

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 16 **An Act to Eliminate Fees for the Use of State Parks by Residents of the Municipalities in Which Those Parks Are Located** **ONTP**

<u>Sponsor(s)</u> PINKHAM DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 16 proposed eliminating the fee for the use of a state-owned park by a resident of the town where the state-owned park is located.

LD 38 **An Act to Increase the Fine for Allowing a Dog to Roam at Large** **PUBLIC 13**

<u>Sponsor(s)</u> DAVIS P SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-3
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LD 38 proposed increasing the limit of a fine for allowing a dog to roam at large from \$250 to \$500.

Committee Amendment "A" (S-3) proposed replacing the bill to increase fines for 2 or more violations of provisions in the chapter regarding uncontrolled dogs.

Enacted law summary

Public Law 2001, chapter 13 increases fines for 2 or more violations of the laws regarding uncontrolled dogs. The fine for a first violation of allowing a dog to roam at large is not less than \$50 nor more than \$250. Chapter 13 provides a fine of not less than \$100 nor more than \$500 for a second or subsequent violation.

LD 139 **An Act to Amend the Animal Trespass Laws** **PUBLIC 15**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 139 proposed exempting cats from the provisions of the animal trespass laws.

Enacted law summary

Public Law 2001, chapter 15 exempts cats from the provisions of the animal trespass laws.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 265

An Act to Protect Animals and Ensure the Public Has Notice Regarding Veterinary Fees and Care

PUBLIC 62

Sponsor(s)
GLYNN

Committee Report
OTP-AM

Amendments Adopted
H-46

LD 265 proposed requiring boarding kennels to post and provide upon request a fee schedule for services and to indicate the hours during which a person is on the premises. It proposed requiring a veterinarian to provide a fee schedule and, if the veterinarian maintains a facility to practice veterinary medicine, to post a fee schedule and to indicate the hours during which a person is present at the facility.

Committee Amendment "A" (H-46) proposed replacing the bill. It proposed requiring a person who maintains a facility where veterinary medicine is practiced and animals are kept overnight to provide written notice of staffing policies to a person leaving an animal at the facility.

Enacted law summary

Public Law 2001, chapter 62 requires a person who maintains a facility where veterinary medicine is practiced and animals are kept overnight to provide written notice of staffing policies to a person leaving an animal at the facility.

LD 276

An Act to Amend the Laws Governing Building Permits in the Unorganized Territories

PUBLIC 105

Sponsor(s)
CLARK
MICHAUD MH

Committee Report
OTP-AM

Amendments Adopted
H-185

LD 276 proposed exempting the placement of a quonset hut from requiring a permit in the unorganized territories.

Committee Amendment "A" (H-185) proposed replacing the original bill. It proposed allowing the Maine Land Use Regulation Commission to grant a variance from strict compliance with rules or standards when compliance would pose a hardship due to the needs of a person with a disability or any other unusual circumstance not anticipated when the rules and standards were adopted.

Enacted law summary

Public Law 2001, chapter 105 allows the Maine Land Use Regulation Commission to grant a variance from strict compliance with rules or standards when compliance would pose a hardship due to the needs of a person with a disability or any other unusual circumstance not anticipated when the rules and standards were adopted.

LD 351

An Act to Clarify the Training Requirements for Forest Rangers

ONTP

Joint Standing Committee on Agriculture, Conservation and Forestry

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	ONTP A	
KILKELLY	OTP-AM B	
	OTP-AM C	

LD 351 proposed requiring a forest ranger to meet and maintain the training standards and requirements for full-time law enforcement officers as established in the Maine Revised Statutes, Title 25, chapter 341.

LD 394 **An Act to Facilitate State Park Campsite Reservations through the Internet** **PUBLIC 24**

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

LD 394 proposed allowing a portion of the reservation fee for state park campsite reservations to be paid directly to a provider of Internet reservation services.

Enacted law summary

Public Law 2001, chapter 24 allows a portion of the reservation fee for state park campsite reservations to be paid directly to a provider of Internet reservation services.

LD 469 **An Act to Provide Funding for an Educational Component at Historic Fort Knox in the Town of Prospect** **ONTP**

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

LD 469 proposed appropriating \$200,000 for the planning, design and construction of an educational component for the visitors' center at Fort Knox State Park.

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LD 488

An Act to Correct an Error in the Bureau of Parks and Lands Statute

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CARR	OTP-AM MAJ ONTP MIN	S-182

LD 488 proposed correcting an unintentional change made when the Title 12, Chapter 220 was enacted to reorganize the statutes pertaining to the Bureau of Parks and Lands. It requires relocation of any privately owned road within the Allagash Wilderness Waterway ordered discontinued by the Bureau of Public Lands within the Department of Conservation at the bureau's expense.

Committee Amendment "A" (S-182) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed language to clarify that the Bureau of Parks and Lands is not required to relocate a road when the bureau is directing that the road be discontinued and the landowner does not request relocation at the time.

Enacted law summary

Public Law 2001, chapter 312 requires relocation of any privately owned road within the Allagash Wilderness Waterway ordered discontinued by the Bureau of Public Lands within the Department of Conservation at the bureau's expense. It clarifies that the Bureau of Parks and Lands is not required to relocate a road when the bureau is directing that the road be discontinued and the landowner does not request relocation.

LD 515

An Act to Eliminate the Maine Land Use Regulation Commission

ONTP

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

LD 515 proposed eliminating the Maine Land Use Regulation Commission effective October 1, 2002. The bill would have directed the commission, in cooperation with the Department of Environmental Protection, to propose implementing legislation to reassign the commission's duties to the department.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 628

An Act to Prohibit Certain Conduct Relating to Elephants

DIED BETWEEN
BODIES

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

LD 628 proposed prohibiting a person from making available an elephant for use in a traveling exhibition or for the purpose of allowing an individual to ride that elephant. A person who violated this provision would have committed a Class E crime with a specified maximum period of imprisonment of 90 days.

House Amendment "A" (H-214) proposed provisions to safeguard the public from contact with elephants and to ensure that an elephant receives appropriate medical care.

LD 661

An Act to Make an Owner Responsible for Injuries Caused by a Dog

PUBLIC 220

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON MCGOWAN	OTP-AM	S-98

LD 661 proposed making the owner of a dog responsible for a person's injuries caused by the dog.

Committee Amendment "A" (S-98) proposed providing for a victim to recover full damages for physical injuries related to an attack by a dog when the court determines that the victim's fault is less than the fault of the dog's owner. It also proposed making it a civil violation for a person to own or keep a dog that attacks a service dog.

Enacted law summary

Public Law 2001, chapter 220 provides for a victim to recover full damages for physical injuries related to an attack by a dog when the court determines that the victim's fault is less than the fault of the dog's owner.

Chapter 220 makes it a civil violation for a person to own or keep a dog that attacks a service dog and requires the court to order restitution to the owner of the service dog for veterinary bills and any necessary retraining or replacement costs of the dog.

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LD 665 **An Act to Increase Efficiency in Maine Land Use Regulation** **ONTP**
Commission Permitting

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

LD 665 proposed requiring the Maine Land Use Regulation Commission to process, within 2 weeks, permit applications for temporary structures submitted by subcontractors on Department of Transportation projects.

LD 672 **An Act to make Confidential Certain Information Collected from** **ONTP**
State Farmers

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

LD 672 proposed to make all agricultural pesticide registration records of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control confidential and not public records.

LD 739 **An Act to Require That Wolf Hybrids be Permanently Identified** **PUBLIC 129**
and to Establish Penalties for Releasing Wolf Hybrids from
Captivity

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-150

LD 739 proposed prohibiting any person from owning or caring for a wolf hybrid unless it is tattooed in accordance with rules adopted by the Department of Agriculture, Food and Rural Resources. The bill also proposed a higher fine for allowing a wolf hybrid to run at large. It would have prohibiting municipalities from licensing any wolf hybrid that was not tattooed.

Committee Amendment "A" (H-150) proposed replacing the bill. It proposed making it a civil violation to abandon a wolf hybrid and requiring the permanent identification of wolf hybrids. It proposed imposing requirements on breeders to facilitate the identification of wolf hybrids.

Enacted law summary

Public Law 2001, chapter 129 makes it a civil violation to abandon a wolf hybrid. It requires the permanent identification of wolf hybrids and directs the Department of Agriculture, Food and Rural Resources to adopt rules to implement this provision. It requires breeders of wolf hybrids to register with the department, to have all

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offspring of wolf hybrids permanently identified prior to transfer of ownership and to notify the department when ownership is transferred.

