of water would be able to maintain a civil action against the person causing the nuisance.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Judiciary

LD 830 **An Act To Reduce the Duration of Nonpayment of Child Support That Triggers License Suspension** **ONTP**

<u>Sponsor(s)</u> KAELIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 830 proposed to reduce from 60 days to 30 days the length of time after which the responsible parent may be served with an order to appear and disclose when the person owes \$500 or more in overdue child support.

LD 838 **An Act To Amend the Uniform Unclaimed Property Act As It Applies to Gift Cards** **ONTP**

<u>Sponsor(s)</u> TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 838 proposed to exempt from the abandoned property reporting requirement gift obligations that do not have an expiration date or dormancy charges levied upon them and proposed to exempt such gift obligations from the presumption of abandonment.

See also LD 1084.

LD 853 **An Act To Limit MaineCare Benefits for Individuals Seriously in Arrears on Child Support Payments** **ONTP**

<u>Sponsor(s)</u> KAELIN ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 853 is a concept draft pursuant to Joint Rule 208. It proposed to limit benefits under the MaineCare program for individuals who are seriously in arrears in making child support payments that they are obligated by law to make, including by court order. The bill would establish guidelines to be used to determine whether an individual is seriously in arrears.

Joint Standing Committee on Judiciary

LD 859

An Act To Provide Greater Civil Relief Protection for Members of the Military

PUBLIC 353

<u>Sponsor(s)</u> TUTTLE HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-538
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LD 859 proposed to provide certain protections to members of the military in civil proceedings.

Committee Amendment "A" (H-538) proposed to clarify language and require that the best interest of the child govern any decisions concerning rights involving children.

Enacted law summary

Public Law 2005, chapter 353 provides that courts may not consider a military member's departure from the family residence or absence from the child or children as an adverse factor in determining parental rights and responsibilities if the military member's absence is due to military mobilization. Chapter 353 strengthens existing state civil relief protections for mobilized military members by allowing them to testify electronically, by requiring that their cases be held expeditiously and by allowing a service member to transfer the parent-child contact rights to one of the member's relatives if the military member is mobilized, unless the transfer is not in the best interest of the child. For actions and proceedings involving children, a stay may occur only if the stay is in the best interest of the child. It grants state recognition to wills, health care directives and powers of attorney federal laws pertaining to the military irrespective of specific state requirements.

Chapter 353 prohibits a court from changing the primary physical residence of a child when one of the child's parents is a member of the National Guard or the Reserves of the United States Armed Forces ordered to active duty and will be absent from the State in compliance with the order, unless the change is in the best interest of the child.

LD 867

An Act Regarding Child Protection Proceedings

PUBLIC 300

<u>Sponsor(s)</u> PELLETIER- SIMPSON HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-545
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LD 867 proposed to make the following changes to the laws governing access to information in child protection proceedings.

1. It proposed to specify that, within the Department of Health and Human Services, information in records, as well as the record itself, is protected and confidential. It also proposed to clarify that a person who receives records from the department may not further disseminate the record.

Joint Standing Committee on Judiciary

2. It proposed to limit use of department records to the purpose for which the release was intended and prohibit further dissemination of those records.
3. It proposed to expand the list of persons to whom the department is authorized to disclose relevant information.

Committee Amendment "A" (H-545) proposed to make two clarifications to the bill. It proposed to provide that a person may not further disseminate a record or information that the person receives from the Department of Health and Human Services unless that dissemination is otherwise allowed by law.

Enacted law summary

Public Law 2005, chapter 300 makes the following changes to the laws governing access to information in child protection proceedings.

1. It specifies that, within the Department of Health and Human Services, information in records, as well as the record itself, is protected and confidential. It also clarifies that a person who receives records from the department may not further disseminate the record.
2. It limits use of department records to the purpose for which the release was intended and prohibits further dissemination of those records.
3. It expands the list of persons to whom the department is authorized to disclose relevant information.

LD 869

An Act To Extend Recognition to the Metis People

ONTP

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

LD 869 proposed to provide state recognition for the Metis people, recognized in Canada as one of the aboriginal peoples.

LD 884

An Act To Protect Motherhood

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	S-139

LD 884 proposed to add to the duties of the Maine Commission on Domestic and Sexual Abuse to require the commission's Domestic Abuse Homicide Review Panel to collect and review data relating to the death of a pregnant woman when death results from criminal conduct. The bill proposed to require the Chief Medical Examiner to send copies of reports of such cases to the panel.

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The bill also proposed to require a court, when sentencing a person for murder of a woman that the person knew or should have known to be pregnant, to give special weight to the existence of the pregnancy.

Committee Amendment "A" (S-139) proposed to reword the consideration to apply when the convicted person knew or had reasonable cause to believe that the victim was pregnant.

This amendment also proposed to require that same consideration for the crimes of attempted murder, manslaughter, elevated aggravated assault and aggravated assault.

Enacted law summary

Public Law 2005, chapter 88 requires special consideration by a court when sentencing a person convicted of murder when the victim was a woman that the convicted person knew or had reasonable cause to believe was pregnant. It requires that same consideration for the crimes of attempted murder, manslaughter, elevated aggravated assault and aggravated assault. Chapter 88 requires the Domestic Abuse Homicide Review Panel of the Maine Commission on Domestic and Sexual Abuse to collect and review data relating to the death of a pregnant woman when death results from criminal conduct. Chapter 88 also requires the Chief Medical Examiner to send copies of reports of such cases to the panel.

See also LD 262.

LD 894 **An Act To Require Guardians ad Litem To Receive Counseling Training** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO VAUGHAN	ONTP	

LD 894 proposed to require the State Court Administrator to provide counseling training to guardians ad litem.

LD 908 **An Act To Protect Homosexuals from Discrimination** **ONTP**

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

LD 908 proposed to prohibit an abortion when the reason for the termination of the pregnancy is the projected sexual orientation of the fetus after it is born. The projected sexual orientation would be determined by analysis of the genetic materials of the fetus in which the projected sexual orientation is identified through the presence or absence of a so-called "homosexual gene."

Joint Standing Committee on Judiciary

LD 910

**An Act To Include Regional Transportation Systems under the
Maine Tort Claims Act**

PUBLIC 399

<u>Sponsor(s)</u> SAVIELLO BRYANT B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-691
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LD 910 proposed to allow transit districts formed under the Maine Revised Statutes, Title 30-A, chapter 163 by one or more municipalities to be treated as governmental entities for the purposes of the Maine Tort Claims Act.

Committee Amendment "A" (H-691) proposed to replace the bill. It proposed to amend the Maine Tort Claims Act to include in the definition of "political subdivision" transit districts and regional transportation corporations as those are defined in the Maine Revised Statutes, Title 30-A, section 3501.

Enacted law summary

Public Law 2005, chapter 399 amends the Maine Tort Claims Act to include in the definition of "political subdivision" transit districts and regional transportation corporations as those are defined in the Maine Revised Statutes, Title 30-A, section 3501.

LD 918

**An Act To Provide for the Payment of Attorney's Fees in a
Parental Rights and Responsibilities Action**

ONTP

<u>Sponsor(s)</u> TARDY HOBBINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 918 proposed to authorize the court to order either party to pay attorney's fees in an action to determine parental rights and responsibilities.

See also LD 1502.

LD 924

**An Act To Require That the Name and Address of an Owner of a
Limited Liability Company Be in the Articles of Organization**

ONTP

<u>Sponsor(s)</u> CARR CLUKEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 924 proposed to require that the name and address of every person who has an ownership interest in a limited liability company be included in the articles of organization filed with the Secretary of State.

Joint Standing Committee on Judiciary

LD 932

An Act To Clearly Identify Maine Corporations

ONTP

<u>Sponsor(s)</u> LINDELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 932 proposed to require that a corporate business name clearly identify the status of the business as being incorporated as is required by many other jurisdictions.

LD 936

An Act To Amend the Maine Tort Claims Act

PUBLIC 448

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-694
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LD 936 proposed to amend the Maine Tort Claims Act to provide that discretionary function immunity does not apply to the negligent operation of a motor vehicle that is directly involved in a collision. The bill proposed to reverse the effect of the Maine Supreme Judicial Court's majority decision in Norton v. Hall, 2003 ME 118, and is consistent with the dissenting opinion.

Committee Amendment "A" (H-657), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to revise the language amending the law that provides discretionary immunity for government entities and government employees to provide an exception from governmental immunity when the discretionary function involves the operation of a motor vehicle. It proposed to provide that there is no immunity for negligent operation of a motor vehicle that results in a collision. (Not adopted)

Committee Amendment "B" (H-694) proposed to provide that a governmental entity is not immune for negligent operation of a motor vehicle by an employee of the governmental entity when the employee's negligent operation of that motor vehicle results in a collision. It proposed no immunity for the governmental entity regardless of whether the Maine Tort Claims Act provides immunity for the employee.

House Amendment "A" to Committee Amendment "A" (H-666) proposed to amend Committee Amendment "A" by providing that there is no immunity for reckless operation of a motor vehicle that results in a collision as opposed to the negligent operation of a motor vehicle. (Not adopted)

Enacted law summary

Public Law 2005, chapter 448 amends the Maine Tort Claims Act to provide that a governmental entity is not immune for negligent operation of a motor vehicle by an employee of the governmental entity when the employee's negligent operation of that motor vehicle results in a collision. There is no immunity for the governmental entity regardless of whether the Maine Tort Claims Act provides immunity for the employee. The law governing the personal liability and immunity of employees of governmental entities is not affected.

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LD 948 An Act To Shelter IRAs from the Bankruptcy Law ONTP

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

LD 948 proposed to protect from creditors, including in bankruptcy proceedings, the full value of individual retirement accounts. Also protected would be "Roth individual retirement accounts" established under Section 408A of the United States Internal Revenue Code.

LD 955 An Act To Prevent the Financial Exploitation of Vulnerable Citizens ONTP

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

LD 955 is a concept draft pursuant to Joint Rule 208. It proposed to study the development of state laws to require notarization of a signed document in order to change the beneficiary of a will, life insurance policy, retirement benefit, annuity or other inheritable benefit.

LD 973 An Act To Make Certain Changes in the Laws Concerning the Family Division of District Court PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY HOBBINS	OTP-AM MAJ ONTP MIN	H-646 H-665 PELLETIER- SIMPSON

LD 973 proposed to make several changes to the law governing the Family Division of the District Court.

It proposed to change the title of family case management officer to family law magistrate. It proposed to give family law magistrates the power of contempt that judges and justices currently have. It proposed to allow the Chief Judge of the District Court to authorize family law magistrates to wear robes when presiding over any proceeding.

Committee Amendment "A" (H-646) proposed to correct a clerical error, delete the change in the power of contempt for family case management officers, renamed "family law magistrates" in the bill, and authorize the Chief Judge of the District Court to allow family law magistrates to wear robes of any color other than black when presiding.

House Amendment "A" to Committee Amendment "A" (H-665) proposed to correct references to family case management officers, renamed family law magistrates in the bill.

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Enacted law summary

Public Law 2005, chapter 384 revises the title of family case management officer to family law magistrate. It also authorizes the Chief Judge of the District Court to allow family law magistrates to wear robes of any color other than black when presiding.

LD 974 **An Act To Amend the Guidelines Used To Determine Child Support Payments** **ONTP**

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

LD 974 proposed to amend the child support guidelines to provide an additional criterion for deviating from the automatic application of the child support guidelines. The bill proposed that the court or hearing officer, in establishing or modifying a child support order, must take into account the contributions that the party who provides the child's primary residence is making in improving the financial circumstances of the party and the child.

LD 985 **An Act To Amend Appellate Review Jurisdiction of the Superior Court** **PUBLIC 64**

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

LD 985 proposed to add three appeals to the list of appeals to the Superior Court by an aggrieved defendant. It also proposed to replace the outdated reference to abrogated Rule 37F of the Maine Rules of Criminal Procedure with Rule 36 of the Maine Rules of Criminal Procedure. The bill also proposed to codify what is currently done by implication alone, that the Superior Court's jurisdiction to hear appeals and petitions is limited to only the appeals and petitions from the District Court that are specified in Title 15, section 1, subsection 2.

Enacted law summary

Public Law 2005, chapter 64 adds the following three appeals to the list of appeals to the Superior Court by an aggrieved defendant: an appeal from a revocation of supervised release ruling in a revocation of supervised release proceeding in the District Court pursuant to the Maine Revised Statutes, Title 17-A, section 1233 and Rule 36 of the Maine Rules of Criminal Procedure; an appeal from a revocation of administrative release ruling in a revocation of administrative release proceeding in the District Court pursuant to Title 17-A, section 1349-F and Rule 36 of the Maine Rules of Criminal Procedure; and an appeal from the denial in the District Court of a petition by a petitioner seeking to be declared indigent for purposes of assignment of counsel on appeal or from the granting of a conditional order pursuant to Title 15, section 2111 and Maine Rules of Criminal Procedure, Rule 44A(c). Chapter 64 replaces the outdated reference to abrogated Rule 37F of the Maine Rules of Criminal Procedure with Rule 36 of the Maine Rules of Criminal Procedure. Chapter 64 also codifies what is currently

Joint Standing Committee on Judiciary

done by implication alone, that the Superior Court's jurisdiction to hear appeals and petitions is limited to only the appeals and petitions from the District Court that are specified in Title 15, section 1, subsection 2.

LD 986 **An Act To Amend the Maine Revised Uniform Limited Partnership Act** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS PELLETIER- SIMPSON		

LD 986 is a concept draft pursuant to Joint Rule 208. It proposed to make changes to the Maine Revised Uniform Limited Partnership Act of the Maine Revised Statutes, Title 31, chapter 11.

See also LD 1609.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1006 **An Act To Modify Joint and Several Liability** **ONTP**

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

LD 1006 proposed to modify joint and several liability among defendants.

LD 1025 **An Act To Expedite the Divorce Process in Instances of Domestic Violence** **ONTP**

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

LD 1025 is a concept draft pursuant to Joint Rule 208. It proposed to amend the laws concerning divorce actions to require the District Court to adopt a scheduling process that provides for expedited hearings in divorce actions in cases involving domestic violence.

Joint Standing Committee on Judiciary

LD 1045

An Act Regarding Contract Indemnification

CARRIED OVER

<u>Sponsor(s)</u> HOBBINS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1045 proposed to prohibit certain indemnification agreements by which a contracting party indemnifies itself from its own negligence or willful misconduct.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1053

An Act To Protect Maine Harness Racing from Illegal Wagering

PUBLIC 304

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-246
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LD 1053 proposed to make it illegal to accept or solicit a bet concerning harness racing in the State by any means without a license from the State Harness Racing Commission. It proposed to allow a private right of action to any licensed commercial racetrack in the State against anyone conducting illegal wagering on harness racing in the State, with damages set at 20% of the monetary amount of the illegal wagering proved plus reasonable costs of collection and attorney's fees.

Committee Amendment "A" (S-246) proposed to replace the bill and build on the current law under which accepting harness racing wagers from anyone located in Maine is illegal unless the person accepting the wager is licensed by the Maine Harness Racing Commission. It proposed to create a private right of action to enforce the law with any damages, after the reasonable costs of suit, to be divided among the State's funds to provide for Maine's extended meets, harness racing purses, Maine's commercial tracks and Maine's off-track betting facilities. The damages are proposed to make up for the lost revenues experienced in Maine's harness racing industry because of electronic wagering that is not subject to the taxes placed on wagers legally placed in Maine. The amendment proposed to authorize damages for violations after written notice of the provisions of law.

Enacted law summary

Public Law 2005, chapter 304 creates a private right of action to enforce the unauthorized wagering law. Any damages, after the reasonable costs of suit, are to be divided among the State's funds to provide for Maine's extended meets, harness racing purses, Maine's commercial tracks and Maine's off-track betting facilities. The damages are intended to make up for the lost revenues experienced in Maine's harness racing industry because of electronic wagering that is not subject to the taxes placed on wagers legally placed in Maine. Punitive damages are authorized for violations after written notice of the provisions of this section.

Joint Standing Committee on Judiciary

LD 1063

An Act To Improve the Guardian ad Litem System

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN TARDY	OTP-AM	S-298

LD 1063 proposed to amend the laws concerning guardians ad litem. It proposed to add a section to the Probate Code to provide for appointment, qualifications, access to information, application of the best interest of the child standard, requirement of a report, immunity, requirement of notice and waiver of fees for guardians ad litem serving the Probate Court. This bill also proposed to authorize appointment of a guardian ad litem in an action in which a grandparent is seeking contact with a child. This bill proposed to provide that guardians ad litem are not required to pay certain court filing fees and fees for driving records and criminal record checks concerning persons involved in the action.

Committee Amendment "A" (S-298) proposed to delete from the bill the language that provides that guardians ad litem do not have to pay certain court filing fees and fees for driving records and criminal record checks.

Enacted law summary

Public Law 2005, chapter 360 amends the laws concerning guardians ad litem. It adds a section to the Probate Code to provide for appointment, qualifications, access to information, application of the best interest of the child standard, requirement of a report, immunity and requirement of notice. It also authorizes appointment of a guardian ad litem in an action in which a grandparent is seeking contact with a child.

LD 1067

Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL PELLETIER- SIMPSON	OTP-AM	S-337

LD 1067 proposed to create the Task Force to Study and Design a Child Protection Mediation System. The Resolve proposed to require the Task Force to submit a report to the Second Regular Session of the 122nd Legislature by December 1, 2005.

Committee Amendment "A" (S-337) proposed to revise the language concerning the advisory member from the Judicial Branch by requiring that member to be from the District Court, which handles child protection cases, rather than the Supreme Judicial Court. This amendment proposed to amend the resolve to include the issue of sufficient court clerk support for matters involving children. This amendment also proposed to specify the deadline for convening the task force and clarify the provision regarding staff assistance. (Not adopted)

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LD 1073 **Resolve, Directing the Family Law Advisory Commission To Study the Child Protection Process** **ONTP**

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

LD 1073 proposed to direct the Family Law Advisory Commission to study the child protection hearing process to determine how to streamline the process.

LD 1079 **An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens** **ONTP**

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

LD 1079 proposed to require a member of an organization that receives state funds to notify the United States Department of Homeland Security, United States Citizenship and Immigration Services if the member has contact with a person the member believes to be an undocumented illegal alien.

Committee Amendment "A" (H-581), the minority report of the Joint Standing Committee on Judiciary, proposed to revise the bill to require a member of an organization that receives state funds to notify the United States Department of Homeland Security, United States Citizenship and Immigration Services if the member has contact with a person the member knows to be an undocumented illegal alien. The contact with the known undocumented illegal alien must arise in the course of the official duties of the member of that organization. The notification would not be required if the member's knowledge is based on information that is privileged. (Not adopted)

LD 1084 **An Act Concerning Gift Obligations, Stored-value Cards and Prefunded Bank Cards** **PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO GAGNON	OTP-AM	H-624

LD 1084 proposed to do the following:

1. Prohibit an issuer from placing an expiration date on a gift obligation;
2. Prohibit an issuer from charging dormancy charges or other fees, either before or after the start of the presumptive abandonment period; and

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3. Establish that the abandoned amount is the face value of the gift obligation, requiring the issuer to turn that amount over to the Treasurer of State as abandoned property.

Committee Amendment "A" (H-624) proposed to replace the bill. It proposed to update definitions and prohibit any fees for gift obligations such as gift cards. It proposed to authorize prefunded bank cards be treated differently from gift obligations.

Enacted law summary

Public Law 2005, chapter 357 updates the definitions in the unclaimed property laws of "face value" and "property" to include "gift obligation," "prefunded bank card" and "stored-value card" where appropriate. It also revises the definition of "face value" to limit the deduction of service charges, fees and dormancy charges, when not prohibited, to be consistent with the other provisions of this amendment.

Chapter 357 creates a definition of "prefunded bank card," and establishes the presumptive abandonment period as three years. The amount abandoned is 100% of the face value or balance of the prefunded bank card. The financial organization that issued the prefunded bank card may impose dormancy fees consistent with the Maine Revised Statutes, Title 33, section 1956. The terms and conditions must be disclosed in a separate writing prior to the initial issuance and must be referenced on the prefunded bank card.

Chapter 357 revises the presumptive abandonment period for gift obligations and stored-value cards to clarify that the presumptive abandonment period begins to run from the last date that activity was recorded for that gift obligation or stored-value card. It also prohibits the issuer from imposing any fees or charges on the gift obligation or stored-value card, except that the issuer may charge a transaction fee for the initial issuance and for adding value to the gift obligation or stored-value card. The transaction fees must be disclosed in a separate writing prior to the initial issuance or must be noted on the gift obligation or stored-value card. Although current law authorizes dormancy charges for other unclaimed property, dormancy charges and inactivity fees are prohibited for gift obligations and stored-value cards. The unclaimed amount of a gift obligation or stored-value card when it is turned over to the state unclaimed property account is 60% of the face value, allowing the issuer to retain the remaining 40%.

LD 1115

**An Act To Facilitate Voting by Participants in the Address
Confidentiality Program**

PUBLIC 364

<u>Sponsor(s)</u> CANAVAN STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-625
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LD 1115 proposed to facilitate voting by individuals who are participating in the Address Confidentiality Program established pursuant to the Maine Revised Statutes, Title 5, section 90-B by allowing them to use their designated addresses when registering to vote and by ensuring that their names would not appear on any voting list made available to the public.

Committee Amendment "A" (H-625) proposed to clarify that the addresses of voters certified as participants in the Address Confidentiality Program contained in files or lists pertaining to registered voters are kept under seal and protected from public inspection. The amendment proposed to include a mandate preamble.

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Enacted law summary

Public Law 2005, chapter 364 facilitates voting by individuals who are participating in the Address Confidentiality Program established pursuant to the Maine Revised Statutes, Title 5, section 90-B by allowing them to use their designated addresses when registering to vote and by ensuring that their names will not appear on any voting list made available to the public. All voter registration records pertaining to such voters are confidential and maintained by registrars of voters under seal. These voters are entitled to receive absentee ballots in the mail for every election during the period of their participation in the Address Confidentiality Program. They will be allowed to place their Address Confidentiality Program voter codes on the absentee ballot envelopes in lieu of their names and addresses to protect the confidentiality of their places of residence.

LD 1120 An Act Regarding the Reporting of Abuse and Neglect ONTP

<u>Sponsor(s)</u> GROSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1120 proposed to add to the list of people required to report suspected child abuse a staff person working at a domestic violence shelter and a professional in the field of domestic violence.

LD 1177 An Act To Limit the Early Release of Persons Convicted of CARRIED OVER
Certain Crimes

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1177 proposed to require that before a person who has been found not criminally responsible for the crime of murder or a Class A crime by reason of mental disease or mental defect may be released from institutional commitment, the Department of Health and Human Services must identify the level of supervision needed to ensure that the person takes any medication as prescribed and complies with any other conditions of release. The bill also proposed to require that the court order for release direct the Department of Health and Human Services to provide the necessary level of supervision.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1179 **An Act Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities** **PUBLIC 283
EMERGENCY**

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-248
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LD 1179 proposed to establish duties on the part of persons who hold durable powers of attorney or act as responsible parties for residents of long-term care facilities and provide mechanisms for enforcing those duties. The bill also proposed to permit collection of attorney's fees and costs from persons who breach the duties established by this bill.

Committee Amendment "A" (S-248) proposed to replace the bill and convert the bill into emergency legislation. It proposed to provide specific language authorizing a petition for a protective order from the Probate Court to initiate court consideration, accounting and remediation of actions taken by a person responsible for the property or affairs of another person.

Enacted law summary

Public Law 2005, chapter 283 provides specific language authorizing a petition for a protective order from the Probate Court to initiate court consideration, accounting and remediation of actions taken by a person responsible for the property or affairs of another person, referred to as the principal. Chapter 283 lists the information that must be included in the petition, including facts describing how the petitioner has been adversely affected by the lack of management of the principal's property or affairs.

Public Law 2005, chapter 283 was enacted as an emergency measure effective June 1, 2005.

LD 1196 **An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation** **PUBLIC 10**

<u>Sponsor(s)</u> TURNER	<u>Committee Report</u> OTP A OTP-AM B ONTP C	<u>Amendments Adopted</u> H-92 FISCHER
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LD 1196 proposed to forbid the denial of rights in employment, housing, public accommodations, credit and education opportunity to individuals based on their sexual orientation.

Committee Amendment "A" (S-38), the minority report of the Joint Standing Committee on Judiciary, proposed to add a referendum section that requires approval by the voters before the law becomes effective. (Not adopted)

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House Amendment "A" (H-82) proposed to provide that if the Maine Human Rights Commission does not find reasonable grounds to believe unlawful discrimination occurred, it shall order the claimant to pay the reasonable attorney's fees and costs of the other party. (Not adopted)

House Amendment "B" (H-83) proposed to remove the phrase "bona fide" in order to extend the exemptions for educational facilities to those owned by all religious corporations, associations or societies. It also proposed to require that a person who alleges discrimination on the basis of sexual orientation specifically plead and prove the nature of the person's sexual orientation. (Not adopted)

House Amendment "C" (H-84) proposed to add a referendum section that requires approval by the voters before the law becomes effective. (Not adopted)

House Amendment "D" (H-85) proposed to provide that the bill may not be construed as preempting the provisions of law that prohibit same-sex marriage. (Not adopted)

House Amendment "E" (H-86) proposed to provide that the Maine Human Rights Act may not be construed to permit a person to use a locker room or the bathroom facilities of a public rest room designated for use for a gender other than the gender of that person at birth unless the person has undergone a medical procedure to change the person's gender. (Not adopted)

House Amendment "F" (H-87) proposed to provide that it is not unlawful employment discrimination for an employer to set a dress code of appropriate attire to be worn in the workplace. An employer may specify attire in that dress code that is different based on gender. (Not adopted)

House Amendment "G" (H-88) proposed to change the definition of "sexual orientation" to mean a person's actual or perceived homosexuality. (Not adopted)

House Amendment "H" (H-89) proposed to provide that if the Maine Human Rights Commission does not find reasonable grounds to believe unlawful discrimination occurred, it shall order the claimant to pay the reasonable attorney's fees and costs of the other party. (Not adopted)

House Amendment "I" (H-92) proposed to provide that the bill may not be construed to change any right to marry that exists under the United States Constitution, the Maine Constitution or any law of this State.

House Amendment "J" (H-94) proposed to remove the requirement that a religious corporation, association or organization not receive public funds in order to qualify for an exemption from the provisions of the Maine Human Rights Act that proposed to make discrimination on the basis of sexual orientation in employment, housing and educational opportunity unlawful. It also proposed to remove language that provides that any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the Internal Revenue Code, 26 United States Code, Section 511(a) is not covered by the exemption in the Maine Human Rights Act for certain religious organizations. (Not adopted)

House Amendment "K" (H-95) proposed to provide that an employer may ask an employee after that employee is hired to identify that employee's sexual orientation. Information provided by an employee would be confidential and may be used only to ensure that that employee is not discriminated against in the workplace. This amendment also proposed to require an employee to notify an employer if that employee's sexual orientation changes. (Not adopted)

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Senate Amendment "A" (S-44) proposed to make the provisions of the bill contingent upon the approval of the voters at a referendum. (Not adopted)

Senate Amendment "B" (S-48) proposed to provide that if the Maine Human Rights Commission does not find reasonable grounds to believe unlawful discrimination occurred, it shall order the claimant to pay the reasonable attorney's fees and costs of the other party. (Not adopted)

Enacted law summary

Public Law 2005, chapter 10 prohibits the denial of rights in employment, housing, public accommodations, credit and education opportunity to individuals based on their sexual orientation. Chapter 10 includes an unallocated construction section that provides that the Act may not be construed to change any right to marry that exists under the United States Constitution, the Maine Constitution or any law of this State.

Pursuant to Article IV, Part Third, Section 17 of the Maine Constitution, Public Law 2005, Chapter 10, although scheduled to take effect June 29, 2005, was stayed pending certification of the validity of the "People's Veto" petition which was approved for circulation April 7, 2005. If the petition is determined valid by the Secretary of State, the question of whether to reject Public Law 2005, Chapter 10 will appear on the November 8, 2005 ballot. If the petition is determined to be invalid, the law takes effect on the day following the determination.

LD 1202 Resolve, To Study the Accessibility of Birth Certificates and Other RESOLVE 107
Vital Records

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

LD 1202 proposed to require the Department of Health and Human Services, Office of Vital Records to study the effects of the freedom of access laws on the ability of registrars to restrict access to vital records, such as certificates of birth, death and marriage. The purpose of the study is to reduce identity theft and preserve the rights of adoptees while balancing the right of the public to access certain records.

Enacted law summary

Resolve 2005, chapter 107 requires the Department of Health and Human Services, Office of Vital Records to study the effects of the freedom of access laws on the ability of registrars to restrict access to vital records, such as certificates of birth, death and marriage. The purpose of the study is to reduce identity theft and preserve the rights of adoptees while balancing the right of the public to access certain records.

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LD 1203 An Act To Amend the Laws Concerning Eminent Domain CARRIED OVER

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

LD 1203 proposed to require the Department of Transportation to pay 110% of the appraised value of property taken by eminent domain. It proposed to direct the Commissioner of Transportation and the Commissioner of Economic and Community Development to convene a working group to develop recommendations to assist businesses that are displaced due to eminent domain acquisitions.

See also LD 1297.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1210 An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS RICHARDSON J	OTP-AM	S-247

LD 1210 proposed to make minor technical changes to the Maine Revised Statutes, Title 13-B to make signature requirements consistent with other entity laws and add definitions for electronic filing.

The bill proposed to amend the Maine Business Corporation Act: to clarify the law concerning amendments to a plan of merger; to provide greater consistency with the model act; to remove unnecessary language; to correct a cross-reference; and to clarify how the court may grant relief. It also proposed to add necessary definitions to modernize the laws relating to electronic filing for limited partnerships, limited liability companies and limited liability partnerships.

Committee Amendment "A" (S-247) proposed to correct cross-references within the Maine Limited Liability Company Act and the Maine Limited Liability Partnership Act. It also proposed to add language to both acts to conform them to the Maine Professional Service Corporation Act in the Maine Revised Statutes, Title 13.

Enacted law summary

Public Law 2005, chapter 302 makes minor technical changes to the Maine Revised Statutes, Title 13-B to make signature requirements consistent with other entity laws and adds definitions for electronic filing. It amends the Maine Business Corporation Act: to clarify the law concerning amendments to a plan of merger; to provide greater consistency with the model act; to remove unnecessary language; to correct a cross-reference; and to clarify how the court may grant relief. It also adds necessary definitions to modernize the laws relating to limited partnerships, limited liability companies and limited liability partnerships for electronic filing. Chapter 302 also corrects cross-references within the Maine Limited Liability Company Act and the Maine Limited Liability

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Partnership Act, and adds language to both acts to conform them to the Maine Professional Service Corporation Act in the Maine Revised Statutes, Title 13.

LD 1212 **An Act To Amend the Laws Governing the Effect of Foreclosure
of a Tax Lien on Time-share Estates** **PUBLIC 275**

<u>Sponsor(s)</u> COLLINS NASS R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-467
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LD 1212 proposed to provide that a governmental entity that acquires ownership of a time-share unit for reasons of tax delinquency may not be assessed for its share of common expenses chargeable to any unit during the period the governmental entity owns the time share.

Committee Amendment "A" (H-467) proposed to replace the bill and provide that a governmental entity that acquires ownership of a time-share estate for reasons of tax delinquency may not be charged for the share of common expenses chargeable to the time-share estate during the period the governmental entity owns the time-share estate unless the property is used by the entity. Although liens for prior unpaid common expenses will be extinguished as a result of the foreclosure by the governmental entity, the amendment proposed that all common expenses that accrue during the period of the governmental entity's ownership may be charged to a purchaser of a foreclosed time-share estate when the purchaser obtains title to the unit from the governmental entity.

Enacted law summary

Public Law 2005, chapter 275 provides that a governmental entity that acquires ownership of a time-share estate for reasons of tax delinquency may not be charged for the share of common expenses chargeable to the time-share estate during the period the governmental entity owns the time-share estate unless used by the entity. Although liens for prior unpaid common expenses will be extinguished as a result of the foreclosure by the governmental entity, all common expenses that accrue during the period of the governmental entity's ownership may be charged to a purchaser of a foreclosed time-share estate when the purchaser obtains title to the unit from the governmental entity. The governmental entity must disclose in writing to a prospective purchaser that the purchaser may be charged for the common expenses accrued while the governmental entity owned the time-share estate.

LD 1229 **An Act To Strengthen the Enforcement of Divorce Decrees** **CARRIED OVER**

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1229 proposed to enhance the sanctions available for violations of parental rights and responsibilities orders, particularly concerning contact between the child and the parent who does not provide the primary residence of the child. It also proposed to direct the Governor to designate an appropriate state agency to develop a parenting time enforcement program.

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This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1232 An Act To Protect Children from Individuals Who Have Engaged PUBLIC 366
in Sexual Abuse of Children in the Past

<u>Sponsor(s)</u> FAIRCLOTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-655
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LD 1232 proposed to provide that when a court finds that a person has been convicted of certain sexual offenses in which the victim was under 14 years of age, there is a rebuttable presumption that that person would create a situation of jeopardy for the child if any contact were to be permitted and that any contact is not in the best interest of the child.

Committee Amendment "A" (H-655) proposed to replace the bill. It proposed to revise the presumption of jeopardy to apply when the person seeking adoption, contact, primary residence, custody or visitation has any of a number of specific convictions for sexual abuse of a minor. The amendment proposed to limit the convictions to crimes committed when the person was at least five years older than the victim at the time of the abuse, except that a conviction for gross sexual assault of a child under 14 years of age or under 12 years of age results in the presumption if the child submitted because of compulsion, regardless of the age difference.

This amendment also proposed to add a parallel provision in the child protection laws relating to the hearing and disposition of jeopardy petitions.

Enacted law summary

Public Law 2005, chapter 366 provides that when a court finds that a person has been convicted of certain sexual offenses in which the victim was a minor, there is a rebuttable presumption that that person would create a situation of jeopardy for a child if any contact were to be permitted and that any contact is not in the best interest of the child. The presumption of jeopardy applies when the person seeking adoption, contact, primary residence, custody or visitation has any of a number of specific convictions for sexual abuse of a minor. The crimes are the same offenses for which special provisions apply when courts are ordering custody, contact or primary residence under the adoption laws, parental rights and responsibilities laws, grandparent visitation laws and the child protective laws. The crimes are limited to crimes committed when the person was at least five years older than the victim at the time of the abuse, except that a conviction for gross sexual assault of a child under 14 years of age or under 12 years of age results in the presumption if the child submitted because of compulsion, regardless of the age difference. The person seeking the contact, custody or primary residence may produce evidence to rebut the presumption. Chapter 366 contains a parallel provision in the child protection laws relating to the hearing and disposition of jeopardy petitions. It provides a rebuttable presumption that there is jeopardy with regard to a parent or other person responsible for the child who allows, encourages or fails to prevent contact between the child and a person who has been convicted of one of the listed offenses. The same presumption arises when the person has been adjudicated in a child protection action under Title 22, chapter 1071 of having sexually abused a minor. The parent or other person responsible for the child may produce evidence to rebut the presumption.

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LD 1245

Resolve, To Increase Safety for Domestic Abuse Victims

ONTP

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

LD 1245 proposed to direct the Office of the Attorney General and the Department of Public Safety to study ways to increase safety for domestic abuse victims and to submit a report to the Second Regular Session of the 122nd Legislature by December 7, 2005.

LD 1248

**An Act Regarding the Initiation of Cases of Murder and Class A,
B and C Crimes in Superior Court by Complaint**

PUBLIC 326

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

LD 1248 proposed to make statutory changes to the Maine Criminal Code in light of recent amendments to the Maine Rules of Criminal Procedure that eliminate the need for a bind-over hearing by starting a case that involves murder or at least one Class A, Class B or Class C crime, accompanied or unaccompanied by related Class D or Class E crimes, in the Superior Court rather than the District Court.

Committee Amendment "A" (H-498) proposed to remove the District Court's jurisdiction to bind over for the Grand Jury certain crimes. This amendment proposed to add an effective date to make the bill take effect January 1, 2006, which is the effective date of the amendments to the Maine Rules of Criminal Procedure related to this bill that were recently adopted by the Supreme Judicial Court. The rules will not eliminate the bind-over jurisdiction of the District Court until July 1, 2006 to allow the existing cases to be handled by the existing system.

Enacted law summary

Public Law 2005, chapter 326 makes statutory changes to the Maine Criminal Code in light of recent amendments to the Maine Rules of Criminal Procedure that eliminate the need for a bind-over hearing by starting a case that involves murder or at least one Class A, Class B or Class C crime, accompanied or unaccompanied by related Class D or Class E crimes, in the Superior Court rather than the District Court. Such a case is commenced by filing a criminal complaint directly in the Superior Court, unless an indictment has already been returned or an information filed, except as to a murder charge. The Superior Court will be responsible for conducting probable cause determinations to comply with County of Riverside v. McLaughlin, 500 U.S. 44 (1991) in these cases as well. Chapter 326 removes the District Court's jurisdiction to bind over for the Grand Jury certain crimes. It includes an effective date to make the bill take effect January 1, 2006, which is the effective date of the amendments to the Maine Rules of Criminal Procedure related to this bill that were recently adopted by the Supreme Judicial Court. The rules will not eliminate the bind-over jurisdiction of the District Court until July 1, 2006 to allow the existing cases to be handled by the existing system.

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LD 1274 **An Act To Allow Indian Tribes To Operate Slot Machines** **ONTP**

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

LD 1274 proposed to allow a federally recognized Indian tribe that holds a high-stakes beano license to operate up to 1,500 slot machines in the same facility in which the high-stakes beano is held. This bill was referred to and voted upon by the Joint Standing Committee on Legal and Veterans' Affairs.

LD 1275 **An Act To Protect Certain Private Information Submitted to Municipalities** **ONTP**

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

LD 1275 proposed to exempt electronic mail, or e-mail, addresses of individuals obtained by municipalities from public records that are subject to the freedom of access laws unless the municipality obtains the express permission of the individual to release the e-mail address.

Committee Amendment "A" (H-651), the minority report of the Joint Standing Committee on Judiciary, proposed to revise the language of the bill to provide that an electronic mail address of an individual collected by a municipality is not a public record if the individual requests that it not be disclosed separately or as part of a database or other aggregation of data.

LD 1285 **Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes** **RESOLVE 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS PLOWMAN	OTP-AM MAJ ONTP MIN	H-580

LD 1285 proposed to direct the Secretary of State to develop a titling system for new mobile homes and present a proposal to the Second Regular Session of the 122nd Legislature.

Committee Amendment "A" (H-580), the majority report of the Joint Standing Committee on Judiciary, proposed to add the Manufactured Housing Board to the list of stakeholders the Secretary of State may invite to participate in developing a titling system for mobile homes.

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Enacted law summary

Resolve 2005, chapter 103 directs the Secretary of State to develop a titling system for new mobile homes. The Department of the Secretary of State is directed to present a proposal to the Second Regular Session of the 122nd Legislature.

LD 1288 **An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System** **CARRIED OVER**

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

LD 1288 proposed to require the State Court Administrator to provide for the transposition of all criminal records of Maine courts to electronic format by July 1, 2006. The bill proposed that after that date, a criminal record made by a court must be transposed to electronic format within one week of the making of the record.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1294 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Define Marriage** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY SNOWE-MELLO	ONTP MAJ OTP-AM MIN	

LD 1294 proposed to provide that only a union between one man and one woman may be a marriage valid in or recognized by this State and its political subdivisions. This constitutional resolution also proposed to provide that this State and its political subdivisions may not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

Committee Amendment "A" (H-648), the minority report of the Joint Standing Committee on Judiciary, proposed to delete the language of the constitutional resolution that provides that the State and its political subdivisions may not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-659) proposed to amend the committee amendment to strike the definition of marriage proposed in the constitutional resolution and replace it with language providing that the Legislature has the exclusive authority to define marriage and eligibility for marriage under the laws of the State. (Not adopted)

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LD 1296 An Act To Provide for Victims of Trafficking CARRIED OVER

<u>Sponsor(s)</u> MARRACHE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1296 is a concept draft pursuant to Joint Rule 208. It proposed to enact two types of legislative initiatives to combat the trafficking of human beings across borders and into the State for sexual and labor exploitation.

1. This bill proposed amend the criminal laws to enact a comprehensive antitrafficking law that would criminalize certain activity and hold responsible landowners and employers who knew or should have known that trafficking was occurring on premises over which the landowner or employer exerted control.
2. This bill proposed to establish a task force of experts to determine the nature and extent of trafficking in the State and make recommendations for legislative, policy and programmatic initiatives.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1297 An Act To Provide Just Compensation for Established Businesses CARRIED OVER
During Eminent Domain Proceedings**

<u>Sponsor(s)</u> BRYANT-DESCHENE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1297 proposed to provide that in certain eminent domain proceedings, established businesses are entitled to compensation for the loss of business profits and income resulting from the taking of the land that is the subject of the eminent domain proceedings.

See also LD 1203.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1320 An Act To Amend the Child and Family Services and Protection PUBLIC 374
Act**

<u>Sponsor(s)</u> VAUGHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-611 H-656 PELLETIER- SIMPSON
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LD 1320 proposed to amend the Child and Family Services and Child Protection Act in the following ways:

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1. It proposed to list the priorities of the Department of Health and Human Services in child protection matters as preservation of the family first, placement of the child with the closest appropriate next of kin second and placement in foster care only as a last resort;
2. It proposed to make child protection records open to the public except in cases when a court determines the records should be sealed due to sexually explicit content;
3. It proposed to make people liable for the crime of false public report for reports of suspected child abuse or neglect to the Department of Health and Human Services if the reports, including the identification of the people, are inaccurate and malicious; and
4. It proposed to make Department of Health and Human Services employees in child protective matters civilly and criminally liable for conduct with malicious intent or for severe dereliction of duty. It also proposed to create a commission to study the standard for when the termination of parental rights is appropriate.

Committee Amendment "A" (H-611) proposed to replace the bill. It proposed to amend the purposes of the Child and Family Services and Protection Act to include placement of a child with an adult relative when possible when the child has been removed from the custody of the child's parents. It also proposed to provide that a person making an oral report regarding abuse or neglect of a child who does not believe the report to be true commits a Class E crime

House Amendment "A" to Committee Amendment "A" (H-656) proposed to remove the provision that provides that a person making an oral report regarding abuse or neglect of a child who does not believe the report to be true commits a Class E crime.

Enacted law summary

Public Law 2005, chapter 374 amends the purposes of the Child and Family Services and Protection Act to include placement of a child with an adult relative when possible when the child has been removed from the custody of the child's parents.

LD 1365

An Act To End Discrimination

ONTP

<u>Sponsor(s)</u> BRENNAN PERCY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1365 proposed to provide that all citizens, regardless of their sexual orientation, have the same civil rights protections now guaranteed in employment, housing, public accommodations and credit to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. The bill proposed that a religious organization that does not receive public funds would be exempt from the prohibition against discrimination based on sexual orientation. The bill proposed language stating that this change in the Maine Human Rights Act does not confer legislative approval of or special rights to anyone or any group.

See also LD 1196.

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**LD 1372 RESOLUTION, Proposing an Amendment to the Constitution of CARRIED OVER
Maine To Establish a Victims' Bill of Rights**

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

LD 1372 proposed to amend the Constitution of Maine to enact a Victims' Bill of Rights, designed to ensure specific rights for victims of crime.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1378 An Act To Amend the Medical Liability Laws Concerning PUBLIC 376
Communications of Sympathy or Benevolence**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER SAVIELLO	OTP-AM	S-323

LD 1378 proposed to establish the types of and limit of damages available in medical malpractice actions. Compensatory damages that are economic damages would be unlimited. Compensatory damages that are noneconomic damages would be limited to \$250,000. Punitive damages would be limited to \$75,000. It proposed to prevent a health care practitioner's or health care provider employee's statement of sympathy or apology to a patient who has suffered an unanticipated medical outcome from being used against the practitioner or employee in a medical malpractice action.

The bill proposed to require the findings of the prelitigation screening panels to specify the damages attributable to the defendant or defendants in a medical malpractice action.

The bill proposed to provide that each defendant in a civil action is liable only for damages in direct proportion to the defendant's percentage of fault.

Committee Amendment "A" (S-323) proposed to replace the bill, but retain the bulk of the proposed language on communications of sympathy or benevolence. This amendment proposed to change the terminology to cover "civil actions for professional negligence" to be consistent with the rest of the Maine Health Security Act. This amendment also proposed to delete the term "fault" from the listing of subjects of communications expressed by a health care practitioner or provider or an employee of either in a medical liability case to the plaintiff or the plaintiff's relatives that are not admissible as evidence of an admission of liability or as an admission against interest. This amendment proposed to specifically provide that the section does not prohibit the admissibility of a statement of fault.

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Enacted law summary

Public Law 2005, chapter 376 prevents a health care practitioner's or health care provider employee's statement of sympathy or apology to a patient who has suffered an unanticipated medical outcome from being used against the practitioner or employee in a civil action for professional negligence.

LD 1394 **An Act To Require That Judicial Hearings Be Conducted in** **ONTP**
Hospitals Providing Involuntary Inpatient Psychiatric Services

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

LD 1394 proposed to require that an involuntary commitment hearing for a person who has been admitted to a hospital must be held in that hospital.