LD 753 **An Act to Create a Farmland and Open Space for the Community Board** **ONTP**

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

LD 753, a concept draft pursuant to Joint Rule 208, proposed creating a board charged with the duty of identifying and purchasing areas of land for farmland and open space preservation. In addition, the new board would oversee the creation of a database of farmers seeking to sell their farms to aspiring farmers.

LD 792 **An Act to Implement the Maine Agricultural Internship and Training Program** **PUBLIC 168**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY MCKEE	OTP-AM	S-79

LD 792 proposed requiring the Commissioner of Agriculture, Food and Rural Resources to designate a person within the Department of Agriculture, Food and Rural Resources to oversee the Maine Agricultural Internship and Training Program.

Committee Amendment "A" (S-79) proposed requiring the Commissioner of Agriculture, Food and Rural Resources to report biennially to the joint standing committee of the Legislature having jurisdiction over agricultural matters on activities relating to the Maine Agricultural Internship and Training Program.

Enacted law summary

Public Law 2001, chapter 168 requires the Commissioner of Agriculture, Food and Rural Resources to designate a person within the Department of Agriculture, Food and Rural Resources to oversee the Maine Agricultural Internship and Training Program. It requires the Commissioner of Agriculture, Food and Rural Resources to report biennially to the joint standing committee of the Legislature having jurisdiction over agricultural matters on activities relating to the Maine Agricultural Internship and Training Program. It requires a first report by December 1, 2001 including an update on the implementation of a program to identify individuals interested in farm apprenticeships or in purchasing a farm and to establish a network of information to facilitate farm transfers.

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LD 882

An Act to Enhance Participation in the Agricultural Marketing Loan Fund

**PUBLIC 152
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND MICHAUD MH	OTP-AM	S-70

LD 882 proposed allowing persons constructing potato storage facilities to obtain loans from the Agricultural Marketing Loan Fund. It proposed an interest rate of 5% for loans from the fund for potato storage facilities.

Committee Amendment "A" (S-70) proposed replacing the bill. It proposed an annual interest rate of 5% for all loans under the Agricultural Marketing Loan Fund. This amendment also proposed requiring the Commissioner of Agriculture, Food and Rural Resources to submit an annual report to the joint standing committee of the Legislature having jurisdiction over agricultural matters.

Enacted law summary

Public Law 2001, chapter 152 provides for all loans under the Agricultural Marketing Loan Fund to have a 5% annual interest rate. It requires the Commissioner of Agriculture, Food and Rural Resources to submit an annual report by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of loans made during the previous calendar year and categorize outstanding loans by the type of agricultural enterprises receiving the loans.

Public Law 2001, chapter 152 was enacted as an emergency measure effective May 14, 2001.

LD 902

An Act to Require the Labeling of Certain Genetically Engineered Foods

INDEFF PP

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

LD 902 proposed to require labeling of all genetically engineered foods offered for sale or sold in the State.

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LD 906

An Act to Amend the Laws Pertaining to the Control of Disease in Poultry

PUBLIC 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J WESTON	OTP-AM	S-49

LD 906 proposed directing the Commissioner of Agriculture, Food and Rural Resources to establish a mandatory Salmonella enteritidis risk reduction and surveillance program for commercial egg-type poultry farms.

Committee Amendment "A" (S-49) proposed alternate language to require the Commissioner of Agriculture, Food and Rural Resources, in cooperation with the University of Maine Cooperative Extension Service, to develop a Salmonella enteritidis risk reduction and surveillance program for poultry and to adopt rules to implement the program. It proposed mandatory participation in the program for commercial egg producers upon final adoption of major substantive rules.

Enacted law summary

Public Law 2001, chapter 91 requires the Commissioner of Agriculture, Food and Rural Resources to develop a Salmonella enteritidis risk reduction and surveillance program for poultry and to adopt major substantive rules to implement the program.

LD 912

An Act to Amend the Harness Racing Laws to Provide for Staggered Terms

**PUBLIC 63
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CHIZMAR	OTP-AM	S-19

LD 912 proposed staggering the terms of the members of the State Harness Racing Commission and the Harness Racing Promotional Board. It proposed allowing the commission to elect one of its members to serve as chair rather than having the Governor appoint a member.

Committee Amendment "A" (S-19) proposed amending the bill to have the Governor continue to appoint the chair of the State Harness Racing Commission. It also proposes removing the stipulation that the chair must be without an industry affiliation.

Enacted law summary

Public Law 2001, chapter 63 staggers the terms of the members of the State Harness Racing Commission and the Harness Racing Promotional Board. It removes the stipulation that the chair must be without an industry affiliation.

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Public Law 2001, chapter 63 was enacted as an emergency measure effective April 12, 2001.

LD 913

An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law

**PUBLIC 64
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND GOOLEY	OTP-AM	S-20

LD 913 proposed amending the nutrient management law regarding the issuance of variances to allow the Commissioner of Agriculture, Food and Rural Resources to issue a variance from the deadline for completion and certification of a plan. The bill also proposed eliminating the requirement for a 90-day time period between the time of the request for a variance and the applicable implementation date.

Committee Amendment "A" (S-20) proposed replacing the bill with alternate language to allow the Commissioner of Agriculture, Food and Rural Resources to grant variances to delay the date by which a nutrient management plan must be prepared and certified. It also proposed providing a reclassification within the Office of Agricultural, Natural and Rural Resources.

Enacted law summary

Public Law 2001, chapter 64 allows the Commissioner of Agriculture, Food and Rural Resources to grant a variances from the January 1, 2001 deadline for preparation and certification of a nutrient management plan when technical assistance or resources were not available. It also provides a reclassification within the Office of Agricultural, Natural and Rural Resources.

Public Law 2001, chapter 64 was enacted as an emergency measure with a retroactive effective date of January 1, 2001.

LD 925

An Act to Allow Cultivation of Those Varieties of Ribes That are Certified Resistant or Immune to White Pine Blister Rust

ONTP

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

LD 925 proposed allowing the possession, shipment and cultivation of plants of the genus Ribes, including gooseberries, currants, European black currants and other members of the Ribes plant genus if the products were specifically labeled by the shipper as certified resistant or immune to white pine blister rust.

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LD 946 **An Act to Excuse Animal Control Officers from Attending the
Maine Criminal Justice Academy** **ONTP**

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

LD 946 proposed excusing animal control officers from attending the Maine Criminal Justice Academy.

LD 960 **An Act to Protect a Farmer's Right to Farm** **ONTP**

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

LD 960 proposed establishing in statute criteria for the designation of an area as a critical pesticide control area when the designation was based on the health of a person or group of persons.

LD 995 **An Act to Change the Dates for Licensing of Agricultural Fairs and
Exhibitions** **PUBLIC 175**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C	OTP-AM	S-99
CHICK		

LD 995 proposed changing the dates for submission of applications for a license for an agricultural fair or agricultural exhibition from November 15th prior to the fair or exhibition to March 31st and also changing the date by which the Commissioner of Agriculture, Food and Rural Resources is required to announce the assignment of fair dates to May 15th from December 15th.

Committee Amendment "A" (S-99) proposed language to clarify that an applicant for a fair license must apply for a license by March 31st of the year prior to the first year the license is in effect and to establish an effective date of July 1, 2003.

Enacted law summary

Public Law 2001, chapter 175 changes the date for submission of applications for a license for an agricultural fair or agricultural exhibition. An applicant for a fair license must apply for a license by March 31st of the year prior to the first year the license is in effect. The Commissioner of Agriculture, Food and Rural Resources is required to announce the assignment of fair dates by May 15th of the year prior to the first year the license is in effect. Licenses are issued for a 3-year period. Chapter 175 has an effective date of July 1, 2003.

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LD 996

An Act to Amend the Laws Governing the Maine Potato Board

PUBLIC 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND BELANGER	OTP-AM	S-78

LD 996 proposed amending the laws governing the Maine Potato Board. It proposed reducing the number of districts from 7 to 5 and requiring the board to appoint 2 members to the executive councils.

Committee Amendment "A" (S-78) proposed additional changes to the geographic areas of the districts. It proposed providing for the executive council members to continue to serve until elections are held for the newly created districts.

Enacted law summary

Public Law 2001, chapter 164 amends the laws governing the Maine Potato Board. It reduces the number of geographic districts and assemblies from 7 to 5 and designates the towns and townships comprising each district. The geographic districts and assemblies provide an organizational structure for participation of potato growers, dealers and processors in the functions of the potato board. Chapter 164 requires the board to appoint 2 members to the executive councils.