LD 1402 **An Act To Provide Guidelines, Standards and Rights for Children** **PUBLIC 371**
and the Guardians Who Care for Them

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-326

LD 1402 proposed to give standing to "de facto guardians" to seek appointment as guardians of minor children, with or without the consent of the parents. The bill proposed that the Probate Court consider factors that establish the person as a de facto guardian, including actual custody and parenting of the child without legal formalities, and consider whether the appointment is in the best interests of the child. This bill is modeled on Minnesota de facto custodian law.

Committee Amendment "A" (S-326) proposed to replace the bill. It proposed to add three concepts to the definitional section of the article of the Probate Code governing guardians. It proposed to add specific language concerning the appointment of coguardians, and to provide for appointment of persons who qualify as de facto guardians as legal guardians if the appointment is in the best interest of the child. It proposed to allow the Probate Court to appoint counsel for an indigent de facto guardian, guardian or petitioner in a contested appointment proceeding when the parent or legal custodian has counsel, and to allow the Probate Court to order a parent to pay child support when a de facto guardian is appointed guardian for the child. The amendment proposed to require the court to set forth in all orders making appointments of guardians the basis for determining that the appointment is in the best interest of the child. The amendment proposed to provide that when a person seeks to terminate a guardianship against the guardian's consent, the person seeking to change the status quo has the burden of proving by a preponderance of the evidence that the termination of the guardianship is in the best interest of the ward. In a contested termination proceeding, the amendment proposed to allow the court to appoint counsel for any indigent guardian or petitioner.

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Enacted law summary

Public Law 2005, chapter 371 gives standing to "de facto guardians" to seek appointment as guardians of minor children, with or without the consent of the parents. The Probate Court will consider factors that establish the person as a de facto guardian, including actual custody and parenting of the child without legal formalities, and consider whether the appointment is in the best interests of the child.

Chapter 371 adds definitions of "best interest of the child," "de facto guardian" and "demonstrated lack of consistent participation." It adds specific language concerning the appointment of coguardians, and adds a new provision to provide for appointment of persons who qualify as de facto guardians as legal guardians if the appointment is in the best interest of the child. The appointment may be made without the consent of the parents or legal custodians otherwise required to consent to a guardianship.

Chapter 371 allows the Probate Court to appoint counsel for an indigent de facto guardian, guardian or petitioner in a contested appointment proceeding when the parent or legal custodian has counsel. It also authorizes the Probate Court to order a parent to pay child support when a de facto guardian is appointed guardian for the child.

Chapter 371 requires the court to set forth in all orders making appointments of guardians the basis for determining that the appointment is in the best interest of the child. It also provides that when a person seeks to terminate a guardianship against the guardian's consent, the person seeking to change the status quo has the burden of proving by a preponderance of the evidence that the termination of the guardianship is in the best interest of the ward. In a contested termination proceeding, the court may appoint counsel for any indigent guardian or petitioner.

LD 1405

An Act To Prepare Maine for Public Health Emergencies

PUBLIC 383

Sponsor(s)
MAYO
MILLER

Committee Report
OTP-AM

Amendments Adopted
S-336

LD 1405 proposed to amend the laws regarding the control of communicable diseases in the following ways:

1. To remove the repeal of the laws regarding the ability of the Department of Health and Human Services to respond to an extreme public health emergency;
2. To allow for isolation or quarantine in a private home;
3. To grant the department rulemaking authority to address workforce needs and the need for dispensing drugs in an emergency situation;
4. To remove reference to the term "medical provider" and clarify reporting requirements of medical laboratories;
5. To rename the chapter to acknowledge that notifiable conditions include communicable, environmental and occupational diseases;

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6. To eliminate the Medical Legal Advisory Panel;
7. To clarify that protected health information may be disclosed to health providers in the event of an actual or threatened outbreak or epidemic as declared by the Director of the Bureau of Health;
8. To clarify that, under the Maine Medical Laboratory Act, licensed and unlicensed laboratories have public health reporting requirements; and
9. To provide employment protection in an extreme public health emergency by protecting from unfavorable employment actions an employee who has been quarantined or isolated or who provides care to someone who has been isolated or quarantined during an extreme public health emergency.

Committee Amendment "A" (S-336) proposed to: revise the language concerning the adoption of rules pertaining to extreme public health emergencies; clarify the provision amending inspection requirements; designate rules regarding health care workers and the dispensing of drugs in an extreme public health emergency as major substantive rules; clarify that in the event of an actual or threatened epidemic or outbreak the Department of Health and Human Services, Bureau of Health may share only the amount of information necessary with health and human services providers for the purpose of carrying out their public health functions; clarify that employers have a hardship exemption and that the leave and related benefits apply only during an extreme public health emergency, or to diseases or conditions that are contracted or exposures that occur during the extreme public health emergency; clarify that the investigation that an individual may be subject to in order to qualify for leave is a public health investigation, as opposed to a potential criminal investigation for causing the extreme public health emergency; allow an employee to miss work only to care for the employee's spouse or domestic partner, the employee's parent or the employee's child; provide that the employer has a right to ask for and receive written documentation from a physician or public health official supporting the employee's leave once the employee returns to work; limit the duration of leave to the time period of the extreme public health emergency as well as a reasonable and necessary time period following for diseases or conditions contracted or exposures that occurred during the emergency; and provide that the leave does not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees.

Enacted law summary

Public Law 2005, chapter 383 amends the laws regarding the control of communicable diseases in the following ways.

1. It removes the repeal of the laws regarding the ability of the Department of Health and Human Services to respond to an extreme public health emergency.
2. It allows for isolation or quarantine in a private home.
3. It grants the department rulemaking authority to address workforce needs and the need for dispensing drugs in an emergency situation.
4. It removes reference to the term "medical provider" and clarifies reporting requirements of medical laboratories. "Medical provider," which is undefined, is replaced with "health care provider" and medical laboratories are added to the list of those from whom the department may request information in an extreme public health emergency.

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5. The chapter has been renamed to acknowledge that notifiable conditions include communicable, environmental and occupational diseases. It provides definitions of "public health threat" and "notifiable disease or condition" to allow for reporting related to toxins or other agents that could have serious implications either in the severity of the impact on individuals or potential for impact on a large number of people.
6. It eliminates the Medical Legal Advisory Panel.
7. It clarifies that protected health information may be disclosed to health providers in the event of an actual or threatened outbreak or epidemic as declared by the Director of the Bureau of Health.
8. It clarifies that, under the Maine Medical Laboratory Act, licensed and unlicensed laboratories have public health reporting requirements. This provision requires all laboratories that receive, forward or analyze specimens of materials from the human body or referred cultures of specimens from the human body and report the results to health care providers who use the data for purposes of patient care to comply with the law regarding control and reporting of notifiable diseases and conditions. This provision allows compliance with these requirements to be considered when laboratories are evaluated and applications for licenses or renewals are considered.
9. It provides employment protection in an extreme public health emergency by protecting from unfavorable employment actions an employee who has been quarantined or isolated or who provides care to someone who has been isolated or quarantined during an extreme public health emergency. The proposal is modeled after legislation that was passed in Toronto as a result of SARS and draws from several Maine laws providing employment protection to those who are victims of abuse, on family medical leave or serving in the military. Chapter 383 provides that employers have a hardship exemption; the leave and related benefits apply only during an extreme public health emergency, or to diseases or conditions that are contracted or exposures that occur during the extreme public health emergency. The leave does not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. For any leave beyond the defined period, the employer must make it possible for the employee to retain employee benefits at the employee's expense, although the employer and employee may negotiate for the employer to maintain the benefits at the employer's expense.

LD 1409

An Act To Assist in the Investigation and Prosecution of Theft Offenses

PUBLIC 320

<u>Sponsor(s)</u> ROSEN K SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-499
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LD 1409 proposed to permit local law enforcement agencies to consolidate theft investigations in multiple jurisdictions in order to simplify the investigative aspects of theft crimes, to conserve limited economic and time resources of the agencies and to strengthen the deterrent effect of successful investigations and prosecutions of theft crimes.

Committee Amendment "A" (H-499) proposed to expand the proposed authority of police officers to investigate and assist in the prosecution of related crimes to include, in addition to theft, forgery and negotiating

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a worthless instrument. The amendment proposed that the multijurisdictional cooperation must first be expressly authorized by the police officer's municipal officers.

Enacted law summary

Public Law 2005, chapter 320 permits local law enforcement agencies to consolidate theft, forgery and negotiating a worthless instrument investigations in multiple jurisdictions in order to simplify the investigative aspects of the crimes, to conserve limited economic and time resources of the agencies and to strengthen the deterrent effect of successful investigations and prosecutions of these crimes. The multijurisdictional cooperation must first be expressly authorized by each police officer's municipal officers.

LD 1415 **An Act Regarding Confidentiality in Litigation** **ONTP**

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

LD 1415 proposed to require that professional competence review records that contain information that directly identifies a patient are considered part of the patient's health care information, must be provided protection under the laws of this State as well as under the federal Health Insurance Portability and Accountability Act of 1996 and must be available to the patient. The bill proposed to prohibit the subject of a medical malpractice complaint and the subject's attorneys from contacting the physician of the medical malpractice claimant except as authorized by the claimant's attorney.

LD 1421 **An Act To Address the Constitutionality of Maine's Resident-only Lobster License** **PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-544

LD 1421 proposed to create four new types of lobster licenses: nonresident Class I, nonresident Class II, nonresident Class III and nonresident apprentice. In order to become eligible to obtain a nonresident Class I, II or III license, an individual would have to meet the requirements of the apprenticeship program under the Maine Revised Statutes, Title 12, section 6422 or section 6475.

Committee Amendment "A" (H-544) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 354 creates four new types of lobster licenses: nonresident Class I, nonresident Class II, nonresident Class III and nonresident apprentice. In order to become eligible to obtain a nonresident Class I, II or III license, an individual would have to meet the requirements of the apprenticeship program under the Maine Revised Statutes, Title 12, section 6422 or section 6475.

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LD 1455 An Act To Codify Public Records Exceptions CARRIED OVER

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1455 proposed to meet the requirements of Public Law 2003, chapter 709, section 9, by listing statutes that by designating records or information as confidential remove the records or information from the definition of "public record" in the freedom of access laws.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1474 An Act To Require That Corporations Be Operated in a Manner ONTP
That Does Not Adversely Affect the Public Interest**

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

LD 1474 proposed to impose a duty on directors and officers of a corporation formed under the laws of the State to act in a manner that is not injurious to the environment, human rights, public health or safety, the welfare of the communities in which the corporation operates or the dignity of the corporation's employees.

The bill proposed that if 25 other states enact similar legislation and if the consolidated annual revenues of a corporation exceed \$15,000,000, that corporation, its officers and its directors may be held liable for damages resulting from actions that cause damage to the public interest.

LD 1479 An Act To Ensure Systematic Reporting of Abortions ONTP

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

LD 1479 proposed to require physicians who perform abortions or treat patients in connection with abortions to report annually to the Department of Health and Human Services on forms developed by the department. It also proposed to require physicians who encounter an illness or injury that is related to an induced abortion to complete and submit an induced abortion complication report form to the department. It proposed to require the department to issue annually a public report that provides information compiled from the forms filed with the department.

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LD 1495 An Act To Limit Corporate Influence Over the Political Process ONTP

<u>Sponsor(s)</u> DUDLEY BROMLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1495 proposed to change the definition of "person" for purposes of the Maine Business Corporation Act to specify that "person" means a natural person and not an entity such as a corporation, a state, the United States or a foreign government. The bill would therefore prohibit a corporation from engaging in political speech or activity using funds of the corporation, unless those funds are from a segregated account established specifically for the purpose of funding political speech or activity.

LD 1501 An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members ONTP

<u>Sponsor(s)</u> COURTNEY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1501 proposed to reinstate the death penalty only for persons who murder family or household members.

Committee Amendment "A" (S-301), the minority report of the Joint Standing Committee on Judiciary, proposed to add an appropriations and allocations section. (Not adopted)

LD 1502 An Act To Implement Recommendations of the Family Law Advisory Commission PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-500
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LD 1502 proposed to put into law recommendations of the Family Law Advisory Commission. It proposed to authorize a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. The bill proposed to delete attorney's fees provisions throughout Title 19-A that are duplicative. It proposed to add a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It proposed to allow for the closure of proceedings upon the request of one or more of the parties. It proposed to amend the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. The bill also proposed to allow the court to order either parent to provide health insurance coverage for the child.

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Committee Amendment "A" (H-500) proposed to delete from the bill the language authorizing closure from the public of any proceeding under the Maine Revised Statutes, Title 19-A at the request of one or more parties.

Enacted law summary

Public Law 2005, chapter 323 puts into law recommendations of the Family Law Advisory Commission. It authorizes a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. Current law authorizes attorney's fees in only limited types of family law actions. The court may order a party to pay the fees and expenses of 3rd-party participants, including guardians ad litem, expert witnesses and service providers. The costs of prosecuting a collection action may also be awarded. Chapter 323 deletes attorney's fees provisions throughout Title 19-A that are duplicative. It adds a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It amends the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. Chapter 323 allows the court to order either parent to provide health insurance coverage for the child.

LD 1512 **Resolve, Directing the Bureau of Health To Study Additional** **RESOLVE 114**
Information about Abortions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM MAJ ONTP MIN	H-664

LD 1512 proposed to direct the Department of Health and Human Services, Bureau of Health to study the effectiveness and quality of reproductive counseling for women considering an abortion.

Committee Amendment "A" (H-664) proposed to replace the resolve and direct the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The amendment proposed that the Bureau of Health report to the Joint Standing Committee on Judiciary by January 15, 2006.

Enacted law summary

Resolve 2005, chapter 114 directs the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The Bureau of Health shall report to the Joint Standing Committee on Judiciary by January 15, 2006. The Joint Standing Committee on Judiciary may report out legislation in response to the report.

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LD 1518 An Act To Increase Access to Justice in Maine's Court System CARRIED OVER

<u>Sponsor(s)</u> RICHARDSON J EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-620
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LD 1518 proposed to establish the Consumer and Commercial Division pilot project within the Maine court system beginning January 1, 2006, to administer and resolve disputes regarding issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access for consumers, entrepreneurs, attorneys and any other party involved with business activity. The bill also proposed to establish the Consumer and Commercial Division Steering Committee, designed to function as a partnership between the legislative and judicial branches of government to develop proposals to implement the new project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

Committee Amendment "A" (H-620) proposed to replace the bill. Part A of the amendment proposed to establish the Business and Consumer Specialized Civil Docket pilot project within the Maine court system beginning January 1, 2006. The proposed pilot project is intended to assist all litigants, regardless of area of law, in finding prompt resolution of matters before the Court.

Part B of the amendment proposed to establish the Business and Consumer Specialized Civil Docket Advisory Committee to make recommendations to the Supreme Judicial Court to implement the new pilot project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

LD 1526 An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1526 proposed to enact the Maine version of the Uniform Parentage Act. Part B of the bill contains proposed amendments to the Maine Revised Statutes, Title 4 and Title 19-A provisions concerning paternity and child support to make them consistent with the Uniform Parentage Act. Part C proposed to amend the intestate succession provisions of the Probate Code so that children will inherit from parents as recognized in the Uniform Parentage Act and parents recognized by the Uniform Parentage Act will inherit from their children. Part D of the bill proposed to amend the adoption laws, guardianship laws and child protection laws to be consistent with the Uniform Parentage Act. Part E proposed cross-reference changes.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1532

**An Act To Protect Maine Citizens from Lead Hazards that Harm
Maine Children and Families**

PUBLIC 339

<u>Sponsor(s)</u> FAIRCLOTH HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-542 S-275 HOBBINS
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LD 1532 proposed to address lead poisoning from lead-based paint by imposing liability on a property owner whose failure to comply with the Lead Poisoning Control Act results in a child's lead poisoning. It proposed to prohibit housing discrimination that occurs because the property does or may contain an environmental lead hazard for which liability for the lead poisoning of a child could be imposed. It proposed to establish in statute the minimum blood lead levels necessary to trigger the graduated department action. It proposed to require the owner of real property to reimburse the Department of Health and Human Services for inspection costs if an environmental lead hazard exists on the inspected premises. It proposed to require the Department of Health and Human Services to prepare forms that sellers of real property are required to provide to purchasers and landlords are required to provide to tenants, explaining the dangers of lead exposure.

Committee Amendment "A" (H-542) proposed to delete everything from the bill except the requirement that landlords and property sellers of residential property provide residential real property disclosure forms that explain lead-based paint hazards to potential tenants and purchasers.

Senate Amendment "A" to Committee Amendment "A" (S-275) proposed to clarify that the Department of Health and Human Services may combine the new form requirements and the federal form requirements into one form for sellers and another form for lessors. The amendment proposed to add a statement that the disclosure forms provisions are not to be construed to affect any rights, duties or liability under federal law.

Enacted law summary

Public Law 2005, chapter 339 requires that landlords and property sellers provide residential real property disclosure forms that explain lead-based paint hazards to potential tenants and purchasers. The disclosure forms provisions are not to be construed to affect any rights, duties or liability under federal law.

LD 1542

**An Act To Provide Relief to Retailers Who Have Been Issued Bad
Checks**

PUBLIC 365

<u>Sponsor(s)</u> KAELIN WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-612
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LD 1542 proposed to impose a penalty for issuing a second bad check within a year of the first violation to the same payee, the penalty to be paid to the payee. This bill also proposed to require the eight district attorneys to implement a uniform policy on collecting worthless instruments.

Committee Amendment "A" (H-612) proposed to clarify that a bad check, referred to as a dishonored check, may not be counted as the first bad check to a payee unless it remained unpaid for at least 45 days. Any

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subsequent check intentionally issued or negotiated knowing it will not be honored, written to the same payee, will subject the issuer to the additional liquidated damages if the face amount is not paid within 30 days of the demand of the payee. The amendment proposed to delete section 2 of the bill, which directed the district attorneys of the State to establish a uniform policy on the collection of worthless instruments.

Enacted law summary

Public Law 2005, chapter 365 imposes a penalty for issuing a second bad check within a year of the first violation to the same payee. The penalty is paid to the payee. A bad check, referred to as a dishonored check, may not be counted as the first bad check to a payee unless it remained unpaid for at least 45 days. Any subsequent check intentionally issued or negotiated knowing it will not be honored, written to the same payee, will subject the issuer to the additional liquidated damages if the face amount is not paid within 30 days of the demand of the payee.

LD 1551

An Act To Make Technical Amendments to the Maine Uniform Trust Code

**PUBLIC 184
EMERGENCY**

Sponsor(s)
MILLS P

Committee Report
OTP

Amendments Adopted

LD 1551 proposed several changes to the Maine Uniform Trust Code, which was enacted by the 121st Legislature and which takes effect July 1, 2005.

Enacted law summary

Public Law 2005, chapter 184 makes several changes to the new Maine Uniform Trust Code which takes effect July 1, 2005. It preserves the effectiveness of powers of durable powers of attorney executed prior to July 1, 2005. It clarifies several definitions. It allows the settlor of a trust to keep the trust private by limiting the persons to whom notice and reports must be given. To keep the trustee accountable to someone, a trust that takes advantage of the option to restrict notice must designate a representative, sometimes called a "trust protector," to receive the same information that would otherwise be provided to qualified beneficiaries.

Chapter 184 clarifies when a charitable organization, a person other than a beneficiary appointed to enforce a trust and the Attorney General are entitled to the notice and reports that are required to be provided to a qualified beneficiary. It also adds language that is designed to prevent an adverse federal estate and gift tax result that some commentators have identified as a possibility when the settlor of an irrevocable trust can give consent on behalf of a beneficiary to a modification or termination of the trust. If a beneficiary's interest is not protected by a spendthrift provision, a creditor can attach only distributions to the beneficiary and not payments made by the trustee to 3rd parties that in some way help the beneficiary.

Chapter 184 clarifies the beneficiary's right to take legal action against a trustee for failure to act in accordance with the terms and purposes of the trust. Beneficiaries who are also trustees are protected from creditors to the extent that distributions are subject to an ascertainable standard.

The settlors of Maine trusts are protected by making it clear that the remainder beneficiaries have no rights as long as the settlor of a revocable trust is alive, even if incapacitated. Chapter 184 deletes the requirement that the

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Attorney General must approve the charity's appointment of the successor trustee of a charitable trust. Innocent 3rd parties who purchase from a trustee are protected from a forfeiture of the property if the trustee acted wrongfully. This protects the integrity of real estate titles and is identical to the provisions of Maine law with respect to fraudulent transfers.

Chapter 184 provides that the requirement of giving notice to beneficiaries does not require trustees to send additional notices to beneficiaries of trusts already in existence on July 1, 2005. Existing Maine law applicable to a trustee's exercise of discretionary power is not changed; no new or additional standards are imposed upon trustees exercising discretion.

Public Law 2005, Chapter 184 was enacted as an emergency measure effective July 1, 2005.

LD 1559

An Act To Adopt the Uniform Environmental Covenants Act

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS SHERMAN	OTP-AM	S-328

LD 1559 proposed to adopt the Uniform Environmental Covenants Act as prepared by the National Conference of Commissioners of Uniform State Laws to provide a systematic approach to adoption and recording of environmental covenants, such as deed restrictions, and to protect the legal integrity of covenants once recorded.

Committee Amendment "A" (S-328) proposed to make the following changes:

1. Refine the definition of "environmental covenant;"
2. Revise the definition of "environmental response project;"
3. Clarify that the Department of Environmental Protection may be a holder of an environmental covenant without approval of the Board of Environmental Protection;
4. Amend the language stating that the priority of recorded interests is determined by other law;
5. Eliminate a reference to the Maine Administrative Procedure Act's review process concerning an agency determination of whether the benefits under the covenant can no longer be realized;
6. Prohibit the agency from waiving the requirement of the signature on the covenant by an owner of the fee simple if the owner is the current occupant of the real estate that is the subject of the covenant;
7. Allow amendment of the environmental covenant without the holder's consent if the holder has, in a signed record, already waived the right to consent to an amendment; and
8. Delete the requirement to maintain a list of environmental covenants and a specified process for ensuring recording and record keeping.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2005, chapter 370 adopts the Uniform Environmental Covenants Act to provide a systematic approach to adoption and recording of environmental covenants, such as deed restrictions, and to protect the legal integrity of covenants once recorded. "Environmental covenant" includes the element that it is documented in a recordable instrument; "environmental covenant" does not include a municipal ordinance, a voluntary or other remedial action plan or an administrative or judicial order that may impose activity or use limitations.

"Environmental response project" includes remediations under the State's voluntary response action program. The Department of Environmental Protection may be a holder of an environmental covenant without approval of the Board of Environmental Protection. Chapter 370 prohibits the agency from waiving the requirement of the signature on the covenant by an owner of the fee simple if the owner is the current occupant of the real estate that is the subject of the covenant. It allows amendment of the environmental covenant without the holder's consent if the holder has already waived the right to consent to an amendment in a signed record.

LD 1566

**An Act Concerning Full Faith and Credit for Legal Documents
Executed in Other Jurisdictions**

PUBLIC 284

Sponsor(s)
RICHARDSON J
HOBBINS

Committee Report
OTP-AM

Amendments Adopted
H-468

LD 1566 proposed to amend the Probate Code to provide that powers of attorney validly executed in other jurisdictions are valid in this State, even if the Maine requirements for that document are not met. It proposed to create a presumption that the out-of-state power of attorney was executed in compliance with the law of the jurisdiction in which it was executed. It proposed to exempt from the specific protective notice provisions of the Maine Revised Statutes, Title 18-A, section 5-508 certain financial powers of attorney. It proposed that durable financial powers of attorney that are executed for the limited purpose of providing for the representation of the principal in specific real estate transactions would not need to include the cautionary language about the authority of agents and principals that is required for other financial powers of attorney.

Committee Amendment "A" (H-468) proposed to delete the language that exempts from the specific protective notice provisions of the Maine Revised Statutes, Title 18-A, section 5-508 certain financial powers of attorney. The amendment also proposed to strike the language relative to the reliance on powers of attorney. The amendment also proposed to delete health care powers of attorney from the list of powers of attorney from other jurisdictions that would be valid in Maine.

Enacted law summary

Public Law 2005, chapter 284 amends the Probate Code to provide that powers of attorney validly executed in other jurisdictions are valid in this State, even if the Maine requirements for that document are not met. The types of powers of attorney covered are both durable and nondurable, and include financial powers of attorney and health care powers of attorney. It also creates a presumption that the out-of-state power of attorney was executed in compliance with the law of the jurisdiction in which it was executed.

Joint Standing Committee on Judiciary

LD 1567

**Resolve, Encouraging the Continuing Education of Physicians
Regarding Disclosure of Confidential Medical Information**

RESOLVE 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J HOBBINS	OTP-AM	H-501

LD 1567 proposed to amend the model advance health care directive contained in the Uniform Health-care Decisions Act to ensure that health care providers are not limited in the medical information they can provide to the patient's agent under the federal Health Insurance Portability and Accountability Act of 1996.

Committee Amendment "A" (H-501) proposed to replace the bill to create a resolve directing the Department of Health and Human Services to encourage health care providers to include information in their continuing education programs that will assist in clarifying the rights of agents to receive confidential medical information.

Enacted law summary

Resolve 2005, chapter 94 directs the Department of Health and Human Services to encourage health care providers to include information in their continuing education programs that will assist in clarifying the rights of agents to receive confidential medical information.

LD 1569

An Act To Abolish the Maine Indian Tribal-State Commission

CARRIED OVER

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

LD 1569 proposed to abolish the Maine Indian Tribal-State Commission and create in its place the Intergovernmental Tribal-State Board. The board would consist of two members appointed by the Passamaquoddy Tribe, two members appointed by the Penobscot Nation, two members appointed by the Houlton Band of Maliseet Indians, four members appointed by the Governor and subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature, two members appointed by the Attorney General subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature, one member of the Senate appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Judiciary

LD 1575 An Act To Require Parental Notification of Teenage Abortions ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP MAJ	
SNOWE-MELLO	OTP-AM MIN	

LD 1575 proposed to require parental notification before an abortion is performed or induced on a pregnant minor. The bill proposed to include an exception for a medical emergency in which the pregnant minor's life is in danger, and a judicial bypass procedure.

Committee Amendment "A" (H-649), the minority report of the Joint Standing Committee on Judiciary, proposed to revise the exceptions to the parental notification requirements to provide an exception when, in the physician's best judgment, the abortion is necessary for the preservation of the life or health of the pregnant minor. (Not adopted)

LD 1582 An Act To Protect Maine Citizens from Medical Negligence ONTP

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

LD 1582 proposed to protect patients in four ways:

1. Require that a sentinel event report about a particular patient be given to that patient or the patient's representative within five days of the report's being submitted to the Department of Health and Human Services;
2. Authorize punitive damages in certain medical malpractice situations;
3. Require the Board of Licensure in Medicine to revoke the license of a physician when the physician has at least three adverse judgments for professional negligence; and
4. Revise the statute of limitations in medical malpractice actions to institute a discovery rule, which delays the running of the statute of limitations until the medical malpractice is discovered or reasonably should have been discovered.

Joint Standing Committee on Judiciary

LD 1589

An Act To Improve Child Support Services

PUBLIC 352

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER- SIMPSON NASS R	OTP-AM	H-613

LD 1589 proposed several changes to the laws governing child support concerning: juveniles committed pursuant to the Maine Juvenile Code; department employees representing the department in paternity and child support proceedings; responsibility for child support when a caretaker relative provides primary care; child support orders that apply to multiple children; assistance of either party in the modification of a child support order; providing notice to licensing and credentialing boards; administrative establishment of a child support debt for a time period not addressed by an existing court order; permissible evidence at an administrative appeal; requirement that financial institutions honor an order to withhold and deliver.

Committee Amendment "A" (H-613) proposed to delete the provision addressing administrative establishment of a child support debt for a time period not specifically addressed by an existing court order. It proposed to correct references to definitions of financial institutions and credit unions authorized to do business in this State. It proposed to provide that the right to confront and cross-examine witnesses, to present witnesses, to be represented by an attorney and to be notified of these rights in writing do not apply in the appeal of an administrative order establishing a parental support obligation. It proposed to direct the Department of Health and Human Services, working in cooperation with the Family Law Advisory Commission, to study the need for legislation to address automatic modification of child support orders that cover multiple children when one of the children is no longer eligible for child support because of age, emancipation or death. See the decision of the Maine Supreme Judicial Court in Bartlett v. Anderson, 2005 ME 10, 866 A.2d 829.

Enacted law summary

Public Law 2005, chapter 352 makes the following changes to the laws governing child support.

1. It requires the court to order either or both parents of a juvenile to pay child support in accordance with the child support guidelines when the court commits a juvenile to the Department of Health and Human Services, to the Department of Corrections juvenile correctional facility or to a relative or other person pursuant to the Maine Juvenile Code.
2. It allows the Commissioner of Health and Human Services to designate employees of the department who are not attorneys to represent the department in proceedings involving the expedited process for the commencement of paternity actions filed by a party other than the department and in proceedings to hear a motion to modify child support.
3. It provides that both parents are responsible for child support if a caretaker relative provides primary residential care for a child.
4. It provides that with regard to any initial or modified child support order that affects more than one child and that was entered before January 18, 2005, unless that order states the manner in which the order must be

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modified, such an order must be automatically modified to address any of the following events: any child reaches 18 years of age and has graduated from secondary school; any child reaches 19 years of age without having graduated from secondary school; any child obtains an order of emancipation; or any child dies. This change is made in response to the decision of the Maine Supreme Judicial Court in Bartlett v. Anderson, 2005 ME 10, 866 A.2d 829.

5. It allows the department to assist either party in the modification of a child support order.
6. It allows the department to serve notice of the department's intention to submit an obligor's name to the appropriate board as a licensee who is not in compliance with an order of support in the same manner as a notice is served in connection with the revocation of a motor vehicle license under the Maine Revised Statutes, Title 19-A, section 2202, subsection 2.
7. It clarifies the permissible evidence at the administrative appeal of a decision establishing or modifying a child support order.
8. It requires that an order to withhold and deliver issued by an out-of-state child support agency or court be honored by a financial institution.
9. It directs the Department of Health and Human Services, working in cooperation with the Family Law Advisory Commission, to study the need for legislation to address automatic modification of child support orders that cover multiple children when one of the children is no longer eligible for child support because of age, emancipation or death. The department shall report to the Joint Standing Committee on Judiciary no later than January 1, 2006. The committee may report out legislation after receipt and review of the report.

LD 1609

An Act To Establish the Uniform Partnership Act

CARRIED OVER

Sponsor(s)
HOBBINS

Committee Report

Amendments Adopted

LD 1609 proposed to repeal the existing Uniform Partnership Act and enact the Revised Uniform Partnership Act of 1997 (RUPA) as the new Uniform Partnership Act.

See also LD 986.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

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LD 1611 **An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors** **PUBLIC 375**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	H-633 PELLETIER-SIMPSON
BRYANT M		S-314

LD 1611 proposed to add railroad rights-of-way and utility corridors that are used as part of a designated recreational trail to the definition of "premises" in the law that limits a landowner's liability when allowing recreational activities or harvesting activities on the lands.

Committee Amendment "A" (S-314) proposed to revise the definition of "premises" to include railroad property, railroad rights-of-way and utility corridors to which the public has a right of access.

House Amendment "A" to Committee Amendment "A" (H-633) proposed to clarify that the liability protection is for those properties to which public access is permitted.

Senate Amendment "A" to Committee Amendment "A" (S-327) proposed to clarify that the liability protection is for those properties to which the public has access. (Not adopted)

Enacted law summary

Public Law 2005, chapter 375 adds railroad rights-of-way and utility corridors that are used as part of a designated recreational trail to the definition of "premises" in the law that limits a landowner's liability when allowing recreational activities or harvesting activities on the lands.

LD 1622 **An Act To Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 397 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-692
		H-699 PELLETIER-SIMPSON
		S-378 HOBBINS

LD 1622 proposed to make technical corrections to the Laws of Maine.

Committee Amendment "A" (H-692) proposed to make additional technical corrections and some changes that are or could be considered substantive.

House Amendment "A" to Committee Amendment "A" (H-699) proposed to correct an omission of the designation of aggravated cruelty to animals as a Class C crime.

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Senate Amendment "A" to Committee Amendment "A" (S-378) proposed to correct conflicts and cross-references in the Maine Revised Statutes, Title 12, Part 13 that were created as a result of the recodification process.

Senate Amendment "B" to Committee Amendment "A" (S-391) proposed to authorize the Legislative Council to curtail the staffing provided by the Office of Policy and Legal Analysis to the Citizen Trade Policy Commission when the Legislature is in regular or special session. (Not adopted)

Enacted law summary

Public Law 2005, chapter 397 corrects technical errors and inconsistencies in the laws of Maine, and makes the following changes that are or may be considered substantive:

1. Clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every two years thereafter;
2. Changes the Government Evaluation Act review scheduled for the Department of Human Services to apply to the Department of Health and Human Services;
3. Carries out the intent of the Legislature in closing the Bar Harbor District Court. This language reflects the savings contained in the Part 1 Budget, Public Law 2005, chapter 12 and has an effective date of June 30, 2005;
4. Amends the newly enacted law required to achieve compliance with the interstate lobster fishery management plan;
5. Updates language providing complimentary fishing licenses to residents of institutions under the control of the Department of Behavioral and Developmental Services because that department is now part of the Department of Health and Human Services;
6. Amends the nonprofit corporation laws concerning general powers to update the reference to the state department that administers the Maine Uniform Accounting and Auditing Practices Act for Community Agencies, which is now the Department of Health and Human Services;
7. Corrects an error in the section establishing the membership of the Maine Educational Loan Authority;
8. Corrects a conflict by repealing the provision requiring the Department of Health and Human Services to contract with a statewide nonprofit organization to provide nontraditional job training and placement services for women receiving assistance under TANF, which was added to a chapter in 1997 that was repealed that same year. The concept is added to existing law;
9. Revises language describing information that must be reported to a health care practitioner's professional board or authority following an adverse action against a practitioner. The reporting requirement was added by Public Law 2005, chapter 221;
10. Corrects the cross-reference to minimum law enforcement policy standards for the recording and preservation of interviews of suspects in serious crimes. It also inserts a cross-reference to policies concerning public notification regarding persons who must register under the Sex Offender Registration and Notification Act of

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1999, and puts the references in order. It also changes the date by which the Maine Criminal Justice Academy must adopt the model policy on public notification to January 1, 2006. This is consistent with Public Law 2005, chapter 331, section 16;

- 11. Carries out the intent of the Legislature to maintain the law enforcement officer solicitation laws;
- 12. Updates the membership of the Children's Mental Health Oversight Committee;
- 13. Amends the real estate transfer tax exemptions concerning deeds of distribution to include a reference to the Maine Uniform Trust Code, enacted by the 121st Legislature;
- 14. Corrects a drafting error in Public Law 2005, chapter 226 concerning standards for timber harvesting in shoreland areas;
- 15. Amends an unallocated transition section of Public Law 1999, chapter 706 pertaining to appointments and terms of members of the Maine State Museum Commission;
- 16. Provides an effective date of December 31, 2005 for the repeal of the Revised Maine Securities Act. This date is the same as the effective date of the Maine Uniform Securities Act, as enacted by Public Law 2005, chapter 65; and
- 17. Corrects an omission of the designation of criminal class for aggravated cruelty to animals.

Public Law 2005, chapter 397 was enacted as an emergency measure effective June 17, 2005.

LD 1646

An Act Regarding Buildings on Leased Lots

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P		

LD 1646 proposed changes to the laws governing buildings on leased land in the following ways:

- 1. To provide that these laws apply to land in an organized area as well as to land in the unorganized territory;
- 2. To provide that a lessor may not terminate a lease without just cause and that a lessor shall reimburse a lessee for the fair market value of all improvements on the leased real estate if the lessor terminates the lease;
- 3. To provide a lessee with a right of first refusal for the fair market value of the leased land with regard to the leased premises if the lessor intends to sell any real estate in this State. If a lessee does not elect to purchase the leased premises, the lease continues with the same terms, except for annual rental fees, for no less than 50 years. The annual rental fee is capped at 5% of the fair market value of the leased premises, excluding improvements; and
- 4. To exempt certain transactions from capital gains taxation and certain land use laws.

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See also LD 162.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1679 An Act To Amend Procedures Used in Criminal Proceedings in CARRIED OVER
Which the Victim Is Mentally Disabled

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

LD 1679 proposed to extend the admissibility into evidence of certain out-of-court statements describing sexual contact to those made by persons with mental retardation.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1682 An Act To Support Sibling Rights in Child Welfare Custody CARRIED OVER
Matters

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

LD 1682 proposed to allow the court to order sibling visitation for a child in foster care when it is in the best interests of the child to do so.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Abortion/Pregnancy

Enacted

LD 262	An Act To Protect Pregnant Women from Acts of Violence	PUBLIC 408	Page 428
LD 884	An Act To Protect Motherhood	PUBLIC 88	Page 448
LD 1512	Resolve, Directing the Bureau of Health To Study Additional Information about Abortions	RESOLVE 114	Page 479

Not Enacted

LD 25	An Act To Educate Women on the Medical Risks Associated with Abortion	ONTP	Page 423
LD 908	An Act To Protect Homosexuals from Discrimination	ONTP	Page 449
LD 1479	An Act To Ensure Systematic Reporting of Abortions	ONTP	Page 477
LD 1575	An Act To Require Parental Notification of Teenage Abortions	ONTP	Page 486

Attorneys/Legal Services

Enacted

LD 715	An Act To Provide Support for Legal Services for Low-income Mainers	PUBLIC 361	Page 442
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Not Enacted

LD 34	An Act To Institute Loser-pay Litigation in the State of Maine	ONTP	Page 423
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LD 281	An Act Authorizing Property Managers To Bring Eviction Actions on Behalf of Landlords	ONTP	Page 429
LD 918	An Act To Provide for the Payment of Attorney's Fees in a Parental Rights and Responsibilities Action	ONTP	Page 450

Business Organizations and Practices

Enacted

LD 1210	An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships	PUBLIC 302	Page 463
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Not Enacted

LD 324	An Act To Clarify Ownership and Management of Architectural Firms	ONTP	Page 431
LD 924	An Act To Require That the Name and Address of an Owner of a Limited Liability Company Be in the Articles of Organization	ONTP	Page 450
LD 932	An Act To Clearly Identify Maine Corporations	ONTP	Page 451
LD 986	An Act To Amend the Maine Revised Uniform Limited Partnership Act	CARRIED OVER	Page 454
LD 1045	An Act Regarding Contract Indemnification	CARRIED OVER	Page 455
LD 1474	An Act To Require That Corporations Be Operated in a Manner That Does Not Adversely Affect the Public Interest	ONTP	Page 477
LD 1495	An Act To Limit Corporate Influence Over the Political Process	ONTP	Page 478
LD 1609	An Act To Establish the Uniform Partnership Act	CARRIED OVER	Page 488

Child Welfare

Enacted

LD 415	Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978	RESOLVE 118 EMERGENCY	Page 432
LD 867	An Act Regarding Child Protection Proceedings	PUBLIC 300	Page 447
LD 1063	An Act To Improve the Guardian ad Litem System	PUBLIC 360	Page 456
LD 1232	An Act To Protect Children from Individuals Who Have Engaged in Sexual Abuse of Children in the Past	PUBLIC 366	Page 465
LD 1320	An Act To Amend the Child and Family Services and Protection Act	PUBLIC 374	Page 469
LD 1402	An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them	PUBLIC 371	Page 472

Not Enacted

LD 220	An Act To Support the Disclosure of Information to Relatives Who Are Likely To Provide Care to Children	ONTP	Page 427
LD 674	An Act To Remove the Jurisdiction of Probate Court in Child Protection Petitions	ONTP	Page 440
LD 894	An Act To Require Guardians ad Litem To Receive Counseling Training	ONTP	Page 449
LD 1067	Resolve, To Establish the Task Force To Study and Design a Child Protection Mediation System	INDEF PP	Page 456
LD 1073	Resolve, Directing the Family Law Advisory Commission To Study the Child Protection Process	ONTP	Page 457
LD 1120	An Act Regarding the Reporting of Abuse and Neglect	ONTP	Page 459
LD 1682	An Act To Support Sibling Rights in Child Welfare Custody Matters	CARRIED OVER	Page 492

Civil Commitment

Enacted

LD 250	An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization	PUBLIC 48	Page 427
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Not Enacted

LD 61	An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication	CARRIED OVER	Page 424
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LD 1177	An Act To Limit the Early Release of Persons Convicted of Certain Crimes	CARRIED OVER	Page 459
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LD 1394	An Act To Require That Judicial Hearings Be Conducted in Hospitals Providing Involuntary Inpatient Psychiatric Services	ONTP	Page 472
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Civil Procedure

Enacted

LD 260	An Act To Amend the Laws Governing Mechanics Liens	PUBLIC 311	Page 428
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LD 469	An Act To Simplify the Real Estate Foreclosure Process	PUBLIC 291	Page 434
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LD 491	An Act To Cure an Inconsistency Regarding Judgment Liens	PUBLIC 62	Page 434
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LD 570	An Act To Require the Fair Application of the Mechanic's Lien Law	PUBLIC 287	Page 436
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LD 859	An Act To Provide Greater Civil Relief Protection for Members of the Military	PUBLIC 353	Page 447
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Not Enacted

LD 432	An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens	ONTP	Page 433
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LD 549	An Act To Expedite the Forcible Entry and Detainer Process in Nonpayment Cases	ONTP	Page 436
LD 718	An Act To Increase the Amount of Equity in a Principal Residence That Is Exempt from Attachment	ONTP	Page 443
LD 948	An Act To Shelter IRAs from the Bankruptcy Law	ONTP	Page 452

Civil Remedies

Enacted

LD 1053	An Act To Protect Maine Harness Racing from Illegal Wagering	PUBLIC 304	Page 455
LD 1542	An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks	PUBLIC 365	Page 481

Not Enacted

LD 681	An Act Regarding the Use of Arbitration in Certain Consumer Cases	ONTP	Page 440
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Enacted

LD 166	An Act To Prohibit Firearms in a Courthouse	PUBLIC 175 EMERGENCY	Page 426
LD 592	An Act To Allow Case Management Officers To Conduct Hearings in Divorce Court	PUBLIC 385	Page 437
LD 627	An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation	PUBLIC 325	Page 438
LD 973	An Act To Make Certain Changes in the Laws Concerning the Family Division of District Court	PUBLIC 384	Page 452
LD 985	An Act To Amend Appellate Review Jurisdiction of the Superior Court	PUBLIC 64	Page 453

Not Enacted

LD 1288	An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System	CARRIED OVER	Page 468
LD 1518	An Act To Increase Access to Justice in Maine's Court System	CARRIED OVER	Page 480

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Enacted

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LD 522	An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors	PUBLIC 60	Page 435

Not Enacted

LD 103	An Act To Establish the Fully Informed Jury Act	ONTP	Page 424
LD 704	An Act To Amend the Laws Governing De Minimis Infractions of the Maine Criminal Code	ONTP	Page 441

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Enacted

LD 884	An Act To Protect Motherhood	PUBLIC 88	Page 448
LD 1248	An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint	PUBLIC 326	Page 466
LD 1409	An Act To Assist in the Investigation and Prosecution of Theft Offenses	PUBLIC 320	Page 475

Not Enacted

LD 1177	An Act To Limit the Early Release of Persons Convicted of Certain Crimes	CARRIED OVER	Page 459
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LD 1372	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	CARRIED OVER	Page 471
LD 1501	An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members	ONTP	Page 478
LD 1679	An Act To Amend Procedures Used in Criminal Proceedings in Which the Victim Is Mentally Disabled	CARRIED OVER	Page 492

Domestic Violence

Enacted

LD 262	An Act To Protect Pregnant Women from Acts of Violence	PUBLIC 408	Page 428
LD 884	An Act To Protect Motherhood	PUBLIC 88	Page 448

Not Enacted

LD 732	An Act To Provide a Defense in Protection from Abuse Orders	ONTP	Page 444
LD 1025	An Act To Expedite the Divorce Process in Instances of Domestic Violence	ONTP	Page 454
LD 1245	Resolve, To Increase Safety for Domestic Abuse Victims	ONTP	Page 466
LD 1501	An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members	ONTP	Page 478

Family Law – General

Enacted

LD 592	An Act To Allow Case Management Officers To Conduct Hearings in Divorce Court	PUBLIC 385	Page 437
LD 621	An Act Regarding Divorce and Marital Property	PUBLIC 298	Page 438

LD 973	An Act To Make Certain Changes in the Laws Concerning the Family Division of District Court	PUBLIC 384	Page 452
LD 1232	An Act To Protect Children from Individuals Who Have Engaged in Sexual Abuse of Children in the Past	PUBLIC 366	Page 465
LD 1502	An Act To Implement Recommendations of the Family Law Advisory Commission	PUBLIC 323	Page 478

Not Enacted

LD 713	An Act to Amend Maine’s Divorce Laws	ONTP	Page 442
LD 1025	An Act To Expedite the Divorce Process in Instances of Domestic Violence	ONTP	Page 454
LD 1229	An Act To Strengthen the Enforcement of Divorce Decrees	CARRIED OVER	Page 464
LD 1526	An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues	CARRIED OVER	Page 480

Family Law – Child Support

Enacted

LD 51	Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts	RESOLVE 90	Page 423
LD 1589	An Act To Improve Child Support Services	PUBLIC 352	Page 487

Not Enacted

LD 256	An Act To Ensure Compliance with Court-ordered Child Support	ONTP	Page 427
LD 591	An Act To Clarify the Provisions for Child Support Orders Providing Health Insurance for Children	ONTP	Page 437