LD 1013

An Act to Require Committee Approval for Certain Purchases
Proposed by the Land for Maine's Future Board

ONTP

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

LD 1013 proposed requiring approval by the joint standing committee of the Legislature having jurisdiction over conservation matters for an acquisition by the Land for Maine's Future Board of land with an appraised value greater than \$250,000.

LD 1014

An Act to Require Legislative Approval of Certain Land Purchases
by the Land for Maine's Future Board

ONTP

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

LD 1014 proposed requiring approval by the Legislature for an acquisition by the Land for Maine's Future Board of a parcel of land larger than 20,000 acres.

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LD 1037 **Resolve, to Establish the Maine Agri-tourism Program** **ONTP**

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

LD 1037 proposed requiring the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Chief Executive Officer of the Finance Authority of Maine to develop a Maine Agri-tourism Program. The resolve also proposed requiring a report on the proposed program to the Second Regular Session of the 120th Legislature.

LD 1103 **An Act to Provide Additional Resources to the Oxford County Fair Society** **P & S 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENNETT	OTP-AM MAJ ONTP MIN	H-56

LD 1103 proposed providing additional resources to the Oxford County Fair Society to help offset the costs of developing the society's infrastructure.

Committee Amendment "A" (H-56) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed a one-time General Fund appropriation of \$25,000 to provide additional resources to the Oxford County Fair Society.

Enacted law summary

Private and Special Law 2001, chapter 42 appropriates \$25,000 as one time funding to the Oxford County Fair Society to offset costs required to develop the fairground infrastructure.

LD 1141 **An Act to Clarify the Sale of Farm-produced Foods** **ONTP**

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

LD 1141 proposed a statutory change to exempt farm or garden establishments that were engaged in direct sales to consumers of minimally processed foods from the licensing requirements for food establishments.

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LD 1154 **An Act to Implement the Recommendations of the Maine Millennium Commission on Hunger and Food Security and to Increase the Viability of Maine's Farms and Improve Nutrition** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1154 proposed directing the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Human Services to develop a program to issue coupons redeemable for fresh locally grown foods to low-income consumers. It proposed requiring the commissioners to report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Health and Human Services with recommendations for the program no later than January 15, 2002.

It proposed the establishment of a nutrition education fund for the development and distribution of educational materials to teach consumers about the nutritional value of and how to prepare locally produced foods and funding for demonstration projects to increase direct purchasing of fresh farm products by low-income consumers.

LD 1164 **Resolve, Directing Responsible State Agencies to Secure Public Access to Class 2 Waters** **RESOLVE 51**

<u>Sponsor(s)</u> MARTIN DUNLAP	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-248
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LD 1164 proposed amending the Maine Land Use Regulation Commission laws to allow a boat launch to be constructed within the commission's jurisdiction without a permit if the launch was approved by another state agency and the commission determined that a boat launch was an allowed use within the subdistrict.

Committee Amendment "A" (S-71) proposed the majority report. This amendment proposed language to clarify that the Department of Inland Fisheries and Wildlife and the Bureau of Parks and Lands within the Department of Conservation would not be required to obtain a permit for a public boat launch on a Management Class 2, 3, 4, 5 or 7 lake within LURC jurisdiction. Notification requirements and project standards established in rule would need to be met. LD 1164 was recommitted to committee prior to acceptance of the majority report.

Committee Amendment "B" (S-248) proposed replacing the original bill with a resolve directing the Department of Conservation to coordinate efforts of responsible state agencies to secure public access to Class 2 lakes in the State, as opportunities arise. Committee Amendment "B" was the unanimous report of the committee.

Enacted law summary

Resolve 2001, chapter 51 directs the Department of Conservation to coordinate efforts of responsible state agencies to secure public access to Class 2 lakes in the State, as opportunities arise.

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LD 1170

An Act to Amend the Animal Welfare Laws

PUBLIC 422
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J GOOLEY	OTP-AM	S-286

LD 1170 proposed several changes in definitions in the animal welfare laws and amendments to dog and kennel licensing provisions. It proposed granting subpoena authority to the Department of Agriculture, Food and Rural Resources to strengthen the enforcement capabilities of the department.

Committee Amendment "A" (S-286) proposed replacing the bill. It proposed increasing the registration fee for commercial feeds and pet food. It proposed allowing the Commissioner of Agriculture, Food and Rural Resources to authorize veterinarians to serve as dog licensing agents and to adopt rules to implement this option for issuing licenses and collecting license fees.

It proposed granting subpoena authority to the Department of Agriculture, Food and Rural Resources to strengthen the enforcement capabilities of the department. It proposed a provision allowing law enforcement officers, the commissioner or the commissioner's designee, humane agents, animal control officers and the state veterinarian to exchange information relating to cases of alleged animal cruelty. It also proposed providing immunity from civil and criminal liability for a veterinarian reporting a case of alleged animal cruelty.

LD 1174

An Act to Legalize Hemp for Agricultural Purposes

DIED BETWEEN
BODIES

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

LD 1174 proposed permitting a person to possess hemp used for agricultural purposes beginning July 1, 2002. It proposed requiring the Department of Agriculture, Food and Rural Resources and the Department of Public Safety to examine the issue of legalizing the use of hemp for agricultural purposes and to report with implementing legislation that legalizes the use of hemp for agricultural purposes to the Second Regular Session of the 120th Legislature no later than January 1, 2002.

Committee Amendment "A" (H-310) proposed replacing the original bill. It was the minority report. It proposed enacting a definition of "industrial hemp" and authorizing the Director of the Maine Agricultural Experiment Station to obtain the appropriate federal permits to study the feasibility of growing industrial hemp. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to write to federal agencies expressing support for research and appropriate regulation to allow the cultivation of industrial hemp if research indicated significant potential as an agricultural crop.

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LD 1191

**An Act to Amend the Maine Arborist Licensing Law and Clarify
the Expiration Date for Nursery Licenses**

PUBLIC 299

<u>Sponsor(s)</u> MURPHY T KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-458
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LD 1191 proposed several revisions to the laws regarding licensing of arborists. It proposed changing the penalty for violating the arborist licensing laws from a criminal to a civil violation. It proposed revisions in the examination process for licensing arborists and the establishment of the Maine Arborist Advisory Council to advise the Department of Agriculture, Food and Rural Resources on the operation and enforcement of the arborist licensing laws.

Committee Amendment "A" (H-458) proposed the majority report of the committee. It proposed clarifying that a nursery license expires on December 31st and that a person who consults in the business of an arborist is required to have a license. It proposed requiring that one member of the Maine Arborist Advisory Council serve on the governing council of a professional organization for licensed arborists.

Enacted law summary

Public Law 2001, chapter 299 changes the penalty for violating the arborist licensing laws from a criminal to a civil violation and establishes a fine of up to \$500 per day for each day the statute is violated. It allows actions to be brought against individuals who violate this statute in either District Court or Superior Court. It eliminates the exemption to the licensing requirement for tree removal in municipalities having populations under 2,500 people. It allows the State to examine applicants for restricted licenses in a broader category of subject areas. It establishes the Maine Arborist Advisory Council to advise the Department of Agriculture, Food and Rural Resources on the operation and enforcement of the arborist licensing laws.

LD 1198

**An Act to Refine the Subdivision and Redistricting Authority of the
Maine Land Use Regulation Commission**

PUBLIC 431

<u>Sponsor(s)</u> KILKELLY MCKEE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-704 MCKEE S-253
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LD 1198 proposed amending several provisions of the Maine Land Use Regulation Commission law that relate to lot creation, subdivision and zoning and the commission's redistricting, authority. It proposed eliminating the provision that exempts lots 40-acres and larger in size from review as a subdivision. It proposed exempting from subdivision review lots conveyed to certain governmental entities and conservation organizations as well as lots in excess of 1,000 acres that are devoted to forest or agricultural management. It proposed limiting the types of individuals qualified to receive a gift lot, placing a requirement that a lot must be held for 5 years immediately prior to the creation of any gift lot, and requiring that a recipient of a gift lot hold that lot for at least 5 years for it to

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remain exempt. It proposed eliminating a reporting requirement and a filing requirement imposed on landowners creating exempt lots. It proposed criteria by which the commission could use conditional zoning.

Committee Amendment "A" (S-253) was the minority report of the committee. It proposed revised language to clarify lots that qualify for an exemption from subdivision review. It proposed retaining the requirement for filing of a land division plan and requiring that the plan state that the lots may be used only for forest management, agricultural management or conservation of natural resources. It proposed eliminating the provisions that would allow conditional zoning.