LD 830	An Act To Reduce the Duration of Nonpayment of Child Support That Triggers License Suspension	ONTP	Page 446
LD 853	An Act To Limit MaineCare Benefits for Individuals Seriously in Arrears on Child Support Payments	ONTP	Page 446
LD 974	An Act To Amend the Guidelines Used To Determine Child Support Payments	ONTP	Page 453

Freedom of Access/Confidentiality

Enacted

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LD 301	Resolve, To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws	RESOLVE 123	Page 430
LD 467	An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Personal Contact Information	PUBLIC 381	Page 433
LD 867	An Act Regarding Child Protection Proceedings	PUBLIC 300	Page 447
LD 1115	An Act To Facilitate Voting by Participants in the Address Confidentiality Program	PUBLIC 364	Page 458
LD 1202	Resolve, To Study the Accessibility of Birth Certificates and Other Vital Records	RESOLVE 107	Page 462

Not Enacted

LD 466	An Act To Implement the Recommendations of the Committee To Study Compliance with Maine's Freedom of Access Laws Concerning Attorney's Fees	ONTP	Page 433
LD 1275	An Act To Protect Certain Private Information Submitted to Municipalities	ONTP	Page 467
LD 1455	An Act To Codify Public Records Exceptions	CARRIED OVER	Page 477

Human Rights/Medical Rights

Enacted

LD 537	An Act Relating to Animals in Food Stores and Restaurants	PUBLIC 318	Page 435
LD 1196	An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation	PUBLIC 10	Page 460
LD 1567	Resolve, Encouraging the Continuing Education of Physicians Regarding Disclosure of Confidential Medical Information	RESOLVE 94	Page 485

Not Enacted

LD 272	An Act to Provide an Exemption from Discrimination Laws to Fitness Centers	ONTP	Page 429
LD 321	Resolve, To Review the Housing Discrimination Laws	DIED IN CONCURRENCE	Page 430
LD 644	An Act to Prohibit Discrimination in Housing	ONTP	Page 439
LD 908	An Act To Protect Homosexuals from Discrimination	ONTP	Page 449
LD 1079	An Act To Require Publicly Funded Entities To Report Undocumented Illegal Aliens	ONTP	Page 457
LD 1294	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Define Marriage	ONTP	Page 468
LD 1296	An Act To Provide for Victims of Trafficking	CARRIED OVER	Page 469
LD 1365	An Act To End Discrimination	ONTP	Page 470

Native Americans

Enacted

LD 415	Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978	RESOLVE 118 EMERGENCY	Page 432
LD 693	An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians	PUBLIC 310	Page 441

Not Enacted

LD 869	An Act To Extend Recognition to the Metis People	ONTP	Page 448
LD 1274	An Act To Allow Indian Tribes To Operate Slot Machines	ONTP	Page 467
LD 1569	An Act To Abolish the Maine Indian Tribal-State Commission	CARRIED OVER	Page 485

Probate Code/Trust Code

Enacted

LD 105	Resolve, Concerning Temporary Guardianship Laws	RESOLVE 91	Page 425
LD 1063	An Act To Improve the Guardian ad Litem System	PUBLIC 360	Page 456
LD 1179	An Act Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities	PUBLIC 283 EMERGENCY	Page 460
LD 1402	An Act To Provide Guidelines, Standards and Rights for Children and the Guardians Who Care for Them	PUBLIC 371	Page 472
LD 1551	An Act To Make Technical Amendments to the Maine Uniform Trust Code	PUBLIC 184 EMERGENCY	Page 482
LD 1566	An Act Concerning Full Faith and Credit for Legal Documents Executed in Other Jurisdictions	PUBLIC 284	Page 484
LD 1567	Resolve, Encouraging the Continuing Education of Physicians Regarding Disclosure of Confidential Medical Information	RESOLVE 94	Page 485

Not Enacted

LD 955	An Act To Prevent the Financial Exploitation of Vulnerable Citizens	ONTP	Page 452
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Property

Enacted

LD 260	An Act To Amend the Laws Governing Mechanics Liens	PUBLIC 311	Page 428
LD 469	An Act To Simplify the Real Estate Foreclosure Process	PUBLIC 291	Page 434
LD 570	An Act To Require the Fair Application of the Mechanic's Lien Law	PUBLIC 287	Page 436
LD 1212	An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates	PUBLIC 275	Page 464
LD 1559	An Act To Adopt the Uniform Environmental Covenants Act	PUBLIC 370	Page 483
LD 1611	An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors	PUBLIC 375	Page 489

Not Enacted

LD 162	An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land	CARRIED OVER	Page 426
LD 432	An Act To Increase from 90 to 120 Days the Time Frame To File Contractor Liens	ONTP	Page 433
LD 483	An Act To Facilitate Real Estate Ownership	ONTP	Page 434
LD 668	An Act To Amend the Land Use Regulation Laws	ONTP	Page 440
LD 718	An Act To Increase the Amount of Equity in a Principal Residence That Is Exempt from Attachment	ONTP	Page 443
LD 816	An Act To Prohibit Changing the Flow of Water on Another's Land	CARRIED OVER	Page 445
LD 1203	An Act To Amend the Laws Concerning Eminent Domain	CARRIED OVER	Page 463

LD 1297 **An Act To Provide Just Compensation for
Established Businesses During Eminent Domain
Proceedings** **CARRIED OVER** **Page 469**

LD 1646 **An Act Regarding Buildings on Leased Lots** **CARRIED OVER** **Page 491**

Statutes

Enacted

LD 722 **An Act Deleting Gender-specific and Archaic
Language from Certain Laws Concerning the Office
of the Attorney General** **PUBLIC 154** **Page 443**

LD 1622 **An Act To Correct Errors and Inconsistencies in the
Laws of Maine** **PUBLIC 397**
EMERGENCY **Page 489**

Not Enacted

None

Torts and Medical Malpractice

Enacted

LD 385 **An Act To Limit the Liability of Ambulance Services
in Maine** **PUBLIC 398** **Page 431**

LD 645 **An Act To Promote the Commonsense Consumption
of Food** **PUBLIC 355** **Page 439**

LD 910 **An Act To Include Regional Transportation Systems
under the Maine Tort Claims Act** **PUBLIC 399** **Page 450**

LD 936 **An Act To Amend the Maine Tort Claims Act** **PUBLIC 448** **Page 451**

LD 1378 **An Act To Amend the Medical Liability Laws
Concerning Communications of Sympathy or
Benevolence** **PUBLIC 376** **Page 471**

LD 1532 **An Act To Protect Maine Citizens from Lead
Hazards that Harm Maine Children and Families** **PUBLIC 339** **Page 481**

LD 1611	An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors	PUBLIC 375	Page 489
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Not Enacted

LD 539	An Act Authorizing Municipalities To Establish Walking Trails	DIED BETWEEN HOUSES	Page 436
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LD 1006	An Act To Modify Joint and Several Liability	ONTP	Page 454
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LD 1415	An Act Regarding Confidentiality in Litigation	ONTP	Page 476
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LD 1582	An Act To Protect Maine Citizens from Medical Negligence	ONTP	Page 486
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Unclaimed Property

Enacted

LD 1084	An Act Concerning Gift Obligations, Stored-value Cards and Prefunded Bank Cards	PUBLIC 357	Page 457
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Not Enacted

LD 771	An Act To Protect Consumers' Use of Gift Cards	ONTP	Page 444
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LD 772	An Act To Prohibit the Placement of Expiration Dates on Gift Cards	ONTP	Page 444
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LD 838	An Act To Amend the Uniform Unclaimed Property Act As It Applies to Gift Cards	ONTP	Page 446
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Other

Enacted

LD 627	An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation	PUBLIC 325	Page 438
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LD 780	An Act To Allow a Landlord To Discover Whether Sewer and Water Bills Have Been Paid	PUBLIC 306	Page 445
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LD 1285	Resolve, Directing the Secretary of State To Develop a Titling System for Mobile Homes	RESOLVE 103	Page 467
LD 1405	An Act To Prepare Maine for Public Health Emergencies	PUBLIC 383	Page 473
LD 1421	An Act To Address the Constitutionality of Maine's Resident-only Lobster License	PUBLIC 354	Page 476

Not Enacted

LD 1372	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Victims' Bill of Rights	CARRIED OVER	Page 471
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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2005

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Sen. Philip L. Bartlett, II
Sen. Lois A. Snowe-Mello*

*Rep. William J. Smith, Chair
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Rep. Darren M. Hall
Rep. James M. Hamper*

JOINT STANDING COMMITTEE ON LABOR

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	82	90.1%	4.8%
<u><i>Bills Carried Over</i></u>	<u>9</u>	<u>9.9%</u>	<u>0.5%</u>
Total Bills referred	91	100.0%	5.4%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	91	100.0%	5.4%
Orders and Resolutions referred to Committee			
<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</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	4.9%	0.3%
<i>Ought to Pass as Amended</i>	24	29.3%	1.6%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>32</u>	<u>39.0%</u>	<u>2.1%</u>
Total unanimous reports	60	73.2%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	22	26.8%	1.5%
<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>
Total divided reports	22	26.8%	1.5%
Total committee reports	82	90.1%	5.4%
III. CONFIRMATION HEARINGS	10	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	28.6%	1.5%
<i>Private and Special Laws</i>	1	1.1%	0.1%
<i>Resolves</i>	5	5.5%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	32	35.2%	1.9%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	4.5%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	4.5%
C. Bills vetoed or held by Governor			
<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>
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Joint Standing Committee on Labor

LD 7 **Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards** **RESOLVE 12**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-107

LD 7 proposed to approve Chapter 15: Rules Relating to Severance Pay, a major substantive rule of the Department of Labor, Bureau of Labor Standards.

Committee Amendment "A" (H-107) proposed to approve adoption of Chapter 15: Rules Relating to Severance Pay by the Department of Labor, Bureau of Labor Standards with 2 changes:

1. The amendment proposed to strike out the emergency preamble and emergency clause of the resolve; and
2. The amendment proposed to require modification of Chapter 15 to provide that, if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

Enacted law summary

Resolve 2005, chapter 12 approves adoption of Chapter 15: Rules Relating to Severance Pay, a major substantive rule of the Department of Labor, Bureau of Labor Standards, but requires the following modification: if the director's determination of a covered establishment's date of termination or relocation is based primarily on the fact that the covered establishment has on that date reduced its number of employees, number of work hours or production to less than 50% of that of the same time period one year earlier, the director's determination is a presumption that may be overcome by evidence that the covered establishment's operations did not substantially cease on that date.

LD 31 **An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006** **P & S 1 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-29

LD 31 proposed to approve the Maine State Retirement System's personal services costs and its costs for all other operating expenses for fiscal year 2005-06, including the attribution of expenses to the 3 retirement system member and employer categories: General Fund; Non-General Fund; and Participating Local District. The bill also proposed to approve the retirement system's use of \$200,000 to begin funding for a multi-million dollar expenditure to replace aging and soon-to-be-desupported benefits payroll technology.

Joint Standing Committee on Labor

Committee Amendment "A" (H-29) proposed to incorporate a fiscal note.

Enacted law summary

Private and Special Law 2005, chapter 1 approves the Maine State Retirement System's personal services costs and its costs for all other operating expenses for fiscal year 2005-06, including the attribution of expenses to the 3 retirement system member and employer categories: General Fund; Non-General Fund; and Participating Local District, as well as the approval of the retirement system's use of \$200,000 to begin funding for a multimillion dollar expenditure to replace aging and soon-to-be-desupported benefits payroll technology.

Private and Special Law 2005, chapter 1 was enacted as an emergency measure effective April 1, 2005.

LD 54 **An Act To Reduce Workers' Compensation Costs for Small Business Employers** **ONTP**

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

LD 54 proposed to provide an employer of 6 or fewer employees with exempt status under the Workers' Compensation Act of 1992 if the employer maintains employer's liability insurance and medical payments coverage and provides health coverage for its employees through Dirigo Health Insurance or through a policy that provides benefits equal to or greater than those provided through Dirigo Health Insurance.

LD 93 **An Act Concerning Disability Retirement Benefits under the Maine State Retirement System** **ONTP**

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

LD 93 proposed to make the changes concerning disability retirement benefits under the Maine State Retirement System made by Public Law 2003, chapter 675 retroactive to January 1, 2000.

Committee Amendment "A" (S-82) proposed to incorporate a fiscal note.

Joint Standing Committee on Labor

LD 145 **An Act Concerning Appeal Rights under the Maine Enterprise Option Program** **PUBLIC 39**

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

LD 145 proposed to permit an individual to file an appeal to the Maine Unemployment Insurance Commission in the case of a disagreement with a decision concerning the Maine Enterprise Option program rendered by the Division of Administrative Hearings. Current law pertaining to the Maine Enterprise Option program only references the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal is afforded, unlike all other unemployment programs under Maine law. LD 145 proposed to make appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

Enacted law summary

Public Law 2005, chapter 39 permits an individual to file an appeal to the Maine Unemployment Insurance Commission in the case of a disagreement with a decision concerning the Maine Enterprise Option program rendered by the Division of Administrative Hearings. Prior law pertaining to the Maine Enterprise Option program only referenced the ability for someone to appeal eligibility decisions to the Department of Labor, Division of Administrative Hearings; no second level of appeal was afforded, unlike all other unemployment programs under Maine law. Public Law 2005, chapter 39 makes appeal rights under the Maine Enterprise Option program consistent with that afforded to all other unemployment insurance programs.

LD 156 **An Act To Adjust the Wage Base for the Unemployment Compensation System** **ONTP**

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

LD 156 proposed to amend the definition of "wages" and establish a new wage base for the unemployment compensation system that would apply to wages beginning on January 1, 2006.

LD 184 **An Act To Improve Prevailing Wage Standards in Maine** **ONTP**

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

LD 184 proposed to clarify that in publicly funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal act, minimum wages and benefits are the higher of the federal and state rates.

Joint Standing Committee on Labor

Committee Amendment "A" (H-375) proposed to incorporate a fiscal note.

LD 190 **An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity** **PUBLIC 40**

<u>Sponsor(s)</u> FISHER BARTLETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-26
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LD 190 proposed to relieve employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. Specifically, the bill proposed to address the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this bill proposed to relieve the employer of any charges to the employer's unemployment tax experience rating due to this situation. LD 190 also proposed to clarify the law concerning the right of National Guard and reserve members on military leave of absence to retain normal vacation, sick leave, bonus, advancement and any other benefits related to normal employment in those employees' particular positions.

Committee Amendment "A" (H-26) proposed to eliminate the provisions of the bill that purported to clarify the rights of National Guard and reserve members to retain normal benefits while on military leave of absence.

Enacted law summary

Public Law 2005, chapter 40 relieves employers of unemployment benefit charges resulting from layoffs that occur as a result of personnel returning from military leaves of absence. The law addresses the situation in which an employer, pursuant to existing legal requirements, holds a position for a worker who is called to active duty, but needs to hire a replacement worker to keep the business going until the former employee returns. If the return of the active military personnel causes the replacement worker to be laid off, the laid-off worker receives unemployment benefits; this law relieves the employer of any charges to the employer's unemployment tax experience rating due to this situation.

LD 209 **An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations** **PUBLIC 149**

<u>Sponsor(s)</u> JACKSON STRIMLING	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-153
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LD 209 proposed to allow the Maine State Retirement System to provide the names and addresses of retirees to nonprofit or public organizations established to provide programs and services to Maine public sector retirees. The bill also proposed to repeal the waiver provision in the current law.

Joint Standing Committee on Labor

Committee Amendment "A" (H-153) proposed to allow the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless the retiree "opts out" from authorizing this disclosure on a form provided by the retirement system. The amendment also proposed that, beginning September 15, 2007, the information again would become confidential unless the retiree "opts in" by signing a waiver of confidentiality. The amendment also proposed to require the retirement system to deny information in the future to an organization that obtained information for the purpose of membership recruitment but used the information for another purpose.

Enacted law summary

Public Law 2005, chapter 149 allows the home address of a Maine State Retirement System retiree, until September 15, 2007, to be disclosed to nonprofit or public retiree organizations for recruitment purposes unless the retiree "opts out" from authorizing this disclosure on a form provided by the retirement system. Beginning September 15, 2007, the information again becomes confidential unless the retiree "opts in" by signing a waiver of confidentiality. The law also requires the retirement system to deny information in the future to an organization that obtained information for the purpose of membership recruitment but used the information for another purpose.

LD 214 An Act To Recognize the Federal Salary Level for Overtime When PUBLIC 255
Higher than the State Level

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

LD 214 proposed to provide that the minimum salary level for the purposes of exemption from overtime requirements for a bona fide executive, administrative or professional employee is 3,000 times the state minimum wage or the salary level set by the United States Department of Labor, whichever is higher. This change would align the state law with the current federal regulations in this regard.

Enacted law summary

Public Law 222, chapter 255 provides that the minimum salary level for the purposes of exemption from overtime requirements for a bona fide executive, administrative or professional employee is 3,000 times the state minimum wage or the salary level set by the United States Department of Labor, whichever is higher. This change aligns state law with the current federal regulations in this regard.

Joint Standing Committee on Labor

LD 215 **An Act To Clarify National Labor Relations Board Certification
under the Overtime Provisions** **ONTP**

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

LD 215 proposed to clarify that the minimum wage exemption granted by the Maine Revised Statutes, Title 26, section 664, subsection 3, paragraph I applies to labor organizations recognized by employers as well as those certified by the National Labor Relations Board.

LD 235 **An Act To Increase the Minimum Wage** **CARRIED OVER**

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

LD 235 proposed to increase the minimum wage to \$7.00 per hour over a 2-year period.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 257 **An Act To Require Notice prior to Decreases in Wage or Salary
Rates** **PUBLIC 18**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	OTP-AM MAJ ONTP MIN	H-30

LD 257 proposed to require an employer to notify employees at least one pay period in advance of any decrease in pay. It also proposed to provide an exception for changes made under a collective bargaining agreement.

Committee Amendment "A" (H-30) proposed to require employers to notify employees, including salaried employees, one working day prior to a decrease in pay taking effect, replacing the bill's requirement that notice be given one pay period in advance. The amendment also proposed to add language specifically excluding the notice requirement in cases when an employer temporarily increases an employee's wage rate to comply with prevailing wage requirements and to change the title of the bill.

Enacted law summary

Public Law 2005, chapter 18 requires employers to notify employees, including salaried employees, one working day prior to a decrease in pay taking effect. The law provides exceptions for changes in wages made under a collective bargaining agreement and for cases in which an employer temporarily increases an employee's wage rate to comply with prevailing wage requirements.

Joint Standing Committee on Labor

LD 284

An Act To Increase Retired Teachers' Insurance Benefits

ONTP

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

LD 284 proposed to increase the State's contribution for health insurance for retired educators from 40% to 45% after July 31, 2005.

LD 284 was reported out as "ought not to pass" in light of the enactment of Public Law 2005, chapter 12, part X and Public Law 2005, chapter 457, part TT, which increase the state's contribution for health insurance for retired educators from 40% to 45% as of January 1, 2006.

LD 302

An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases

PUBLIC 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-20

LD 302 proposed to encourage parties in a workers' compensation case to agree to the selection of independent medical examiners by establishing that, whether or not the parties have agreed to the selection of an independent medical examiner, the examiner's findings must be adopted unless there is clear and convincing evidence to the contrary in the record that does not support the medical findings.

Committee Amendment "A" (S-20) proposed to allow a physician who has examined an employee at the request of an insurance company, employer or employee during the previous 52 weeks to serve as an independent medical examiner if agreed upon by the parties to the workers' compensation claim.

Enacted law summary

Public Law 2005, chapter 24 encourages parties in a workers' compensation case to agree to the selection of independent medical examiners by establishing that, whether or not the parties have agreed to the selection of an independent medical examiner, the examiner's findings must be adopted unless there is clear and convincing evidence to the contrary in the record that does not support the medical findings. The law also allows a physician who has examined an employee at the request of an insurance company, employer or employee during the previous 52 weeks to serve as an independent medical examiner if agreed upon by the parties to the workers' compensation claim.

Joint Standing Committee on Labor

LD 309

An Act To Amend the Sunset on Part-time Unemployment Insurance Benefits

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-33
STRIMLING	ONTP MIN	H-402 SMITH W S-318 STRIMLING

LD 309 proposed to remove the sunset on the expansion of unemployment benefit eligibility to workers who have a primary history of part-time work, who are laid off and are only able and available for comparable part-time work. The language expanding those benefits took effect on January 1, 2004 and is scheduled to sunset on September 30, 2005 unless legislation is passed to make the program permanent.

Committee Amendment "A" (H-33) proposed to add an appropriations and allocations section to the bill.

House Amendment "C" (H-402) proposed to direct the Department of Labor to develop as a pilot program an education and training program for unemployed part-time workers that is designed to enhance the employability and economic security of those workers. The amendment proposed that, in designing the pilot program, the department be directed to develop methods to facilitate the participants' efficient transition from receiving compensation under the unemployment compensation insurance system to obtaining new job placements and to minimize the impact on the Unemployment Trust Fund from extending unemployment compensation benefits to unemployed part-time workers. The amendment also proposed to direct the department to report its results to the Joint Standing Committee on Labor by January 15, 2006.

Senate Amendment "B" to Committee Amendment "A" (S-318) proposed to retain the sunset provision but extend it for 3 years until September 30, 2008.

Enacted law summary

Public Law 2005, chapter 454 extends until September 30, 2008 the sunset on the expansion of unemployment benefit eligibility to workers who have a primary history of part-time work, who are laid off and are only able and available for comparable part-time work. The language expanding those benefits in prior law took effect on January 1, 2004 and was scheduled to sunset on September 30, 2005 until chapter 454 was enacted. Additionally, chapter 454 directs the Department of Labor to develop as a pilot program an education and training program for unemployed part-time workers that is designed to enhance the employability and economic security of those workers. In designing the pilot program, the department is directed to develop methods to facilitate the participants' efficient transition from receiving compensation under the unemployment compensation insurance system to obtaining new job placements and to minimize the impact on the Unemployment Trust Fund from extending unemployment compensation benefits to unemployed part-time workers. The department is directed to report its results to the Joint Standing Committee on Labor by January 15, 2006.

Joint Standing Committee on Labor

LD 322

**An Act To Amend the Process for Review of Hearing Officer
Decisions by the Workers' Compensation Board**

PUBLIC 25

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

LD 322 proposed to extend the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

Enacted law summary

Public Law 2005, chapter 25 extends the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

LD 350

**An Act To Provide Funding To Allow Veterans Who Received
Certain Combat Medals To Purchase Subsidized Service Time
towards Their Retirement**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL NASS R	OTP-AM	H-32

LD 350 proposed to allow members of the Maine State Retirement System with at least 15 years of creditable service who served in the Armed Forces of the United States to purchase service credit for the time spent in the armed forces at a subsidized cost, whether or not the military time was during a federally recognized period of conflict or the member was awarded a campaign or expeditionary medal.

Committee Amendment "A" (H-32) proposed to replace the bill. The amendment proposed to appropriate funds to the Maine State Retirement System for the purposes of Public Law 2003, chapter 693, which enables veterans who received certain combat or expeditionary medals to purchase military service credit toward retirement at a subsidized rate.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

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LD 378

An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation

ONTP

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

LD 378 proposed to grant the Commissioner of Labor the authority to negotiate settlements waiving or restructuring the repayment of all or any portion of erroneously paid unemployment benefits, similar to the Maine Unemployment Insurance Commission's authority, under current law, to grant a waiver to a person for repayment of erroneously paid benefits. The bill proposed to leave intact the authority of the Maine Unemployment Insurance Commission to grant waivers.

LD 393

An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN SNOWE-MELLO	ONTP	

LD 393 proposed to clarify the laws governing bargaining agents for employees at public universities and colleges in Maine as follows:

1. Public universities and colleges in this State would be required to recognize and accept an employee and the employee's attorney as the grievant and representative, as well as the bargaining agent, for purposes of a grievance proceeding;
2. If requested by an employee, the bargaining agent would be required to fairly represent the employee at every step of the grievance process;
3. An employee who elects to proceed with a grievance without representation by the bargaining agent would have all of the rights to pursue the grievance that the bargaining agent would have had;
4. The role of the bargaining agent would be set forth, both in instances in which the employee has requested representation by the bargaining agent and instances in which the employee has declined such representation; and
5. The issue of potential conflicts of interest would be addressed.

Joint Standing Committee on Labor

LD 396

An Act To Amend the Laws Concerning the Maine State Retirement System

PUBLIC 238

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

LD 396 proposed to authorize the Maine State Retirement System to employ a general counsel and, with the approval of the Attorney General, assistant counsel. The bill proposed to require that the Maine State Retirement System's executive director and the Attorney General agree on the duties of any such positions by entering into a memorandum of understanding.

Enacted law summary

Public Law 2005, chapter 238 authorizes the Maine State Retirement System to employ a general counsel and, with the approval of the Attorney General, assistant counsel. The law requires that the Maine State Retirement System's executive director and the Attorney General agree on the duties of any such positions by entering into a memorandum of understanding.

LD 423

An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits

ONTP

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

LD 423 proposed to make a food service worker in a public school eligible to collect unemployment benefits in between 2 academic years, even if the worker has received written assurance that the worker will be employed by the school as a food service worker in the 2nd academic year.

LD 425

An Act To Amend the Laws Relating to Unemployment Compensation

PUBLIC 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM	H-31

LD 425 proposed to amend the exemption from the definition of "employment," for the purposes of unemployment compensation and insurance, as it relates to the delivery and distribution of periodicals. Under current law, only those delivery or distribution workers who deliver directly to consumers fall within the exemption. LD 425 proposed to expand the exemption to include workers that deliver bundles of periodicals to businesses and the like, thereby making state law consistent with federal law governing social security and unemployment taxes.

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Committee Amendment "A" (H-31) proposed to replace the bill. The amendment proposed to clarify the exemption to the definition of "employment," for the purposes of unemployment compensation and insurance, as it relates to the delivery and distribution of periodicals by replacing the term "periodicals" with the term "newspapers or magazines."

Enacted law summary

Public Law 2005, chapter 35 clarifies the exemption from the definition of "employment," for the purposes of unemployment compensation and insurance, concerning the delivery and distribution of periodicals by replacing the term "periodicals" with the term "newspapers or magazines."

LD 430 **An Act To Modify the Obligation To Bargain under the Municipal CARRIED OVER
Public Employees Labor Relations Law**

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

LD 430, a concept draft pursuant to Joint Rule 208, proposed to modify the obligations of public employers and their employees to bargain collectively, as is currently required under the Maine Revised Statutes, Title 26, section 965.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 435 **An Act To Conform Maine Law to Federal Overtime Standards** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE SNOWE-MELLO	ONTP MAJ OTP MIN	

LD 435 proposed to conform Maine overtime laws to those of the federal Fair Labor Standards Act and to require that rules adopted by the Director of Labor Standards within the Department of Labor conform to regulations adopted pursuant to the federal Fair Labor Standards Act, including the "white-collar exemptions" that became effective on August 23, 2004.

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LD 445 **An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age** **ONTP**

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

LD 445 proposed to index the hourly minimum wage to the rate of inflation. The hourly minimum wage, currently scheduled to increase from \$6.35 per hour to \$6.50 per hour beginning October 1, 2005, would be adjusted every 3 years, beginning October 1, 2006, to reflect the rate of inflation for the previous 3 years. LD 445 also proposed to establish a training wage, which is a minimum wage for employees under 17 years of age. The training wage would be the federal minimum wage, which is currently \$5.15 per hour.

LD 485 **An Act To Prohibit Permanent Replacement Workers** **ONTP**

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

LD 485 proposed to prohibit an employer from refusing to rehire an employee who was on strike or was locked out of employment if the reason for the refusal is that a replacement employee had been hired during the strike or lockout. Current federal case law allowing in some instances replacement workers to permanently replace workers who were on strike or were locked out is based on dicta from a case decided by the United States Supreme Court in 1938, NLRB v. Mackay Radio & Tel. Co., 304 U.S. 333.

LD 487 **An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members** **PUBLIC 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	H-122

LD 487 proposed to direct the Board of Trustees of the Maine State Retirement System to reimburse the surviving spouse of a Maine State Retirement System member for any health insurance premiums paid by the surviving spouse that exceed 40% of the retirement benefits received. The bill also proposed to authorize the board to adopt routine technical rules for implementation.

Committee Amendment "A" (H-122) proposed to replace the bill. The amendment proposed to guarantee that a spouse or other dependents of a retiree enrolled in the group health plan may continue coverage under the plan after the death of the retiree by making the premium payments for the cost of that coverage. This protection is similar to current law covering spouses and other dependents of state employees who die while in employment.

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Enacted law summary

Public Law 2005, chapter 67 guarantees that a spouse or other dependents of a retiree enrolled in the State's group health plan may continue coverage under the plan after the death of the retiree by making the premium payments for the cost of that coverage. This protection is similar to the law covering spouses and other dependents of State employees who die while in employment.

LD 490 **An Act To Eliminate the Offset for Social Security and Certain** **ONTP**
Other Pensions for Unemployment Benefits

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

LD 490 proposed to eliminate the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the contributions. As under current law, if the person contributed some amount to the pension, but less than 50%, the offset would be made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

LD 493 **An Act To Require That All Public School Employees Be Paid a** **ONTP**
Livable Wage Rate

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

LD 493 proposed to require that all employees of school administrative units in Maine be paid at least a livable wage rate, which means an amount sufficient to meet the costs of the basic necessities of life. The bill also proposed to establish a method for future periodic updating of the livable wage amount and procedures for the distribution of targeted funds to ensure that no public school employee in Maine will be paid at a wage rate that is insufficient to meet the costs of the basic necessities of life.

Committee Amendment "A" (H-187), which was the minority report of the committee and was not adopted, proposed to require the State to fully fund the additional costs of raising school employees' rates of pay to the livable wage rate required by the bill.

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LD 515

An Act To Increase the Limit on the Right To Rejoin the Maine State Retirement System

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN DAMON	OTP-AM MAJ ONTP MIN	H-106

LD 515 proposed to increase the limit on the right to rejoin the Maine State Retirement System from one occurrence to 2 occurrences.

Committee Amendment "A" (H-106) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 76 increases the limit on the right to rejoin the Maine State Retirement System from one occurrence to 2 occurrences.

LD 520

An Act To Improve Binding Arbitration in Public Sector Labor Relations

ONTP

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

LD 520 proposed to make arbitration by municipal and county employees and employees of sheriff's departments, police departments and professional fire departments binding with respect to monetary matters as well as all other matters.

LD 540

An Act To Clarify the Rate of Interest on Awards for Workers' Compensation Benefits

ONTP

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

LD 540 proposed to resolve conflicts and uncertainties about payment of interest on overdue workers' compensation benefits. Current law identifies 2 different rates: 10% and 6%. The bill proposed to implement for workers' compensation cases a single rate of one percent per month and to give a grace period for the month in which each benefit first accrues. The bill also proposed to make clear that the same rate would apply to both medical bills and wage benefits included within the award, and to apply this uniform method of calculation prospectively to all workers' compensation obligations newly arising after the effective date of the bill, and to old injuries as well as new.

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The bill further proposed to simplify the calculation process. Because both wage and medical benefits accrue in small increments, usually from week to week, calculating interest on each installment separately is difficult and time-consuming. Under the bill, benefits payable within each calendar month would be treated as a single award with interest to accrue only from the end of the month forward.

LD 546 **An Act to Promote Responsible Contracting Practices on State Projects** **ONTP**

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

LD 546 proposed to require an employer on a state project to possess a federal and state tax identification number, be bonded, carry liability insurance and follow state requirements for unemployment and workers' compensation insurance. The bill further proposed to require the employer to provide its employees health insurance that is Dirigo Health or the equivalent of that of state employees and construction industry safety training as provided by the United States Department of Labor, Occupational Safety and Health Administration, and to participate in an apprenticeship program or equivalent training program to train construction workers.

Committee Amendment "A" (S-112), which was the majority amendment of the committee and was not adopted, proposed to replace the bill and change the title of the bill. The amendment proposed to provide that, in collecting information from employers and determining the prevailing rate for health insurance, the Department of Labor, Bureau of Labor Standards must assume that an employer pays costs for health insurance at a rate that is either the median rate for small group health insurance, including Dirigo Health, or at the rate the employer actually pays for health insurance, whichever is higher. This amendment also proposed to add an appropriations and allocations section.

LD 569 **An Act To Correct an Inequity in Calculating Maine State Retirement Benefits** **ONTP**

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

LD 569, a concept draft pursuant to Joint Rule 208, proposed to correct an inequity in current law, which provides that if a person receives disability benefits while a Maine State employee, the receipt of those disability benefits has an adverse effect on how that person's retirement benefit will be calculated. The bill proposed to calculate a person's Maine State Retirement System benefits to eliminate this adverse effect.

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LD 573 **An Act To Generate Savings in the Unemployment Compensation Fund** **ONTP**

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

LD 573 proposed to require the reduction of unemployment benefits to any individual who receives an indemnity payment as part of a workers' compensation lump sum settlement. The bill proposed that the indemnity portion of the workers' compensation lump sum settlement would be prorated and applied in a reasonable manner that may include application to weeks both before and after the date of the receipt of the settlement.

LD 579 **An Act To Supplement Benefits for State Employees and Teachers Whose Pensions Are Subject to Reductions Enacted in 1993** **ONTP**

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

LD 579, a concept draft pursuant to Joint Rule 208, proposed to create a new defined contribution plan as a supplemental benefit for those state employees and teachers who are in service under the Maine State Retirement System, or MSRS, on or after January 1, 2006. The new plan would not cover any member who was in service with 10 years of creditable service on July 1, 1993; any member covered by the 1998 Special Plan; or any member covered by the plan for Maine State Police Officers.

Contributions to the plan would be calculated at the rate of 2% of an employee's salary or wages earned after December 31, 2005. The amount would be deducted from the employee's existing required contribution to the MSRS, but the employee's defined benefits under MSRS will not be diminished. The added cost of maintaining the employee's defined benefits would be allocated to the employer's share of the pension contribution. For state employees, the added cost would be apportioned across the entire payroll for state employees covered under MSRS, whether or not they are also covered by the new plan.

Amounts contributed to the plan would be managed by MSRS for the benefit of each employee in a nonlapsing fund. Each employee's share of the fund would be tax-sheltered and portable as provided in Section 457 and other provisions of the United States Internal Revenue Code. Each employee's accumulated contributions and net earnings would be nonlapsing and could be withdrawn or rolled over in accordance with the United States Internal Revenue Code when the employee dies, retires or departs from state service but only in the form of an annuity to be paid for the life of the employee or the employee's spouse. The employee would have a range of annuity options for payment of benefits to the employee or the employee's spouse.

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LD 583 An Act To Amend the Law Regarding the Use of "Hearing Dogs" by Deaf and Hard-of-hearing Persons ONTP

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

LD 583 proposed to eliminate the requirement in current state law that the Department of Labor, Bureau of Rehabilitation Services issue a card identifying certain dogs as having been "especially trained" as guide dogs for deaf or hard-of-hearing persons. The bill also proposed to remove the requirements that the owner of the dog carry the card and that the "hearing dog" wear a hunter orange collar and leash.

LD 659 An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON BRYANT B	OTP-AM	H-158

LD 659 proposed to allow an employee to recover wages from an employer when the employee has been undercompensated due to an error of the employer.

Committee Amendment "A" (H-158) proposed to replace the bill. The amendment proposed to clarify that an employee may recover wages from an employer when the employer has not paid the employee in full.

Enacted law summary

Public Law 2005, chapter 103 clarifies that an employee may recover wages from an employer when the employer has not paid the employee in full.

LD 721 An Act To Make the Minimum Wage a Livable Wage ONTP

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

LD 721 proposed to require that state employees, employees of entities with whom the State contracts and employees of businesses that receive grant payments, tax credits, tax reimbursement or tax forgiveness from the State receive a "livable" wage.

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LD 730

**An Act To Require Proof of Equipment Ownership for Employers
Using Foreign Laborers**

PUBLIC 461

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-372
STRIMLING	ONTP MIN	H-708 CUMMINGS

LD 730 proposed to require an employer who hires a foreign worker working in the United States under what is commonly known as an "H-2B visa" to provide proof of ownership of any equipment used by that worker, on a form to be provided by the Commissioner of Labor. The bill proposed to set fines for violations at no less than \$1,000 and no more than \$5,000 per violation.

Committee Amendment "A" (H-372), which was the majority report of the committee, proposed to specify that:

1. Proof of equipment ownership is necessary only for an employer who is employing a bond worker in a logging occupation;
2. Proof of ownership of at least one piece of logging equipment is required for every 2 bond workers employed in logging occupations; and
3. Proof of ownership must include a receipt for payment of the equipment.

House Amendment "A" to Committee Amendment "A" (H-708) proposed to require the employer of a bond worker to provide, as part of proof of equipment ownership, documentation of any property taxes on equipment used by the bond worker paid by the employer during the year in which the bond worker was employed. The amendment also proposed to exempt from the proof of ownership requirements any equipment for which a federal prevailing wage has been established and to change the rulemaking authorized in the bill to major substantive.

Enacted law summary

Public Law 2005, chapter 461 requires an employer who hires a foreign worker in a logging occupation working in the United States under what is commonly known as an "H-2B visa" to provide proof of ownership of any equipment used by that worker, on a form to be provided by the Commissioner of Labor, including a receipt for payment of the equipment and documentation of any property taxes on equipment used by the bond worker paid by the employer during the year in which the bond worker was employed. Further, the law specifies that proof of ownership of at least one piece of logging equipment is required for every 2 bond workers employed in logging occupations. The law also sets fines for violations at no less than \$1,000 and no more than \$5,000 per violation, and expressly exempts from the proof of ownership requirements any equipment for which a federal prevailing wage has been established. Finally the law authorizes major substantive rulemaking.

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LD 748 Resolve, Establishing the Commission To Study Retirement Eligibility and Benefits for Corrections Officers, Certain Other Law Enforcement Officers and Mental Health Workers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON DUPLESSIE		S-311 STRIMLING S-68

LD 748, a concept draft pursuant to Joint Rule 208, proposed to create parity between retirement benefits for corrections officers and mental health workers by adding direct-care mental health workers in the Department of Health and Human Services to the 1998 Special Plan. Under that plan, a worker qualifies for service retirement benefits if that worker either is 55 years of age with 10 years of creditable service in a covered capacity; or has 25 years of creditable service. In the latter case, the worker is eligible for a reduced benefit.

Committee Amendment "A" (S-68) proposed to create the Commission to Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers for the purpose of studying whether corrections officers and mental health workers should uniformly be eligible to retire after 25 years of service without a reduction in benefits regardless of their age. Membership of the commission would include representatives of corrections officers and mental health workers and 5 Legislators. The commission would be authorized to submit legislation to the Second Regular Session of the 122nd Legislature by December 15, 2005.

Senate Amendment "A" to Committee Amendment "A" (S-311) proposed to expand the study to include a review of whether law enforcement officers in the Office of the Attorney General and the Department of the Secretary of State should be included in the 1998 Special Plan, and to change the name, membership and duties of the commission accordingly.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 758 An Act To Increase Retired Teachers' Health Insurance Benefits CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	OTP-AM	H-410

LD 758 proposed to increase the State's contribution for health insurance for retired educators from 40% to 100%, phased in over 3 years.

Committee Amendment "A" (H-410) proposed to phase in the increase to the State's contribution for health insurance for retired educators over 11 years and to add an appropriations and allocations section to the bill.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122nd Legislature.

See also Public Law 2005, chapter 12, part X and Public Law 2005, chapter 457, part TT, which increase the state's contribution for health insurance for retired educators from 40% to 45% as of January 1, 2006.

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LD 809

An Act To Facilitate Testimony in Workers' Compensation Proceedings

PUBLIC 99

<u>Sponsor(s)</u> PERRY A		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-146
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LD 809 proposed to authorize a nurse practitioner to submit sworn written testimony in Workers' Compensation Board proceedings, just as physicians, psychologists and chiropractors may do under current law.

Committee Amendment "A" (H-146) proposed to authorize a physician's assistant, in addition to a certified nurse practitioner, to submit sworn written testimony in Workers' Compensation Board proceedings.

Enacted law summary

Public Law 2005, chapter 99 authorizes nurse practitioners and physicians' assistants to submit sworn written testimony in Workers' Compensation Board proceedings, just as physicians, psychologists and chiropractors may do.

LD 840

An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers

ONTP

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 840, a concept draft pursuant to Joint Rule 208, proposed to amend the current law to:

1. Reestablish the reserve fund for the retired teachers' health insurance program;
2. Include state and local school administrative unit contributions for the teacher retirement program as a cost component of the essential programs and services funding model in the Maine Revised Statutes, Title 20-A, chapter 606-B; and
3. Amend the funding mechanisms for the retired teachers' health insurance program and the teacher retirement program by requiring that local school administrative units fully fund these program costs and by including these local costs as part of the total costs recognized by the essential programs and services funding model in the Maine Revised Statutes, Title 20-A, chapter 606-B.

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LD 878 **An Act To Allow Assignment of Workers' Compensation
Payments to 3rd Parties Providing Income Protection Benefits** **ONTP**

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

LD 878 proposed to allow an employee who receives payment from an income protection plan or other contractual agreement for an injury to assign the employee's workers' compensation claim to the 3rd party providing payment under that income protection plan or contractual agreement. The bill proposed to limit the amount of assignment of the claim to the amount of compensation received under the income protection plan or other contractual agreement, and to specify that the assignment must be in writing and signed by the employee.

LD 879 **An Act To Ensure Equity in Appeals of Workers' Compensation
Cases** **ONTP**

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

LD 879 proposed to allow the suspension of benefits awarded by decision of the Workers Compensation Board, pending appeal of that decision to the Law Court, if the benefits were awarded in the form of a sum certain that accrue to the date of the decree.

Committee Amendment "A" (S-92) which was the minority report of the committee and was not adopted, proposed to allow the suspension of benefits awarded in the form of a sum certain that accrue to the date of the decree pending a motion for findings of facts and conclusions of law in addition to pending an appeal to the Law Court.

LD 881 **An Act To Amend the Maine Workers' Compensation Act of 1992
To Facilitate Timely Independent Medical Examinations and
Benefit Payments** **ONTP**

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

LD 881 proposed to expand the number of qualified medical professionals who are eligible to perform independent and more timely medical assessments relating to workers' compensation medical benefits, in response to a recent case, Lydon v. Sprinkler Services, 841 A2d 793 (Me. 2004), in which the Law Court concluded that the Maine Revised Statutes, Title 39-A, section 312, subsection 2 precludes the use of a physician as an independent medical examiner if that physician has examined any employee, not merely the employee whose case is at issue. The bill proposed to specify that it is a physician who examines "the" employee, not any

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employee, at the request of an insurance company during the previous 52 weeks who is prohibited from serving as an independent medical examiner.

Committee Amendment "A" (S-81), which was the minority report of the committee and was not adopted, proposed to make a technical correction to the bill to clarify that a physician is disqualified from being an independent medical examiner only for a specific employee's case if the physician has previously examined that employee pursuant to the Maine Revised Statutes, Title 39-A, section 207 in the previous 52 weeks.

See also LD 302, which was enacted as Public Law 2005, chapter 24.

LD 896 An Act To Encourage State Employees To Continue Employment ONTP

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

LD 896 proposed to direct the Maine State Retirement System to amend its rules to clarify that a participant in the system who has reached normal retirement age may retire and begin receiving state retirement benefits and then may return to employment with the same employer while receiving those retirement benefits.

LD 901 Resolve, To Create a New Pension System for Newly Hired Teachers and State Employees ONTP

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

LD 901 proposed to direct the Maine State Retirement System to develop a new uniform supplemental pension system for teachers from participating local districts and state employees hired after December 31, 2005 that would:

1. Make participation in the federal Social Security system mandatory;
2. Contain a defined benefit component that has an actuarial cost of 4% of payroll, with 3% allocated to the State and 1% to the employee;
3. Contain a defined benefit modeled on current law with a normal retirement age of 62 years but with the penalty for early retirement of 4% per year; and
4. Provide an optional benefit package of up to 6% of payroll with the State matching the employee's contribution on a 2-for-1 basis.

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LD 912 **An Act Regarding Noncompete Agreements** **ONTP**

<u>Sponsor(s)</u> MOORE G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 912 proposed to provide that an employer who requires an employee to enter into a noncompete agreement meet in person with the employee and review and disclose the terms of the agreement. The bill also proposed to allow the enforcement of a noncompete agreement only if the employee leaves within 3 months from the beginning of that employment.

LD 916 **Resolve, Establishing the Commission on Maximum Hospital** **DIED BETWEEN**
Charges for Workers' Compensation **HOUSES**

<u>Sponsor(s)</u> SMITH W STRIMLING		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-338
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LD 916 proposed to direct the Workers' Compensation Board to adopt rules that establish schedules of maximum charges for hospital charges.

Committee Amendment "A" (H-338) proposed to replace the bill with a resolve establishing the Commission on Maximum Hospital Charges for Workers' Compensation. The commission's duties would be to study information provided by the Maine Health Data Organization concerning actual payments made by private 3rd-party payors for hospital services and, based on that information, to determine whether a schedule of maximum charges for hospital services provided to workers' compensation claimants should be established and, if so, to recommend those maximum charges.