House Amendment "B" to Committee Amendment "A" (H-704) proposed allowing hunting, fishing or other forms of primitive recreation, use of motorized vehicles on roads and trails and snowmobiling as otherwise allowed by law without a permit on lots created using the exemptions from the definition of subdivision.

Enacted law summary

Public Law and Special Law 2001, chapter 431 makes revisions to the Maine Land Use Regulation Commission laws pertaining to subdivisions. It specifies the eligible recipients of a gift lot, places a requirement that a lot must be held for 5 years immediately prior to the creation of any gift lot, and requires that a recipient of a gift lot hold that lot for at least 5 years for it to remain exempt from subdivision review. It restricts the 40-acre exemption from subdivision review to lots used for forestry, agriculture or conservation and with no portion of the lot within defined shore land zones. It provides a new exemption for lots transferred to government entities or nonprofit conservation organizations for conservation of natural resources or for public recreation or other public purposes. It retains the requirement for filing of a land division plan and where applicable requires the plan to state that the exempt lots may be used only for forest management, agricultural management or conservation of natural resources.

It exempts from the subdivision permit requirement lots in unauthorized subdivisions if the lots have been in existence for at least 20 years and the Commission has failed to file notice at the Registry of Deeds that the lots constitute an illegal subdivision. This Act does not require a person to obtain a permit for a land division that occurred prior to the effective date of this Act if the division did not require a permit prior to this Act.

LD 1203

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND CLARK	OTP-AM	S-181 S-301 MARTIN

LD 1203 proposed amending the definition of campsite under the Maine Land Use Regulation Commission laws. It proposed exempting road salt or sand-salt areas used solely for forestry purposes and under the jurisdiction of the Maine Land Use Regulation Commission from the waste disposal permitting requirements of the Maine Department of Environmental Protection. It proposed requiring the Maine Land Use Regulation Commission to develop guidelines for the use of winter haul roads and report to the Second Regular Session of the 120th Legislature on the guidelines.

Committee Amendment "A" (S-181) proposed replacing the original bill. It proposed an alternative definition of campsite to remove restrictions in the definition on the number of people at a campsite, the length of occupancy and the size of trailers. It proposed clarifying that a permit is not required for a campsite in a management district.

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It proposed including the construction of buildings to store equipment and materials used for maintaining roads used for agricultural and commercial forest products purposes in the list of activities allowed without restriction in a management district and clarifying that a permit is not required for these activities.

Senate Amendment "A" to Committee Amendment "A" (S-301) proposed allowing the Maine Land Use Regulation Commission to require a campsite permit if the commission determines that the landowner's recreational policy is inconsistent with the commission's land use plan.

Enacted law summary

Public Law 2001, chapter 402 amends the definition of campsite under the Maine Land use Regulation Commission laws. It allows campsite numbers, occupancy rates and occupancy periods that are consistent with a landowner's recreational policy. The Maine Land Use Regulation Commission may require a campsite permit if the commission determines that the landowner's recreational policy is inconsistent with the commission's land use plan. Chapter 402 specifically includes the construction of buildings to store equipment and materials used for maintaining roads used for agricultural and commercial forest products purposes in the list of activities allowed without restriction in a management district and clarifies that the Maine Land Use Regulation Commission may not require a permit for these activities.

LD 1266

An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants

PUBLIC 330

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	OTP-AM	H-449

LD 1266 proposed requiring a manufacturer of genetically engineered plants, planting stock or seeds to provide growers with instructions on how to plant, cultivate and harvest the genetically engineered material to avoid contamination of plants of nongenetically engineered origin. It also proposed requiring the manufacturer to enter into written contracts with growers and file the contracts with the Department of Agriculture, Food and Rural Resources. It proposed enacting provisions for manufacturer liability when contamination of nongenetically engineered plants by genetically engineered plants occurred.

Committee Amendment "A" (H-449) proposed replacing the bill. It proposed a definition for "seed dealer". It proposed requiring a manufacturer of genetically engineered plants, planting stock or seeds to provide growers with instructions on how to plant, cultivate and harvest the product to avoid contaminating plants of nongenetically engineered origin but did not propose requiring a written contract between a manufacturer and grower. It proposed requiring the manufacturer or seed dealer to keep records including the names and addresses of persons growing its genetically engineered products in Maine for at least 2 years after the date of sale.

Enacted law summary

Public Law 2001, chapter 330 requires a manufacturer of genetically engineered plants, planting stock or seeds to provide growers with instructions on how to plant, cultivate and harvest the product to avoid contaminating plants of nongenetically engineered origin. It requires the manufacturer or seed dealer to keep

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records including the names and addresses of persons growing its genetically engineered products in Maine for at least 2 years after the date of sale. Failure to comply with these provisions is a civil violation with a fine of up to \$1,500. The Commissioner of Agriculture, Food and Rural Resources may suspend or revoke a seed labeler license if the license holder fails to comply with the provisions regarding instructions and record keeping. A manufacturer or seed dealer is not required to keep records on seed packets of less than one pound sold at the retail level.

LD 1269 **An Act to Provide for Maintenance of State-owned Land and Facilities** **ONTP**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1269 proposed requiring that 20% of the proceeds from the sale of bonds for and public contributions to the Land for Maine's Future Fund and the Public Access to Maine Waters Fund be transferred to a stewardship account. Money from the stewardship account would be distributed to state agencies that managed, maintained and developed land for public recreation opportunities to be used for improving and maintaining state-owned land and facilities.

LD 1371 **An Act to Establish the Dairy Industry Fund** **PUBLIC 8
EMERGENCY**

<u>Sponsor(s)</u> WESTON KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-39
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LD 1371 proposed establishing the Maine Dairy Industry Fund under the auspices of the Maine Milk Commission, within the Department of Agriculture, Food and Rural Resources to be distributed, according to allocations made by the Legislature, to a statewide association representing dairy farmers. It proposed a fee of 1¢ per hundredweight paid by Maine milk producers to dealers as part of the dealer's monthly reports as a means of funding.

Committee Amendment "A" (H-39) proposed clarifying that a dealer would deduct the 1¢ per hundredweight for deposit into the Dairy Industry Fund from the amount paid to a Maine milk producer.

Enacted law summary

Public Law 2001, chapter 8 establishes the Dairy Industry Fund under the auspices of the Maine Milk Commission, within the Department of Agriculture, Food and Rural Resources to be distributed, according to allocations made by the Legislature, to a statewide association representing dairy farmers. A fee of 1¢ per hundredweight is deducted from the amount paid to a Maine milk producer and deposited into the fund by the milk dealer.

Public Law 2001, chapter 8 was enacted as an emergency measure effective March 28, 2001.

LD 1379 **An Act to Define “Agriculture” in the Laws Establishing the** **ONTP**

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Department of Agriculture, Food and Rural Resources

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

LD 1379 proposed to define "agriculture" in the laws establishing the Department of Agriculture, Food and Rural Resources to mean all types of farming including the production of horticultural commodities.

LD 1424 **An Act to Require State Parks to Honor the Golden Access Passport** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO YOUNGBLOOD	ONTP	

LD 1424 proposed giving free entrance to any state-owned park, camping area or beach to a Maine resident holding a valid Golden Access Passport. The "Golden Access Passport," available to United States citizens or permanent residents who are blind or permanently disabled, provides free entrance to most federal recreation areas.

LD 1425 **An Act to Establish a Fund for Marketing and Improvements in Agricultural Fairs** **CARRIED OVER**

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

LD 1425 proposes to make improvement grants available to help agricultural fairs develop comprehensive long-term marketing plans. The grants would be limited to improvements and upgrades to internal roadway, drainage, waste and potable water systems and power distribution systems necessary to expand an agricultural fair. Marketing efforts and major capital improvements would be eligible for funding.

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LD 1426

**An Act to Allow the Purchase of Rabies Vaccine by Livestock
Farmers**

PUBLIC 308

Sponsor(s)
HALL

Committee Report
OTP-AM

Amendments Adopted
H-450

LD 1426 proposed allowing a person who owns livestock to purchase rabies vaccine directly from a pharmaceutical manufacturer or distributor.

Committee Amendment "A" (H-450) proposed allowing a person who owns cattle, sheep, goats or deer to purchase rabies vaccine directly from a licensed veterinarian. This amendment proposed including livestock owners among those authorized to possess hypodermic apparatuses.

Enacted law summary

Public Law 2001, chapter 308 allows a person who owns cattle, sheep, goats or deer to purchase rabies vaccine directly from a licensed veterinarian. A veterinarian who sells rabies vaccine to a livestock owner is not liable for claims arising from the administration of the vaccine. An animal vaccinated against rabies by a person who is not a licensed veterinarian or under the supervision of a licensed veterinarian may not be certified as vaccinated against rabies. It also includes livestock owners among those authorized to possess hypodermic apparatuses.

LD 1435

**An Act to Authorize Animal Shelters to Accept and Provide for
Stray Cats**

PUBLIC 363

Sponsor(s)
BOUCHER

Committee Report
OTP-AM

Amendments Adopted
H-603

LD 1435 proposed establishing a system to license cats modeled after the State's dog licensing laws. It proposed an annual fee of \$2.50 for cats capable of producing young and a \$1 annual fee for cats incapable of producing young.

Committee Amendment "A" (H-603) proposed replacing the bill. It proposed establishing in statute a procedure for an animal shelter to follow when the animal shelter accepts a stray cat.

Enacted law summary

Public Law 2001, chapter 363 establishes procedures for an animal shelter to follow when the animal shelter accepts a stray cat.

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LD 1458 **An Act Regarding Forest Sustainability** **ONTP**

<u>Sponsor(s)</u> HAWES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1458 proposed preventing a landowner of 1,000 acres or more of forest land from cutting more of a species in a year than that species had regenerated in a year and allowing a landowner to bank any uncut species allowed to be cut in that year to be cut in future years. It proposed requiring the Department of Conservation to adopt major substantive rules to determine established growth and to implement a banking system.

LD 1459 **An Act to Regulate Clear-cutting** **ONTP**

<u>Sponsor(s)</u> HAWES		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1459 proposed requiring a permit for a clear-cut of more than 5 acres, with the applicant showing that the clear-cut would not cause environmental damage, that there was no reasonable alternative and that the clear-cut could be silviculturally justified.

LD 1501 **An Act to Amend the Laws Governing Commercial Large Game Shooting Areas** **ONTP**

<u>Sponsor(s)</u> MITCHELL B TREADWELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1501 proposed allowing a person who had made an investment in a commercial large game shooting area during the period beginning October 1, 1999 and ending March 15, 2000 with the intent to operate such an area to obtain a license for a commercial large game shooting area.

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LD 1505

An Act to Streamline the Administration of the Potato Marketing Improvement Fund

**PUBLIC 125
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND LUNDEEN	OTP-AM	H-152 MAYO S-50

LD 1505 proposed establishing the Potato Marketing Improvement Fund Operating Account and specifying that the Commissioner of Agriculture, Food and Rural Resources administers the Potato Marketing Improvement Fund.

Committee Amendment "A" (S-50) proposed adding an emergency preamble and emergency clause to the bill and an effective date of July 1, 2001.

House Amendment "A" (H-152) proposed technical corrections to the section providing funds to the Department of Agriculture, Food and Rural Resources to clarify that the funds are allocated from Other Special Revenue funds.

Enacted law summary

Public Law 2001, chapter 125 streamlines the administration of the Potato Marketing Improvement Fund. It establishes the Potato Marketing Improvement Fund Operating Account and specifies that the Commissioner of Agriculture, Food and Rural Resources administer the Potato Marketing Improvement Fund.

Public Law 2001, chapter 125 was enacted as an emergency measure effective May 9, 2001.

LD 1516

An Act to Support Family Farms

CARRIED OVER

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

LD 1516 proposes appropriating funds to establish an additional Senior Planner position within the Department of Agriculture, Food and Rural Resources. This position would provide financial and estate planning for farmers, outreach and assistance concerning land management and planning and research relating to farmland values.

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LD 1534 **An Act to Prohibit Grocery Stores From Charging Maine Farmers Access Fees, Slotting Fees and Rebates** **CARRIED OVER**

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

LD 1534 proposes excluding certain businesses from participation in the “BETR” program. A business that grosses over \$200,000 per month in which at least 75% of the sales are grocery staples would not be eligible for reimbursement for property taxes paid unless the business purchased produce from at least 75 Maine farms. The business owner would also be ineligible if a fee was charged to carry a Maine farm's product.

LD 1540 **An Act to Ensure that the State Board of Pesticides Control has Sufficient Resources to Provide Accurate Information About the Use of Pesticides in the State** **PUBLIC 355**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J PINEAU	OTP-AM	S-234

LD 1540 proposed amending the annual reporting requirements of the State Board of Pesticides Control to require that report to be submitted each January 15th to the joint standing committee of the Legislature having jurisdiction over board matters and revise the contents of the report. The bill also proposed creating a Planning and Research Associate I position within the State Board of Pesticides Control to implement the record-keeping system and produce the annual report. That position would be funded from the board's dedicated revenue account.

Committee Amendment "A" (S-234) proposed replacing the original bill and requiring a report be submitted to the Legislature by April 1, 2002 with information on pesticides sales and use.

Enacted law summary

Public Law 2001, chapter 355 requires a report be submitted to the Legislature by April 1, 2002 with information on pesticides sales and use. It directs the State Board of Pesticides Control to develop a measure to estimate homeowner use of pesticides. It makes a one-time allocation from Other Special Revenue funds for the State Board of Pesticides Control for costs associated with collecting, analyzing and reporting on pesticides sales and use in Maine.

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LD 1547 **An Act to Amend the Animal Welfare Laws** **ONTP**

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

LD 1547 proposed revisions to the Animal Welfare statutes including several revisions regarding training and duties of humane agents, animal control officers and animal law enforcement officers. It proposed increasing the fees for dog licenses and kennel licenses. It proposed revisions to the statutes regarding euthanasia and cruelty to animals. For enacted laws regarding animal welfare see the bill summaries for LD 1170, LD 1435, LD 1679 and LD 1695.

LD 1587 **An Act to Amend the Commercial Large Game Shooting Area to Change the Date of Operation** **ONTP**

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

LD 1587 proposed allowing a person to obtain a commercial large game shooting area license if that person operated a commercial large game shooting area sometime between October 1, 1999 and March 15, 2001. Under current law a person must have operated a commercial large game shooting area sometime between October 1, 1999 and March 15, 2000 to obtain a license.

LD 1589 **An Act to Define "Operated" in Relation to Commercial Large Game Shooting Areas** **ONTP**

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

LD 1589 proposed a definition of "operated" within the provisions for the licensing of large game shooting areas to mean the buying or selling of hunts.

LD 1622 **An Act to Regulate Camp Lot Leases** **ONTP**

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

LD 1622 proposed to define "camp lot" and require that camp lot leases clearly identify the boundaries of the camp lot. It proposed limiting the amount of rent for a camp lot lease to no greater than 3 times the amount of

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property tax paid on that parcel. It also proposed provisions to require a landowner to pay fair market value to a lessee when a new landowner terminates a lease. See summary for LD 1823 and Joint Order H.P. 1391.

LD 1660 **An Act to Encourage Independent 3rd-Party Certification of Resource Managers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN MARTIN	OTP-AM MAJ ONTP MIN	H-515

LD 1660 proposed creating a tax credit for small woodlot owners who have their woodlots certified as sustainably managed. It also proposed a tax credit for professional foresters who become approved by a forest certification system to certify small woodlots as sustainably managed and proposed establishing a grant program for professional foresters to help defray the cost of becoming approved.

Committee Amendment "A" (H-515) amendment was the majority report of the committee. It proposed removing the provisions for tax credits in the original bill. It would have retained a grant program for licensed professional foresters to assist with costs of obtaining 3rd-party certification as forest resource managers. It proposed appropriating \$5,000 to establish the certified forest resource manager grant fund and allowing the grant fund to accept donations from public and private sources. LD 1160 as amended by H-515 was enacted in the House and placed on the Appropriations Table in the Senate. It died on adjournment.

LD 1676 **An Act to Establish the Maine Forest Certification Council** **ONTP**

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

LD 1676 proposed establishing the Maine Forest Certification Council, consisting of members appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives, to review and report upon the use of 3rd-party certification in helping achieve the goals, criteria and standards of sustainable forest management. As proposed, the council would report its findings annually to the Governor and to the Legislature.