LD 943 **An Act To Amend the Laws Governing the Department of Labor's** **PUBLIC 232**
Construction Industry Wage and Hour Survey

<u>Sponsor(s)</u> COWGER SMITH W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-177
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LD 943 proposed to require the Department of Labor, Bureau of Labor Standards, as part of its annual determination of the prevailing hourly wage and benefits in the construction industry in Maine, to determine the prevailing hourly wage and benefits based upon each construction industry employer's annual peak employment period, which is defined as the 2-week period each year during which the employer employs the most employees. Under current law the survey is based upon an investigation of wages and benefits paid by employers during the 2nd and 3rd weeks of September.

Committee Amendment "A" (S-177) proposed to replace the bill. The amendment proposed to enable petitions to be filed with the Director of the Bureau of Labor Standards to institute a supplemental wage and benefit survey

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to determine a prevailing wage for a trade or occupation that has more than 10 workers, if that trade or occupation was not part of a previous wage and hour survey.

Enacted law summary

Public Law 2005, chapter 232 supplements current law requiring the Department of Labor, Bureau of Labor Standards to determine the prevailing hourly wage and benefits in the construction industry in Maine. The survey is based upon an investigation of wages and benefits paid by employers in the construction industry during the 2nd and 3rd weeks of September, annually. Chapter 232 enables petitions to be filed with the Director of the Bureau of Labor Standards within the Department of Labor to institute a supplemental wage and benefit survey to determine a prevailing wage for a trade or occupation that has more than 10 workers, if that trade or occupation was not part of a previous wage and hour survey.

LD 962 An Act To Codify Unallocated Law Regarding the Maine State Retirement System PUBLIC 21

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

LD 962 proposed to move certain language referring to the status of employees who have retired and returned to covered employment under the Maine State Retirement System from Public Law 2001, chapter 442, section 5 to the Maine Revised Statutes, Title 5, chapter 13, subchapter 2, which concerns the state employee health insurance program.

Enacted law summary

Public Law 2005, chapter 21 moves certain language referring to the status of employees who have retired and returned to covered employment under the Maine State Retirement System from Public Law 2001, chapter 442, section 5 to the Maine Revised Statutes, Title 5, chapter 13, subchapter 2, which concerns the State employee health insurance program.

LD 963 An Act To Set Standards for Electronic Methods Used for Wage Payment PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON SNOWE-MELLO	OTP-AM	H-160

LD 963 proposed to clarify that an employer may pay employees through electronic transfers if there is no charge to the employees and must provide records of electronic transfers.

Committee Amendment "A" (H-160) proposed to make 2 changes to the bill to give effect to the bill's intent:

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1. The amendment proposed to remove language in the bill that would have made electronic payment permissible only if agreed to by the employee, but to allow electronic payment as long as it does not create any additional cost for the employee or the employee has a choice of another means of payment that does not create any additional cost for the employee; and
2. The amendment proposed to restore language in current law authorizing the Director of Labor Standards to initiate routine inspections of businesses in addition to inspections based on written complaints to clarify that no change to the current authority is being made.

Enacted law summary

Public Law 2005, chapter 89 clarifies that an employer may pay an employee through electronic transfer if it does not create any additional cost for the employee or the employee has a choice of another means of payment that does not create any additional cost for the employee.

LD 978

Resolve, Directing the Advisory Council on Tax-deferred Arrangements To Study Deferred Retirement Option Programs

RESOLVE 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-145

LD 978 proposed to direct the Department of Administrative and Financial Services, Bureau of Human Resources, Division of Employee Health and Benefits to require that a carrier of a deferred compensation plan for state employees also provide a deferred retirement option program, referred to as "DROP," to state employees. Under a DROP, a state employee retires and is rehired, and elects to deposit all or a part of the equivalent of the employee's retirement contributions into a pre-tax account for 3 to 5 years. The bill proposed to direct the Division of Employee Health and Benefits to adopt rules by January 1, 2006 to implement these programs, and to direct the Maine State Retirement System to adopt rules allowing state employees who participate in the retirement system and have reached normal retirement age to elect to enroll in a DROP.

Committee Amendment "A" (H-145) proposed to replace the bill with a resolve directing the Advisory Council on Tax-deferred Arrangements to study whether it is in the interest of the State and of employees and retirees who are members of the Maine State Retirement System to make available a deferred retirement option program as part of the deferred compensation programs offered to these employees and retirees. The resolve also proposed to set a deadline of January 15, 2006 for a report to the Joint Standing Committee on Labor including the Advisory Council on Task-deferred Arrangements's findings, recommendations and suggested legislation, to direct that the Department of Administrative and Financial Services provide administrative support for the study within existing resources and to give the Joint Standing Committee on Labor authority to report out legislation concerning the study to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 17 directs the Advisory Council on Tax-deferred Arrangements to study whether it is in the interest of the State and of employees and retirees who are members of the Maine State Retirement System to make available a deferred retirement option program as part of the deferred compensation programs offered to these employees and retirees. The resolve also sets a deadline of January 15, 2006 for a report to the Joint

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Standing Committee on Labor including the Advisory Council on Task-deferred Arrangements's findings, recommendations and suggested legislation, directs that the Department of Administrative and Financial Services provide administrative support for the study within existing resources and gives the Joint Standing Committee on Labor authority to report out legislation concerning the study to the Second Regular Session of the 122nd Legislature.

LD 995 **An Act To Conform Maine Employment Security Law with the** **PUBLIC 120**
Federal SUTA Dumping Prevention Act of 2004

<u>Sponsor(s)</u> STRIMLING HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-97
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LD 995 proposed to help detect businesses with high unemployment insurance tax rates resulting from a high volume of layoff activity setting up shell companies and transferring their employees to the shell companies to get lower, new-employer unemployment insurance tax rates and deters those businesses from doing so. Federal legislation to address this type of unemployment tax rate manipulation was recently enacted, and the bill was designed to keep Maine law in compliance with federal law.

Committee Amendment "A" (S-97) proposed to incorporate language that was inadvertently omitted from the bill.

Enacted law summary

Public Law 2005, chapter 120 helps detect businesses with high unemployment insurance tax rates resulting from a high volume of layoff activity that set up shell companies and transfer their employees to the shell companies to get lower, new-employer unemployment insurance tax rates, and deters those businesses from doing so. This law keeps Maine law in compliance with federal law that was recently enacted to address this type of unemployment tax rate manipulation.

LD 996 **Resolve, Establishing the Commission To Study Medical Expenses** **ONTP**
Under the Maine Workers' Compensation Act of 1992

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 996 proposed to establish the Commission to Study Medical Expenses Under the Maine Workers' Compensation Act of 1992, which would be required to submit its report to the Second Regular Session of the 122nd Legislature by November 2, 2005.

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LD 1005

Resolve, To Establish an Apprenticeship Program for Shipbuilders

ONTP

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

LD 1005 proposed to direct the Department of Labor to develop an apprenticeship program for shipbuilders and to report on its progress with any proposed legislation to the Joint Standing Committee on Labor no later than December 7, 2005.

LD 1021

An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters

CARRIED OVER

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

LD 1021 proposed to implement the unanimous recommendations of the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters.

Part A proposed to create a state subsidy for the cost of retiree health insurance for municipal and county law enforcement officers and firefighters who retire from certain Maine State Retirement System retirement plans. To pay for the subsidy, the bill proposed to create a dedicated account funded from 2 sources: a 0.50% premium tax on certain types of property and casualty insurance policies, including homeowners insurance and commercial and personal car insurance, and a contribution of 1.5% of compensation from active municipal and county law enforcement officers and firefighters who participate in certain retirement plans and would be likely to be eligible for the subsidy upon retirement. Officers and firefighters would be eligible for the subsidy only if they have retired from a Maine State Retirement System retirement plan that provides for retirement after 25 years of service, with a benefit of at least 50% of average final compensation and a cost-of-living adjustment, or a better Maine State Retirement System retirement plan. The bill proposed to require the Department of Administrative and Financial Services to report on revenue and funding of the subsidy to the Legislature in 2011, and to require the Bureau of Insurance in the Department of Professional and Financial Regulation to submit a report to the Second Regular Session of the 122nd Legislature setting forth options for collecting contributions toward the cost of the retiree health insurance from businesses that do not purchase insurance for the types of property and casualty risks described in the bill.

Part B proposed to allow state, county and municipal law enforcement officers and firefighters who change employers to purchase portability of their retirement benefits, if they are changing retirement plans and the plan to which they are moving does not provide portability. Portability would allow a person to count all or a portion of years of service from an earlier retirement plan when calculating a benefit or meeting the years-of-service requirement in a later retirement plan, and to count compensation from all years of service in determining average final compensation, one of the factors in calculating a retirement benefit. This provision would apply only to persons moving among the types of Maine State Retirement System retirement plans described above.

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This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1044

An Act To Care for Families

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-280
RICHARDSON J	ONTP MIN	S-335 COURTNEY S-347 RAYE

LD 1044 proposed to require an employer to allow an employee who receives paid leave, such as sick or vacation time, to use that time to care for an ill immediate family member.

Committee Amendment "A" (S-280) proposed to do the following:

1. Limit application of the bill to employers with 15 or more employees;
2. Narrow and clarify the definitions of "immediate family member" and "paid leave";
3. Allow employers to limit an employee's use of paid leave for care of a family member to 40 hours per year;
4. Allow employers to eliminate or modify paid leave benefits;
5. Establish penalties of \$50 for a first violation, \$100 for a 2nd violation and \$250 for each subsequent violation; and
6. Clarify certain other provisions of the bill.

Senate Amendment "A" to Committee Amendment "A" (S-335) proposed to remove the specified penalties for a violation by the employer of the family sick leave provisions.

Senate Amendment "C" to Committee Amendment "A" (S-347) proposed to change the application of the bill from employers with 15 or more employees to employers with 25 or more employees.

Enacted law summary

Public Law 2005, chapter 455 requires an employer with 25 or more employees to allow an employee who receives paid leave, such as sick or vacation time, to use that time to care for an ill immediate family member. The law allows an employer to limit an employee's use of paid leave for care of a family member to 40 hours per year, and to eliminate or modify paid leave benefits.

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LD 1050 **An Act To Promote Enforcement of Labor Laws Affecting Employers** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W		

LD 1050 proposed to require the Attorney General to investigate violations of the labor laws, including wage and hour violations and unemployment fraud, and prosecute violators. The bill proposed to specify that, if the Attorney General determines that an employer has violated a labor law, the Attorney General must investigate all the employees and subcontractors of that employer.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1054 **Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits** **ONTP**

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

LD 1054 proposed to direct the Maine State Retirement System to amend its rules to clarify that a state police officer who is a participant in the system and has reached normal retirement age may retire and begin receiving state retirement benefits and then may return to employment with the same employer while receiving those retirement benefits.

LD 1080 **An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J WOODCOCK	OTP-AM	H-149

LD 1080 proposed to direct the State to reimburse Allan Wyman for the contribution the State would have made had Mr. Wyman not mistakenly made his payments towards his retiree health insurance premium directly to the insurer.

Committee Amendment "A" (H-149) proposed to add an appropriations and allocations section.

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LD 1123

An Act To Promote Stability in Labor Relations

PUBLIC 324

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE STRIMLING	OTP-AM MAJ ONTP MIN	H-492

LD 1123 proposed to provide that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

Committee Amendment "A" (H-492) proposed to replace the bill. The amendment proposed to provide that, for an expired collective bargaining agreement signed after October 1, 2005, the grievance arbitration provisions of the collective bargaining agreement that concern what is commonly known as the "static status quo" remain in effect until a new contract is executed. The amendment proposed to give the Maine Labor Relations Board authority over disputes concerning the application of the static status quo doctrine, as well as rulemaking authority to implement the amendment's purposes. The amendment further proposed to provide that a grievance appealed to arbitration is subject exclusively to arbitration, and that grievance arbitration would be stayed pending resolution of a dispute over application of the static status quo doctrine by the Maine Labor Relations Board.

Enacted law summary

Public Law 2005, chapter 324 provides that, for an expired collective bargaining agreement signed after October 1, 2005, the grievance arbitration provisions of the collective bargaining agreement that concern what is commonly known as the "static status quo" remain in effect until a new contract is executed. The law gives the Maine Labor Relations Board authority over disputes concerning the application of the static status quo doctrine, as well as rulemaking authority to implement the amendment's purposes. The law further provides that a grievance appealed to arbitration is subject exclusively to arbitration, and that grievance arbitration will be stayed pending resolution of a dispute over application of the static status quo doctrine by the Maine Labor Relations Board.

LD 1143

An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields

ONTP

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

LD 1143 proposed to specify that salespeople working for mortgage companies are not exempt from the laws governing minimum wages.

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LD 1170 **An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters** **PUBLIC 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE COLLINS	OTP-AM	S-113

LD 1170 proposed to allow a municipal fire department to pay volunteer firefighters on a semiannual basis, instead of at least every 16 days as required by current law.

Committee Amendment "A" (S-113) proposed to clarify that fire departments may pay volunteer firefighters every 6 months or more frequently.

Enacted law summary

Public Law 2005, chapter 126 clarifies that fire departments may pay volunteer firefighters every 6 months or more frequently.

LD 1197 **An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System** **ONTP**

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

LD 1197 proposed to provide that the recipient of a service retirement benefit under the Maine State Retirement System who has elected an optional method of payment may exercise at any time a one-time option to select a different optional method of payment.

LD 1214 **An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections** **ONTP**

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

LD 1214 proposed to require the Department of Labor, Bureau of Labor Standards to provide notice to an employer at least 72 hours before the bureau inspects a workplace of the employer. This requirement would not apply to emergency inspections. The bill also proposed to eliminate the prohibition on giving advance notice of an inspection without authority from the Director of the Bureau of Labor Standards.

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LD 1223 **Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act** **ONTP**

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

LD 1223 proposed to require the Executive Director of the Maine State Retirement System to work cooperatively with the United States Social Security Administration to provide support of the federal Public Servant Retirement Protection Act.

LD 1236 **Resolve, To Establish the Study Commission Regarding Liveable Wages** **RESOLVE 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM	H-232 S-384 GAGNON

LD 1236 proposed to establish the Study Commission Regarding Liveable Wages.

Committee Amendment "A" (H-232) proposed to change the membership of the study commission, so that the commission would include the following: 2 Senators who are from different parties and are members of the Joint Standing Committee on Labor; 3 members of the House of Representatives who also are members of the Joint Standing Committee on Labor and of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. Additionally, the amendment proposed to include the Commissioner of Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development as ex officio, nonvoting members of the commission. The amendment also proposed to include in the commission's duties an examination of the economic impact to the State of a liveable wage. The amendment also proposed to set August 1, 2005 as the latest date on which the commission must convene, and to clarify that the Legislative Council shall provide necessary staffing services.

Senate Amendment "B" to Committee Amendment "A" (S-213) proposed to strike the emergency preamble and emergency clause from the resolve and adjust the commission's initial meeting date and final reporting date accordingly. The amendment also proposed to remove the requirement that legislative members appointed to the commission be members of the Joint Standing Committee on Labor and conform the resolve with the Standards for Legislative Studies adopted by the Legislative Council and the Joint Rules.

Enacted law summary

Resolve 2005, chapter 128 establishes the Study Commission Regarding Liveable Wages. Members of the commission include: 2 Senators who are from different parties; 3 members of the House of Representatives of whom no more than 2 are of the same party; and one representative each of the business community, municipal government, organized labor and an advocacy organization for the poor or for women. The Commissioner of

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Labor, the Commissioner of Health and Human Services and the Commissioner of Economic and Community Development serve as ex officio, nonvoting members of the commission.

LD 1238 An Act To Ensure Compliance with Safety Regulations

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM MAJ	
BRYANT B	ONTP MIN	

LD 1238 was intended to protect public safety by proposing to require inspections of certain industrial and commercial facilities that use potentially hazardous substances, equipment and machinery to ensure that operations will be undertaken properly. The bill proposed to prevent the initiation or resumption of operation of any facility that employs more than 250 persons, uses hazardous substances or hazardous equipment or machinery in its operations and is being operated by an inexperienced workforce. The operator of such a facility would be required to notify the Department of Labor, Bureau of Labor Standards of the impending initiation or resumption of operation, and the Bureau of Labor Standards would schedule and conduct an inspection of the facility and consult with the employees of the facility to ensure that the facility may safely initiate or resume operation. The bill proposed to provide opportunity for public comment and input from local government and the facility's employees to ensure adequate information is obtained about potential hazards caused by the facility's operation. The bureau would cooperate with the State Emergency Response Commission and local emergency planning committees to ensure that local emergency response plans are understood and followed in the event of an emergency at the facility. Finally the bill proposed to prohibit the facility from beginning or resuming operation until it had been inspected by the Bureau of Labor Standards and found to be safe for operation.

Committee Amendment "A" (H-443) proposed to remove the prohibition on initiation or resumption of operation of a covered facility until inspection by the Department of Labor, Bureau of Labor Standards is complete. In place of that prohibition, the amendment proposed to require that a covered facility cease operations if it has been found deficient through the bureau's inspection and to allow the facility to resume operations only after the deficiencies have been corrected. This amendment also proposed to add an appropriations and allocations section.

LD 1247 An Act To Modify Labor Laws with Regard to Minor Workers

ONTP

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

LD 1247 proposed to raise the maximum number of hours a 16-year-old or 17-year-old may work during a school week from 20 hours to 35 hours and to raise the number of hours a 16-year-old or 17-year-old may work during a school day from 4 hours to 5 hours. The bill proposed to limit a minor whose overall grade average is below a C or who has an average grade in any class below a C- to working no more than 20 hours during a school week and only during the hours of 3:00 p.m. to 8:00 p.m. on a school day. A secondary school would be required to notify every student whose work schedule is limited under this provision. The bill proposed to allow a minor to return

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to normal working conditions if the school administrator determines the minor's overall grade average has risen to at least a C and that no average grade for any class is below C-. Current law requires employers of minors under 18 years of age to keep a time book or record on every minor working for the employer. This bill proposed to require the employer to send a copy of this time book to the minor's secondary school on a monthly basis, and to eliminate the provision that does not count the time a minor works in an approved vocational cooperative education program towards the maximum number of hours the minor may work during a school day or week.

Committee Amendment "A" (H-409), which was the minority report of the committee and was not adopted, proposed to replace the bill. The amendment proposed to raise the limit on work hours for a 17-year-old while school is in session from 20 hours per week to 30 hours per week, if the 17-year-old provides proof to the employer of achievement of an overall B average for the prior semester. The amendment also proposed to raise the limit on work hours for 17-year-olds while school is in session from 4 hours per day to 6 hours per day. Finally, the amendment proposed to add an appropriations and allocations section to the bill.

LD 1269 **An Act To Change the Retirement Eligibility Requirements for** **ONTP**
Investigators in the Office of the Attorney General and the
Department of the Secretary of State

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

LD 1269 proposed to allow investigators in the Office of the Attorney General or Department of the Secretary of State to elect to participate in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and a reduced benefit.

See also LD 748, which was carried over.

LD 1276 **An Act To Prohibit the Use of Foreign Labor Unless a Federal** **CARRIED OVER**
Prevailing Wage Is Set

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

LD 1276 proposed to prohibit the Department of Labor from certifying to the United States Department of Labor that no U.S. citizens are qualified for or willing to fill a job opening in a forestry occupation, for the purpose of allowing an employer to hire a foreign worker to fill that job opening under what is commonly known as an "H-2B visa," if the job would require the worker to use the worker's own equipment and if the U.S. Department of Labor's Division of Foreign Labor Certification has not established a prevailing wage for workers performing that job using the workers' own equipment.

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Committee Amendment "B" (H-445) proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an "H-2B visa," or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment also proposed to grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1329	Resolve, Directing the Workers' Compensation Board To Consider Adoption of the "Guides to the Evaluation of Permanent Impairment," 5th Edition, in Assessing Workers' Compensation Injuries	RESOLVE 53 EMERGENCY
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<u>Sponsor(s)</u> NUTTING J SMITH W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-189
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LD 1329 proposed to require the Workers' Compensation Board to use the 5th edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" to assess impairment relating to injuries involving the spinal column.

Committee Amendment "A" (S-189) proposed to replace the bill with a resolve directing the Workers' Compensation Board to consider adoption of the 5th edition of "Guides to the Evaluation of Permanent Impairment" as impairment guidelines and to report to the Joint Standing Committee on Labor by January 15, 2006 its determination of whether the 5th edition should be adopted and, if so, whether it has been adopted by board rule. The resolve also proposed to grant the committee authority to report out legislation to the Second Regular Session of the 122nd Legislature related to the board's report.

Enacted law summary

Resolve 2005, chapter 53 directs the Workers' Compensation Board to consider adoption of the 5th edition of "Guides to the Evaluation of Permanent Impairment" as impairment guidelines and to report to the Joint Standing Committee on Labor by January 15, 2006 its determination of whether the 5th edition should be adopted and, if so, whether it has been adopted by board rule. The resolve also grants the committee authority to report out legislation to the Second Regular Session of the 122nd Legislature related to the board's report.

Resolve 2005, chapter 53 was finally passed as an emergency measure effective May 26, 2005.

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**LD 1346 An Act to Require Employers and Employees to Provide a 2-Week CARRIED OVER
Notice before Terminating Employment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY BRYAND B	OTP-AM ONTP	

LD 1346 proposed to require all employees to give 2 weeks' notice prior to quitting and employers, including the State and the Legislature, to give 2 weeks' notice prior to terminating an employee. The bill proposed that an employee who quits in violation of this requirement without reasonable cause would be subject to a forfeiture of one week's pay and that an employer who fails to provide 2 weeks' notice without reasonable cause would be required to provide the employee with 2 weeks' pay. Current law allows an employer and employee in a manufacturing or mechanical business to contract to give each other one week's notice of intention to quit or terminate employment.

Committee Amendment "A" (H-376), the majority report of the Joint Standing Committee on Labor, proposed to replace the bill. The amendment proposed to specify that a partisan legislative employee must be provided with at least a 2-week notice prior to being discharged, unless the termination is for reasonable cause. This amendment was not adopted.

LD 1346 was subsequently committed to the Joint Select Committee on Joint Rules and was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

**LD 1353 An Act To Allow Certain School Employees To Collect ONTP
Unemployment**

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

LD 1353 proposed to make a bus driver or janitorial staff worker in a public school eligible to collect unemployment benefits in between 2 academic years, even if the driver or staff worker has received written assurance that the driver or staff worker will be employed by the school in that same position the 2nd academic year.