LD 1679 **An Act to Increase the Penalties for Animal Cruelty** **PUBLIC 425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT	OTP-AM	H-423

LD 1679 proposed increasing the penalties for certain violations of the animal cruelty laws. It proposed making a second or subsequent conviction of cruelty to animals a Class C crime. It proposed a Class C crime

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for a first offense of aggravated cruelty to animals and defined aggravated cruelty as causing extreme physical pain to or maliciously killing or intentionally torturing an animal. LD 1761 proposed including, under the definition of animal cruelty, the act of killing or torturing an animal to frighten or intimidate a child or forcing a child to injure or kill a domestic animal. It proposed requiring a juvenile convicted of animal cruelty to receive psychiatric or psychological counseling. It proposed eliminating the provision allowing an owner to lawfully kill that person's dog or cat. The bill also proposed amending specifications for shelter that must be available for a dog to protect it from inclement weather.

Committee Amendment "A" (H-423) proposed eliminating some provisions in the original bill and clarifying others. It proposed higher fines for civil and criminal violations of the animal cruelty laws and additional conditions under which a person convicted of criminal cruelty to animals could be sentenced for a Class C crime.

Enacted law summary

Public Law 2001, chapter 425 increases the penalties for civil and criminal violations of the animal cruelty laws. It creates a new category of aggravated cruelty to animals and makes it a Class C crime. It includes killing or torturing an animal to frighten or intimidate a person or forcing a person to injure or kill an animal in the list of behaviors that constitute cruelty to animals. It enacts additional conditions under which a person convicted of criminal cruelty to animals may be sentenced for a Class C crime.

LD 1690

An Act to Promote Outcome-based Forest Policy

PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ OTP-AM MIN	S-222

LD 1690 proposed directing the Director of the Bureau of Forestry in cooperation with private landowners to create experimental areas on private land where the principles and applicability of outcome-based forest policy could be applied and tested. The bill proposed a definition of outcome-based forest policy.

Committee Amendment "A" (S-222) proposed the majority report, specifying that the designated experimental areas may be on public as well as private land. It also proposed clarifying that provisions relating to the experimental areas sunset on July 1, 2006 and requiring a report by the Department of Conservation, Bureau of Forestry to the Legislature with recommendations no later than December 31, 2005.

Committee Amendment "B" (S-223) proposed the minority report. In addition to changes proposed in the majority report, it proposed additional language regarding tests to evaluate the impact of forest management on each of 6 criteria.

Enacted law summary

Public Law 2001, chapter 339 directs the Director of the Bureau of Forestry, in cooperation with public and private landowners, to create experimental areas where the principles and applicability of outcome-based forest policy can be applied and tested. Chapter 339 defines "outcome-based forest policy" and requires the Governor to appoint a panel of technical experts to work with the director in implementing, monitoring and assessing tests of outcome-based forestry principles. It requires the Director of the Bureau of Forestry to

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report to the Legislature by December 31, 2005 on the feasibility of implementing outcome-based forestry as a basis for forest policy. The provisions regarding outcome-based forestry sunset July 1, 2006.

LD 1695 **An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine** **PUBLIC 399
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON NUTTING J	OTP-AM	H-613

LD 1695 proposed changing the composition of the Animal Welfare Advisory Committee. It would have required nonlegislative appointments to be reviewed by the joint standing committee of the Legislature having jurisdiction over animal welfare and to be confirmed by the Senate. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to provisionally adopt rules to implement the cruelty to animals laws and for the rules to be reviewed by the Legislature as major substantive rules prior to final adoption. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to develop a mechanism to share information on persons convicted of animal cruelty with the Department of Human Services and the Department of Public Safety. It proposed requiring the Commissioner of Agriculture, Food and Rural Resources to study and make recommendations for increasing funding for animal welfare programs and authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-613) proposed replacing the original bill. It proposed several changes to the statutes relating to animal welfare and animal control including revising the membership and responsibilities of the Animal Welfare Advisory Committee

LD 1733 **An Act to Prohibit the Misbranding of Genetically Engineered Food** **PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY GOOLEY	OTP-AM MAJ ONTP MIN	S-201

LD 1733 proposed allowing a food, food product or food ingredient to be labeled indicating that the product is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, in accordance with rules adopted by the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-201) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed designating the rules authorized as routine technical rules and changing the implementation date to January 1, 2002. It also proposed allowing a food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients.

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Enacted law summary

Public Law 2001, chapter 334 permits the use of a label on any food, food product or food ingredient that indicates that the product is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, in accordance with routine, technical rules adopted by the Department of Agriculture, Food and Rural Resources. It allows a food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients.

LD 1761 **Resolve, Establishing the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN BUNKER	OTP-AM	S-162

LD 1761 proposed removing land within the restricted zone of the Allagash Wilderness Waterway from oversight and permitting requirements of the Maine Land Use Regulation Commission. It proposed establishing an Allagash Wilderness Advisory Council in statute to advise the Department of Conservation, Bureau of Parks and Lands on issues relating to the waterway. It proposed establishing in statute the authorized access points to the waterway.

Committee Amendment "A" (S-162) proposed replacing the bill with a resolve to establish the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway. LD 1761 as amended by S-162 was enacted in the House and placed on the Appropriations Table in the Senate. It died on adjournment.

LD 1771 **Resolve, to Establish the Maine Cattle Health Assurance Program** **CARRIED OVER**

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

LD 1771 requires the Department of Agriculture, Food and Rural Resources to develop and implement the Maine Cattle Health Assurance Program. It specifies certain components of the program including the development of best management practices to promote dairy and beef farm profitability, animal health, food product safety and environmental quality; an on-site assessment, and an annual inspection and certification for participants in the program. It proposes establishment of a nonlapsing fund to receive public and private funding for the benefit of the program. It also proposes directing the department to enter into a memorandum of understanding with the Regional Dairy Quality Management Alliance for the purpose of obtaining expertise from other states in New England and the mid-Atlantic region.

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LD 1791 **Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands** **RESOLVE 53**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER TURNER	OTP-AM	H-582 H-637 MCKEE

LD 1791 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a 62-acre parcel of land in the Town of New Gloucester and the Town of Pownal to October Corporation and to release deed restrictions on a 54-acre parcel of land previously conveyed to October Corporation in Resolve 1999, chapter 112.

Committee Amendment "A" (H-582) proposed correcting the acreage of nonreserved public lands being transferred to the October Corporation and adding a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-637) proposed a correction to the fiscal note on committee amendment "A."

Enacted law summary

Resolve 2001, chapter 53 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a 44-acre parcel of land in the Town of New Gloucester and the Town of Pownal to October Corporation and to release deed restrictions on a 54-acre parcel of land previously conveyed to October Corporation in Resolve 1999, chapter 112.

LD 1792 **Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands** **RESOLVE 52**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN DESMOND	OTP-AM	S-244

LD 1792 proposed authorizing the conveyance of certain property by the Director of the Bureau of Parks and Lands within the Department of Conservation in exchange for certain property owned by Allagash Timberlands LP.

Committee Amendment "A" (S-244) proposed adding a fiscal note to the resolve.

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LD 1810

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

PUBLIC 466

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted

H-658

S-387 GOLDTHWAIT

LD 1810 proposed legislation to implement the recommendations of the Committee to Study Access to Private and Public Lands in Maine. The Joint Standing Committee on Agriculture, Conservation and Forestry was authorized to report out legislation under Joint Order 1999, H.P. 1951.

Committee Amendment "A" (H-658) proposed an amendment to the committee bill to remove the proposed prohibitions on certain land acquisitions and to revise the provisions for granting a variance from reclamation standards for excavation sites.

Senate Amendment "A" (S-219) proposed additional revisions to the provisions for granting a variance from reclamation standards for excavation sites.

Senate Amendment "B" (S-387) proposed removing the sections of the bill that relate to reauthorizing the Committee to Study Access to Private and Public Lands in Maine. The committee was reauthorized in a Joint Study Order. See the summary for H.P. 1387.

Enacted law summary

Public Law 2001, chapter 466 implements certain recommendations of the Committee to Study Access to Private and Public Lands in Maine. It requires the Land for Maine's Future Board to include in its biennial report to the Legislature a description of access to acquisitions made during the report period. It directs the Land for Maine's Future Board, the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife to consider public vehicular access to land proposed for acquisition and to provide justification for land or interest in land acquired without public vehicular access.

It allows an owner or operator of a gravel pit or excavation site to receive a variance from reclamation standards required by the Department of Environmental Protection when that owner or operator, working with the Off-road Recreational Vehicle Division within the Department of Conservation, designs or develops a satisfactory plan for a recreational management area. When a variance is granted to allow a gravel pit to be reclaimed as a pond of 30 acres or greater, the owner must demonstrate that public access to the pond is ensured.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1811 **An Act to Permit the Salvage of Pulpwood**

**PUBLIC 391
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH CLARK	OTP-AM	S-307

LD 1811 proposed allowing companies previously chartered by the Legislature to store wood over publicly owned submerged lands to salvage the pulpwood for use in a company-owned facility. Compensation to the State for the value of the pulpwood would be waived as long as the salvage operation resulted in substantial improvements to public trust rights.

Committee Amendment "A" (S-307) proposed clarifying that a person must provide the required documentation and plan to the Department of Conservation, Bureau of Parks and Lands and obtain any applicable permits prior to beginning a pulpwood salvage operation. It also proposed clarifying that a person who salvages pulpwood must comply with the approved plan and all permitting and legal requirements pertaining to the salvage.

Enacted law summary

Public Law 2001, chapter 391 allows companies previously chartered by the Legislature to store wood over publicly owned submerged lands to salvage sunken pulpwood for use in a company-owned facility. Compensation to the State for the value of the pulpwood is waived as long as the salvage operation results in substantial improvements to public trust rights.

Public Law 2001, chapter 391 was enacted as an emergency measure effective June 12, 2001.

LD 1823 **Resolve, to Create a Commission to Study Issues Concerning
Changes to the Traditional Uses of Maine Forests and Lands,
Including Camp Lot Lease Arrangements and Public Enjoyment**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES MICHAUD MH		H-695 JONES S-340 KILKELLY

LD 1823 proposed creating the Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. This bill was not referred to a committee. LD 1823 was not enacted, however, a Joint Study Order established the Commission. See summary for H.P. 1391.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1826

An Act to Provide Dairy Farmer Equity

PUBLIC 433

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

LD 1826 proposed providing an automatic trigger to return Maine Milk Pool payments directly to eligible Maine dairy farmers whenever in any given month there is only one Maine market dealer subject to the Maine Milk Pool collection and the milk sold or distributed by that dealer during that month does not exceed 1,000,000 pounds. This bill was not referred to a committee.

Enacted law summary

LD 1826 proposed providing an automatic trigger to return Maine Milk Pool payments directly to eligible Maine dairy farmers whenever in any given month there is only one Maine market dealer subject to the Maine Milk Pool collection and the milk sold or distributed by that dealer during that month does not exceed 1,000,000 pounds.

HP 1214

JOINT ORDER - Relative to the Joint Study Committee to Examine Issues Relating to the North American Free Trade Agreement

**DIED ON
ADJOURNMENT**

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

Joint Order, HP1214 proposed establishment of the Joint Study Committee to Examine Issues Relating to the North American Free Trade Agreement (NAFTA). The committee would have consisted of all members of the Joint Standing Committee on Agriculture, Conservation and Forestry. The joint order would have required the committee to hold public hearings in areas of the state most affected by NAFTA. The order proposed directing the committee to examine trade issues relating to agriculture and forest products and to report on the issues studied to Maine's Congressional delegation and the Legislature.

Joint Standing Committee on Agriculture, Conservation and Forestry

HP 1387

JOINT STUDY ORDER – Joint Study Committee to Study Access to Private and Public Lands in Maine

PASSED

Sponsor(s)
SAXL

Committee Report

Amendments Adopted

Enacted law summary

Joint Order, HP1387 reauthorizes the Committee to Study Access to Private and Public Lands in Maine. The 5 original legislative members continue to serve on the committee. The committee is charged with determining the status of public access to flowed lakes and reviewing the division and sale of land by timber companies and the acquisition of land surrounding the State's great ponds by private individuals. The committee is to consider policy options to promote continued public access to public and private lands. In addition, the committee is directed to work with the Department of Inland Fisheries and Wildlife and the Maine Forest Service to develop a map illustrating significant areas where public access is restricted, prohibited or permitted with the payment of a fee. The committee is required to submit its report to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 5, 2001 and is authorized to introduce legislation relating to its report by that date.

HP 1391 and 1393

JOINT STUDY ORDER – Joint Study Committee to Study Issues Containing Changes to the Traditional Uses of Maine Forests and Lands

PASSED

Sponsor(s)
SAXL
JONES

Committee Report

Amendments Adopted

Enacted law summary

Joint Order HP 1391 as amended by HP 1393 establishes the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. The committee consists of 5 legislators, the Commissioner of Conservation or the commissioner's designee, and a representative of the Maine Land Use Regulation Commission. The committee is directed to study the economic and societal impact of the termination of camp lot lease arrangements and develop a plan to preserve the traditional camp lot lease arrangements and public enjoyment of state lands. The committee is required to submit a report and plan along with any necessary implementing legislation to the Second Regular Session of the 120th Legislature by November 1, 2001.

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LD 16	2	LD 1426	23
LD 38	2	LD 1435	23
LD 139	2	LD 1458	24
LD 265	3	LD 1459	24
LD 276	3	LD 1501	24
LD 351	4	LD 1505	25
LD 394	4	LD 1516	25
LD 469	4	LD 1534	26
LD 488	5	LD 1540	26
LD 515	5	LD 1547	27
LD 530	6	LD 1587	27
LD 609	6	LD 1589	27
LD 610	6	LD 1622	27
LD 628	7	LD 1660	28
LD 661	7	LD 1676	28
LD 665	8	LD 1679	28
LD 672	8	LD 1690	29
LD 739	8	LD 1695	30
LD 753	9	LD 1733	30
LD 792	9	LD 1761	31
LD 882	10	LD 1771	31
LD 902	10	LD 1791	32
LD 906	11	LD 1792	32
LD 912	11	LD 1810	33
LD 913	12	LD 1811	34
LD 925	12	LD 1823	34
LD 946	13	LD 1826	35
LD 960	13	HP 1214	35
LD 995	13	HP 1387	36
LD 996	14	HP 1391 and 1393	36
LD 1013	14		
LD 1014	14		
LD 1037	15		
LD 1103	15		
LD 1141	15		
LD 1154	16		
LD 1164	16		
LD 1170	17		
LD 1174	17		
LD 1191	18		
LD 1198	18		
LD 1203	19		
LD 1266	20		
LD 1269	21		
LD 1371	21		
LD 1379	22		
LD 1424	22		
LD 1425	22		

Joint Standing Committee on Banking and Insurance

LD 10 **An Act to Require Credit Card Issuers to Provide Greater Notice of Changes in Terms** **ONTP**

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

LD 10 proposed to increase the notice requirement for changes in terms of credit card accounts to 90 days before the effective date of the changes. Under current law, credit card issuers are required to provide notice at least 30 days before the effective date of changes in terms. The bill also proposed to repeal the provision allowing a credit card issuer to avoid providing notice of a change if the change involves no significant cost to the consumer.

Committee Amendment "A" (H-27) was the minority report of the committee. The amendment proposed to change the notice requirement for changes in terms of credit card accounts to 45 days before the effective date of the change. The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 18 **An Act to Allow a Person to Obtain Personal Insurance Instead of Per Vehicle Insurance** **ONTP**

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

LD 18 was a concept draft pursuant to Joint Rule 208. The bill proposed to allow a motor vehicle owner to obtain personal automobile liability insurance that insures the person instead of the vehicle. The effect of this bill would be to eliminate the requirement that an owner of more than one vehicle obtain liability insurance for each vehicle; instead the person could obtain a personal liability umbrella policy that would cover the person for whatever motor vehicle the person drove.

LD 43 **An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers** **PUBLIC 130**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO MCALEVEY	ONTP MAJ OTP-AM MIN	H-19

LD 43 proposed to require insurance companies to provide a driver 55 years of age or older a 10% discount on premium charges if the insured completes an approved accident prevention course.

Committee Amendment "A" (H-19) was the minority report of the committee. The amendment proposed to require insurance companies to provide a driver 55 years of age or older an appropriate discount on premium charges if the insured successfully completes an accident prevention course approved by the Department of Public

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Safety, Bureau of Highway Safety. The amendment clarified that in order to maintain eligibility for the discount the insurer may require that the insured or a member of the insured's household insured under the policy not be involved in an at-fault accident, not commit a moving violation and not be subject to a driver's license suspension for a 3-year period after the course is completed. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 130 requires insurance companies to provide a driver 55 years of age or older an appropriate discount on premium charges if the insured successfully completes an accident prevention course approved by the Department of Public Safety, Bureau of Highway Safety. The law also allows an insurer to require that the insured or a member of the insured's household insured under the policy not be involved in an at-fault accident, not commit a moving violation and not be subject to a driver's license suspension for a 3-year period after the course is completed in order to maintain eligibility for the discount.