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LD 1361

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MARTIN	OTP-AM	H-428 S-386 GAGNON

LD 1361 proposed to do the following:

1. Allow for post-accident testing when death, serious injury or substantial property damage has occurred, separate and apart from probable cause or random testing;
2. Permit the employer to require, request or suggest subsequent follow-up testing of an employee returning to work during the 18 months after the date of the employee's return to work;
3. Allow for point-of-collection screening tests of employees. Confirmation of positive tests would still be required in the existing manner;
4. Amend the exclusion of a single work-related accident as probable cause for testing when circumstances surrounding a single work-related accident may give rise to probable cause to test, even if the harm from the accident is not so severe as to warrant general post-accident testing;
5. Set reasonable limits on the currently open-ended shifting of uninsured treatment or rehabilitation costs, based on an employee's length of service and incorporates changes recognizing that outpatient treatment is often the recommended approach;
6. Permit a program of follow-up testing after return to work following a confirmed positive test, as recommended by a rehabilitation or treatment provider. The statutes currently permit only a single follow-up test in the period between 90 days and one year after the employee's positive prior test. This change would permit a program of follow-up testing in the 12 months following a confirmed positive test, under circumstances similar to those now used for drivers of commercial motor vehicles under the Federal Motor Carrier Safety Regulations; and
7. Amend the provisions requiring return of an employee with a confirmed positive test result to a safety-sensitive position and insulating the employee from any financial consequences. The existing law requires that, if due to a perceived safety hazard an employee is not immediately returned to the safety-sensitive position, the employer must nonetheless pay the rate of the safety-sensitive job even though that job is not being performed. This change would provide employers greater flexibility to temporarily reassign such persons to other duties at the rates of pay corresponding to the new positions. As soon as the employee's rehabilitation or treatment provider concludes the unreasonable safety hazard has abated, the employee must be restored to full pay.

Committee Amendment "A" (H-428) proposed to replace the bill. The amendment proposed to specify that the results of a point of collection substance abuse screening test must be provided to the employee who is the subject of the test immediately, regardless of the preliminary result, and may not be released to the employer until after results of a confirmation test have been determined or until after the time it would have taken for results of a

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confirmation test to be determined if one had been performed. The amendment further proposed to specify that the results of a confirmation test must be provided immediately to both the employee and employer.

Additionally, the amendment proposed to direct the Department of Labor to establish a task force on substance abuse testing and treatment and details the proposed duties, membership and reporting obligations of the task force.

Senate Amendment "A" to Committee Amendment "A" (S-386) proposed to bring the bill into conformity with the Joint Rules and Standards for Legislative Studies adopted by the Legislative Council.

Enacted law summary

Public Law 2005, chapter 443 specifies that the results of a point of collection substance abuse screening test must be provided to the employee who is the subject of the test immediately, regardless of the preliminary result. Chapter 443 also states that the results of a point of collection screening test may not be released to the employer until after results of a confirmation test have been determined or until after the time it would have taken for results of a confirmation test to be determined if one had been performed. The law further specifies that the results of a confirmation test must be provided immediately to both the employee and employer.

Additionally, chapter 443 directs the Department of Labor to establish a task force on substance abuse testing and treatment and details the duties, membership and reporting obligations of the task force.

LD 1384

**An Act To Assist Businesses To Retain Seasonal Employees and
Reduce the Burden on the Bureau of Unemployment
Compensation**

ONTP

Sponsor(s)
BISHOP
DOW

Committee Report
ONTP

Amendments Adopted

LD 1384 proposed to allow an employer to lay off an employee for up to 8 weeks without the employee having to meet the current job search requirements, better enabling a seasonal employer to retain trained employees while recapturing a portion of the cost of the benefits with a higher rate due to the employer's experience rating record. Current Department of Labor rules waive the work search requirement for unemployment benefits for a laid off employee if the employer gives the employee a recall notice guaranteeing that the employee will be rehired within 6 weeks, saving the employee and the Department of Labor, Bureau of Unemployment Compensation the burden of the employee's unnecessarily having to look for other work and report weekly on that search to the bureau. Current law also bases the unemployment contribution for employers on the individual employer's past experience rating record.

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LD 1398

An Act To Align Federal and State Child Labor Laws

ONTP

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

LD 1398 proposed to direct the Department of Labor, Bureau of Labor Standards to adopt rules that conform to the federal Fair Labor Standards Act of 1938 and accompanying regulations that govern employment of minors under 18 years of age, and to prohibit employment of minors except in accordance with these rules. The bill also proposed to direct the bureau to readopt the rule prohibiting minors from being employed in a place that has nude entertainment and to specify that these rules are routine technical rules.

LD 1410

An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE SNOWE-MELLO	ONTP	

LD 1410 proposed to require that the Maine Unemployment Insurance Commission maintain its principal office in the Augusta area.

LD 1413

An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law

PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER-SIMPS	OTP-AM	H-348

LD 1413 proposed to expand the remedies available to employees alleging violations of the Maine family medical leave requirements to equal those available under federal law. These remedies include back pay, interest, attorney's fees and costs, liquidated double damages and equitable remedies.

Committee Amendment "A" (H-348) proposed to remove the burden from an employer to prove that the employer has acted in good faith in order to avoid double damages, and instead to place the burden on the employee to prove that the violation was willful for the employee to recover double damages.

Enacted law summary

Public Law 2005, chapter 228 expands the remedies available to employees alleging violations of the Maine family medical leave requirements to equal those available under federal law. The remedies include back pay, interest, attorneys' fees and costs, liquidated double damages and equitable remedies. Additionally, the law

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places the burden on the employee to prove that the violation was willful for the employee to recover double damages.

LD 1419 **An Act To Amend the Laws Regarding Certain Employment-related Matters** **PUBLIC 119**

<u>Sponsor(s)</u> SMITH W STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-233
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LD 1419 proposed to insert a reference to the existing statutory provision that governs payment for services of a member of the State Board of Arbitration and Conciliation in the laws governing leaves of absence. That provision requires the costs to be shared by the parties. The bill also proposed to provide that wages paid to election officials and election workers do not have to be reported for purposes of the laws governing unemployment compensation until they exceed \$1,000. Finally, LD 1419 proposed to remove the exemption for wages earned as a volunteer emergency medical services worker in the definition of total and partial unemployment in the laws governing unemployment compensation.

Committee Amendment "A" (H-233) proposed to delete section 3 of the bill, which would have removed the exemption for wages earned as a volunteer emergency medical services worker in the definition of total and partial unemployment in the laws governing unemployment compensation.

Enacted law summary

Public Law 2005, chapter 119 inserts a reference to the statutory provision that governs payment for services of a member of the State Board of Arbitration and Conciliation in the laws governing leaves of absence. That provision requires the costs to be shared by the parties. The law also provides that wages paid to election officials and election workers do not have to be reported for purposes of unemployment compensation until they exceed \$1,000.

LD 1470 **Resolve, Directing the Judicial Compensation Commission to Examine Allowing Judges To Receive Service Credit for Prior Legislative Service** **RESOLVE 86**

<u>Sponsor(s)</u> MILLS J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-427
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LD 1470 proposed to allow a member of the Maine Judicial Retirement System service credit for time spent as a Legislator as long as the member made payments to the Maine Legislative Retirement System for service as a Legislator.

Committee Amendment "A" (H-427) proposed to replace the bill with a resolve directing the Judicial Compensation Commission to examine whether a judge or justice should receive service credit in the Maine Judicial Retirement System for time spent as a Legislator if the judge or justice made payments to the Maine

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Legislative Retirement System during that legislative service and to report its findings and recommended legislation to the joint standing committees of the Legislature having jurisdiction over labor and judiciary matters by December 1, 2006.

Enacted law summary

Resolve 2005, chapter 86 directs the Judicial Compensation Commission to examine whether a judge or justice should receive service credit in the Maine Judicial Retirement System for time spent as a Legislator if the judge or justice made payments to the Maine Legislative Retirement System during that legislative service. The resolve also directs the commission to report its findings and recommended legislation to the joint standing committee of the Legislature having jurisdiction over labor issues.

**LD 1476 An Act To Provide an Annual Cost-of-living Adjustment for DIED BETWEEN
Persons Receiving Workers' Compensation Benefits for Total HOUSES
Incapacity**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J PINEAU	OTP-AM MAJ ONTP MIN	

LD 1476 proposed to require an annual adjustment to benefits for those receiving workers' compensation because of total incapacity.

Committee Amendment "A" (S-176) proposed to apply the cost-of-living adjustment only to those injuries that occur after September 30, 2005.

LD 1486 An Act To Amend the Law Allowing Legislative Staff To Unionize ONTP

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

LD 1486 proposed to require the collective bargaining agent of legislative employees to be an independent labor organization, which is a labor organization that neither represents employees outside of the Maine Legislature nor is affiliated with an organization that represents employees outside of the Maine Legislature.

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LD 1570 **An Act To Require Random Drug Testing for Emergency Vehicle Operators** **ONTP**

<u>Sponsor(s)</u> CLOUGH COURTNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1570 proposed to require random substance abuse testing for emergency vehicle operators. The testing procedures proposed to be used are defined in the Maine Revised Statutes, Title 26, section 683.

LD 1604 **An Act To Restructure the Unfunded Liability of the Maine State Retirement System** **CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1604, a concept draft pursuant to Joint Rule 208, proposed to refinance a portion of the Maine State Retirement System pension debt through the bond market.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1628 **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **CARRIED OVER**

<u>Sponsor(s)</u> PATRICK BRYANT B		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1628 proposed to require that a contractor or subcontractor entering into a contract for a public work on or after July 1, 2007 that is for \$10,000 or more provide documentation demonstrating that all employees working on that project have completed a construction safety training course, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also proposed to specify that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

Committee Amendment "A" (H-491) proposed to:

1. Eliminate the penalties of removal of workers and cancellation of the contract;
2. Allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to deduct penalties assessed to contractors and subcontractors from contract payments for public works;

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3. Afford contractors and subcontractors 30 days to correct a failure to provide the required training or, if the contractor or subcontractor does not have a certified trainer on staff, the longer of 30 days and until the date of the next available and appropriate training by the Department of Labor that occurs within a 2-hour drive of the work site; and
4. Allow the Director of General Services to refuse to release plans and specifications to a contractor or subcontractor for the purpose of bidding on a future project if the contractor or subcontractor has violated the training requirements.

House Amendment "A" to Committee Amendment "A" (H-645), which was not adopted, proposed to require that one employee from each company at a work site must have successfully completed a course in construction safety approved by the United States Occupational Safety and Health Administration.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

LD 1652 **An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment** **PUBLIC 296**

<u>Sponsor(s)</u> DUCHESNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-493
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LD 1652 proposed to protect a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency such as a fire, hazardous or toxic waste spill or other situation to which the fire department is called to respond. The bill proposed to allow written agreements between employers and employees to supersede the terms of the proposed law. The bill further proposed to apply only to employers with 5 or more full-time-equivalent employees and to allow an employer to designate an employee as "essential" and therefore not subject to the employment protections.

Committee Amendment "A" (H-493) proposed to eliminate the limitation on application of the bill to employers with 5 or more full-time-equivalent employees. The amendment also proposed to clarify that:

1. A volunteer firefighter is not required to report to work immediately after an emergency, but rather as soon as reasonably possible after being released from an emergency;
2. A volunteer firefighter must, at the employer's request, provide a statement from the fire chief documenting the time of release from the emergency call; and
3. An employer may designate an employee as essential when the absence of the employee would cause disruption of the employer's business.

Enacted law summary

Public Law 2005, chapter 296 protects a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the

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volunteer firefighter is responding to an emergency such as a fire, hazardous or toxic waste spill or other situation to which the fire department is called to respond. The law also allows written agreements between employers and employees to supersede its terms. Additionally, the law clarifies that a volunteer firefighter is not required to report to work immediately after an emergency, but rather as soon as reasonably possible after being released from an emergency, and specifies that a volunteer firefighter must, at the employer's request, provide a statement from the fire chief documenting the time of release from the emergency call. Finally, the law allows an employer to designate an employee as essential when the absence of the employee would cause disruption of the employer's business.

LD 1654

An Act To Prevent the Loss of Jobs through Outsourcing

CARRIED OVER

Sponsor(s)
ROTUNDO

Committee Report

Amendments Adopted

LD 1654, a concept draft pursuant to Joint Rule 208, proposed to enact a variety of measures that would serve to prevent or reduce the loss of jobs in the State through outsourcing.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122nd Legislature.

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SUBJECT INDEX

Employment Condition (including Family Medical Leave)

Enacted

LD 1044	An Act To Care for Families	PUBLIC 455	Page 521
LD 1361	An Act To Refine and Study Substance Abuse Testing Procedures and Treatment	PUBLIC 443	Page 530
LD 1413	An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law	PUBLIC 228	Page 532
LD 1652	An Act To Establish a Fair System for the Protection of Volunteer Firefighters' Employment	PUBLIC 296	Page 536

Not Enacted

LD 912	An Act Regarding Noncompete Agreements	ONTP	Page 516
LD 1143	An Act To Protect Workers in the Mortgage and Mortgage Refinance Services Fields	ONTP	Page 523
LD 1247	An Act To Modify Labor Laws with Regard to Minor Workers	ONTP	Page 526
LD 1346	An Act To Require Employers and Employees to Provide a 2-Week Notice before Terminating Employment	CARRIED OVER	Page 529
LD 1398	An Act To Align Federal and State Child Labor Laws	ONTP	Page 532
LD 1570	An Act To Require Random Drug Testing for Emergency Vehicle Operators	ONTP	Page 535

Enforcement

Enacted

None

Not Enacted

LD 1050	An Act To Promote Enforcement of Labor Laws Affecting Employers	CARRIED OVER	Page 522
LD 1214	An Act To Require Inspectors from the Department of Labor, Bureau of Labor Standards To Provide Advance Notice of Inspections	ONTP	Page 524

Job Training/Workforce Development

Enacted

None

Not Enacted

LD 1005	Resolve, To Establish an Apprenticeship Program for Shipbuilders	ONTP	Page 520
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Labor Relations

Enacted

LD 1123	An Act To Promote Stability in Labor Relations	PUBLIC 324	Page 523
LD 1419	An Act To Amend the Laws Regarding Certain Employment-related Matters	PUBLIC 119	Page 533

Not Enacted

LD 215	An Act To Clarify National Labor Relations Board Certification under the Overtime Provisions	ONTP	Page 498
LD 393	An Act To Amend the Laws Governing Bargaining Agents for Public Universities and Colleges	ONTP	Page 502
LD 430	An Act To Modify the Obligation To Bargain under the Municipal Public Employees Labor Relations Law	CARRIED OVER	Page 504
LD 485	An Act To Prohibit Permanent Replacement Workers	ONTP	Page 505

LD 520	An Act To Improve Binding Arbitration in Public Sector Labor Relations	ONTP	Page 507
LD 1486	An Act To Amend the Law Allowing Legislative Staff To Unionize	ONTP	Page 534
LD 1654	An Act To Prevent the Loss of Jobs through Outsourcing	CARRIED OVER	Page 537

Loggers and Other Workers

Enacted

LD 730	An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers	PUBLIC 461	Page 511
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Not Enacted

LD 1276	An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set	CARRIED OVER	Page 527
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Public Contracts (construction, public lands, economic development benefits)

Enacted

None

Not Enacted

LD 546	An Act to Promote Responsible Contracting Practices on State Projects	ONTP	Page 508
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Retirement - Administration

Enacted

LD 31	An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2006	P & S 1 EMERGENCY	Page 493
LD 209	An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations	PUBLIC 149	Page 496

LD 396 An Act To Amend the Laws Concerning the Maine PUBLIC 238 Page 503
State Retirement System

LD 962 An Act To Codify Unallocated Law Regarding the PUBLIC 21 Page 517
Maine State Retirement System

Not Enacted

LD 1604 An Act To Restructure the Unfunded Liability of the CARRIED OVER Page 535
Maine State Retirement System

LD 1223 Resolve, Directing the Maine State Retirement ONTP Page 525
System To Support the Federal Public Servant
Retirement Protection Act

Retirement – Alternative Plans; “Cliff” Bills

Enacted

None

Not Enacted

LD 579 An Act To Supplement Benefits for State Employees ONTP Page 509
and Teachers Whose Pensions Are Subject to
Reductions Enacted in 1993

Retirement – General

Enacted

LD 515 An Act To Increase the Limit on the Right To Rejoin PUBLIC 76 Page 507
the Maine State Retirement System

LD 978 Resolve, Directing the Advisory Council on Tax- RESOLVE 17 Page 518
deferred Arrangements To Study Deferred
Retirement Option Programs

LD 1470 Resolve, Directing the Judicial Compensation RESOLVE 86 Page 533
Commission to Examine Allowing Judges To Receive
Service Credit for Prior Legislative Service

Not Enacted

LD 569	An Act To Correct an Inequity in Calculating Maine State Retirement Benefits	ONTP	Page 508
LD 896	An Act To Encourage State Employees To Continue Employment	ONTP	Page 515
LD 901	Resolve, To Create a New Pension System for Newly Hired Teachers and State Employees	ONTP	Page 515
LD 1197	An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System	ONTP	Page 524

Retirement - Retiree Health Insurance

Enacted

LD 487	An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members	PUBLIC 67	Page 505
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Not Enacted

LD 93	An Act Concerning Disability Retirement Benefits under the Maine State Retirement System	ONTP	Page 494
LD 284	An Act To Increase Retired Teachers' Insurance Benefits	ONTP	Page 499
LD 758	An Act To Increase Retired Teachers' Health Insurance Benefits	CARRIED OVER	Page 512
LD 840	An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers	ONTP	Page 513
LD 1080	An Act To Reimburse Allan Wyman for Contributions to the Retired Teachers' Health Insurance Plan	INDEF PP	Page 522

Retirement – Special Plans

Enacted

None

Not Enacted

LD 350	An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement	CARRIED OVER	Page 501
LD 748	Resolve, Establishing the Commission To Study Retirement Eligibility and Benefits for Corrections Officers, Certain Other Law Enforcement Officers and Mental Health Workers	CARRIED OVER	Page 512
LD 1021	An Act To Implement Task Force Recommendations Relating to Parity and Portability of Benefits for Law Enforcement Officers and Firefighters	CARRIED OVER	Page 520
LD 1054	Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits	ONTP	Page 522
LD 1269	An Act To Change the Retirement Eligibility Requirements for Investigators in the Office of the Attorney General and the Department of the Secretary of State	ONTP	Page 527

Safety

Enacted

None

Not Enacted

LD 1238	An Act To Ensure Compliance with Safety Regulations	DIED IN CONCURRENCE	Page 526
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LD 1628 **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **CARRIED OVER** **Page 535**

Unemployment Insurance – Administration, Process

Enacted

LD 145	An Act Concerning Appeal Rights under the Maine Enterprise Option Program	PUBLIC 39	Page 495
LD 190	An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity	PUBLIC 40	Page 496
LD 995	An Act To Conform Maine Employment Security Law with the Federal SUTA Dumping Prevention Act of 2004	PUBLIC 120	Page 519
LD 1419	An Act To Amend the Laws Regarding Certain Employment-related Matters	PUBLIC 119	Page 533

Not Enacted

LD 156	An Act To Adjust the Wage Base for the Unemployment Compensation System	ONTP	Page 495
LD 378	An Act Authorizing the Commissioner of Labor To Negotiate Settlements in Cases of Overpayment of Unemployment Compensation	ONTP	Page 502
LD 573	An Act To Generate Savings in the Unemployment Compensation Fund	ONTP	Page 509
LD 1384	An Act To Assist Businesses To Retain Seasonal Employees and Reduce the Burden on the Bureau of Unemployment Compensation	ONTP	Page 531
LD 1410	An Act To Require That the Maine Unemployment Insurance Commission Maintain Its Principal Office in the Augusta Area	ONTP	Page 532

Unemployment Insurance – Benefits; Eligibility

Enacted

LD 309	An Act To Amend the Sunset on Part-time Unemployment Insurance Benefits	PUBLIC 454	Page 500
LD 425	An Act To Amend the Laws Relating to Unemployment Compensation	PUBLIC 35	Page 503

Not Enacted

LD 423	An Act To Allow Food Service Workers for Public Schools To Collect Unemployment Benefits	ONTP	Page 503
LD 490	An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits	ONTP	Page 506
LD 1353	An Act To Allow Certain School Employees To Collect Unemployment	ONTP	Page 529

Vocational and Other Rehabilitation

Enacted

None

Not Enacted

LD 583	An Act To Amend the Law Regarding the Use of "Hearing Dogs" by Deaf and Hard-of-hearing Persons	ONTP	Page 510
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Wages

Enacted

LD 7	Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards	RESOLVE 12	Page 493
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LD 214	An Act To Recognize the Federal Salary Level for Overtime When Higher than the State Level	PUBLIC 255	Page 497
LD 257	An Act To Require Notice prior to Decreases in Wage or Salary Rates	PUBLIC 18	Page 498
LD 659	An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full	PUBLIC 103	Page 510
LD 943	An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey	PUBLIC 232	Page 516
LD 963	An Act To Set Standards for Electronic Methods Used for Wage Payment	PUBLIC 89	Page 517
LD 1170	An Act To Exempt Fire Departments from Biweekly Pay Requirements for Volunteer Firefighters	PUBLIC 126	Page 524
LD 1236	Resolve, To Establish the Study Commission Regarding Liveable Wages	RESOLVE 128	Page 525

Not Enacted

LD 184	An Act To Improve Prevailing Wage Standards in Maine	ONTP	Page 495
LD 235	An Act To Increase the Minimum Wage	CARRIED OVER	Page 498
LD 435	An Act To Conform Maine Law to Federal Overtime Standards	ONTP	Page 504
LD 445	An Act To Index the Minimum Wage for Inflation and To Permit a Training Wage for Workers under 17 Years of Age	ONTP	Page 505
LD 493	An Act To Require That All Public School Employees Be Paid a Livable Wage Rate	ONTP	Page 506
LD 721	An Act To Make the Minimum Wage a Livable Wage	ONTP	Page 510

Workers' Compensation – Administration; Process

Enacted

LD 302	An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases	PUBLIC 24	Page 499
LD 322	An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board	PUBLIC 25	Page 501
LD 809	An Act To Facilitate Testimony in Workers' Compensation Proceedings	PUBLIC 99	Page 513
LD 1329	Resolve, Directing the Workers' Compensation Board To Consider Adoption of the "Guides to the Evaluation of Permanent Impairment," 5th Edition, in Assessing Workers' Compensation Injuries	RESOLVE 53 EMERGENCY	Page 528

Not Enacted

LD 54	An Act To Reduce Workers' Compensation Costs for Small Business Employers	ONTP	Page 494
LD 879	An Act To Ensure Equity in Appeals of Workers' Compensation Cases	ONTP	Page 514
LD 916	Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation	DIED BETWEEN HOUSES	Page 516
LD 996	Resolve, Establishing the Commission To Study Medical Expenses Under the Maine Workers' Compensation Act of 1992	ONTP	Page 519

Workers' Compensation – Benefits and Other

Enacted

None

Not Enacted

LD 540	An Act To Clarify the Rate of Interest on Awards for Workers' Compensation Benefits	ONTP	Page 507
LD 878	An Act To Allow Assignment of Workers' Compensation Payments to 3rd Parties Providing Income Protection Benefits	ONTP	Page 514
LD 881	An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments	ONTP	Page 514
LD 1476	An Act To Provide an Annual Cost-of-living Adjustment for Persons Receiving Workers' Compensation Benefits for Total Incapacity	DIED BETWEEN HOUSES	Page 534