LD 49

An Act Regarding Civil Actions Involving Insurance Coverage

PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W DOUGLASS	OTP-AM MAJ ONTP MIN	H-18

LD 49 proposed to require an insurer to pay costs and attorney's fees if the insured prevails in a declaratory judgment action to determine an insurer's contractual duty to defend the insured. Under the bill, an insured is defined as a natural person, which excludes corporations, trusts, partnerships, incorporated or unincorporated associations and other legal entities from the definition. LD 49 does not create or extend any right or cause of action to 3rd-party claimants under an insurance policy and insureds are not permitted to assign any rights under a policy to any other person. The bill does not apply to life, health, disability and workers' compensation insurance.

Committee Amendment "A" (H-18) was the majority report of the committee. The amendment proposed to add accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance to the types of insurance that are exempt from the provisions of the bill.

Enacted law summary

Public Law 2001, chapter 126 requires an insurer to pay costs and attorney's fees if the insured prevails in a declaratory judgment action to determine an insurer's contractual duty to defend the insured. It defines an insured as a natural person and excludes corporations, trusts, partnerships, incorporated or unincorporated associations and other legal entities from the definition of an insured. No right or cause of action is created or extended to 3rd-party claimants under an insurance policy and insureds are not permitted to assign any rights under a policy to any other person. Public Law 2001, chapter 126 does not apply to life, health, workers' compensation, accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance.

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LD 66

**An Act to Prohibit Cancellation of an Automobile Insurance Policy
after an Accident Involving a Deer or Moose**

ONTP

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

Under the Maine Automobile Insurance Cancellation Control Act, certain occurrences involving a motor vehicle are not considered an accident for purposes of determining whether an insurer may cancel an insured's automobile insurance policy because the insured has been involved in motor vehicle accidents. LD 66 proposed to establish that an accident involving a single car colliding with a deer or moose is not considered an accident for purposes of the Maine Automobile Insurance Cancellation Control Act.

LD 80

**An Act to Allow Certified Insurance Counselors to Qualify as Risk
Managers**

PUBLIC 3

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

LD 80 proposed to add a certified insurance counselor to the list of designations that qualify as a risk manager used or employed by a large commercial contract.

Enacted law summary

Public Law 2001, chapter 3 adds a certified insurance counselor to the list of designations that qualify as a risk manager used or employed by a large commercial contract.

LD 81

**An Act to Further Encourage the Creation of Private Purchasing
Alliances**

ONTP

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

LD 81 proposed to allow a given benefit plan offered through a private purchasing alliance to have a benefit differential that exceeds 20% if the Superintendent of Insurance waives the requirement. The bill also would have allowed the superintendent to waive compliance with a rule prohibiting carriers from applying a benefit differential to enrollees who must travel unreasonable distances for health care services. The provision allowing a health plan to have a benefit differential exceeding 20% if the Superintendent waives the requirement was incorporated into Public Law 2001, chapter 369. See summary for LD 204.

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LD 91 **An Act Regarding Notice to the Secretary of State When a Motor Vehicle Insurance Policy is Cancelled** **ONTP**

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

LD 91 proposed to amend the motor vehicle laws regarding auto insurance to require that, in addition to the existing requirement of a 10-day notice before cancellation of a policy, insurance companies provide the Secretary of State with a 10-day notice before termination of a policy occurs by expiration. In either case the Secretary of State must demand proof of financial responsibility under the Maine Revised Statutes, Title 29-A, section 1602, and the demand must include notice of the penalties for failure to provide proof. Under the terms of section 1602, subsection 2, failure to comply with the demand within 30 days will result in the suspension of the person's license, of the registration of the vehicle for which proof of insurance was not provided and of the right to apply for a license or registration. LD 91 also would have imposed a civil forfeiture of \$1000 on an insurance company that failed to provide the required notice.

LD 100 **Resolve, to Study the Expansion of Private Prescription Drug Insurance for Maine's Elderly** **ONTP**

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

LD 100 proposed to require the Bureau of Insurance to study Medicare supplement insurance contract benefits and develop recommendations to expand coverage for prescription drugs under those contracts through new and innovative benefits.

LD 101 **An Act to Allow for Mandate-free Catastrophic Care Health Insurance Policies** **ONTP**

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

LD 101 proposed to allow health insurers, nonprofit hospital and medical service organizations and health maintenance organizations to offer a catastrophic health plan that does not include any mandated benefits to individuals and small groups.

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LD 126

An Act to Clarify Certain Provisions of the Laws Governing Health Maintenance Organizations and Health Plans

DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	ONTP MAJ OTP-AM MIN	

LD 126 proposed to clarify that the access standards requirements under the laws governing health maintenance organizations and health plans do not prohibit insurance products that give financial incentives to members who elect to use certain designated providers in a network.

Committee Amendment "A" (S-129) was the minority report of the committee. The amendment proposed to clarify that the access standards under chapter 56 and chapter 56-A of the Maine Insurance Code do not prohibit managed care plans that give financial incentives to members who elect to use certain designated providers in a network as long as the incentives meet certain standards. Committee Amendment "A" was not adopted in the House and indefinitely postponed in the Senate.

LD 142

An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO TURNER	ONTP	

LD 142 proposed to prohibit financial institutions from assessing a fee against a depositor if a check is returned for insufficient funds.

LD 153

An Act to Reduce Finance Charges on Consumer Loans

ONTP

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

LD 153 proposed to reduce the amount that may be charged by a lender as a finance charge for a consumer loan.

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LD 154 **An Act to Amend the Law Governing Unfair Claims Settlement Practices** **ONTP**

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

LD 154 proposed to amend the law governing unfair claims settlement practices in 2 ways. First, the bill removed the requirement that civil actions may be brought only against one's own insurer in order to allow suit against any insurer. Second, the bill removed the provision that exempted workers' compensation claims.

LD 158 **An Act to Provide Insurance Plan Coverage for Small Employers** **ONTP**

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

LD 158 proposed to make employees of small employers with 50 or fewer employees eligible for group health plan coverage under the group plan offered to state employees. The bill would have required that the premium for coverage under the plan must be paid by the small employer, by a combination of employer and employee contribution or by the employee.

LD 163 **An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects** **PUBLIC 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LAFOUNTAIN	OTP-AM MAJ ONTP MIN	H-41

LD 163 proposed to continue authorization for workers' compensation health benefits pilot projects for 4 additional years. The bill applied retroactively to January 1, 2001, the date on which the statute authorizing the pilot projects was repealed.

Committee Amendment "A" (H-41) was the majority report of the committee. It proposed to remove the emergency preamble and emergency clause and add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 48 continues authorization for workers' compensation health benefits pilot projects for 4 additional years until January 1, 2005. The law applies retroactively to January 1, 2001.

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LD 175

An Act to Require a Separate Long-term Care Insurance License

ONTP

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

LD 175 proposed to require insurance producers licensed to sell life and health insurance to obtain a separate license authority and meet separate education and examination requirements for the sale of long-term care insurance. It would have applied to all new license applications and all license renewals made on or after October 1, 2001.

LD 203

An Act to Establish Medical Savings Accounts

ONTP

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

LD 203 was re-referred from the Joint Standing Committee on Taxation.

LD 203 proposed to allow residents of the State to establish medical savings accounts for payment of eligible medical expenses, including the payment of health insurance premiums and deductibles. Contributions to, interest earned on and qualified withdrawals from medical savings accounts would be exempt from Maine state income tax.

See related bill LD 1554.

LD 204

An Act to Encourage the Creation of an Alliance for the Purpose of Purchasing Health Insurance

PUBLIC 369

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE KILKELLY	OTP-AM	H-587

LD 204 proposed to establish a purchasing alliance to allow small employers and uninsured individuals access to health insurance on an aggregate group basis.

Committee Amendment "A" (H-587) replaced the bill. The amendment proposed to eliminate the requirement that a voluntary private purchasing alliance offer at least 3 different carriers through the alliance. The amendment also would allow a given benefit plan that offers services through a preferred provider arrangement to have a benefit differential that exceeds 20% if the Superintendent of Insurance waives the requirement.

House Amendment "A" to Committee Amendment "A" (H-612) proposed to add a notice and hearing requirement to the provision allowing the Superintendent of Insurance to waive the benefit level differential between

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services rendered by preferred providers and nonpreferred providers. House Amendment "A" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2001, chapter 369 eliminates the requirement that a voluntary private purchasing alliance offer at least 3 different carriers through the alliance. The law also allows a given benefit plan that offers services through a preferred provider arrangement to have a benefit differential that exceeds 20% for services rendered by preferred and nonpreferred providers if the superintendent waives the requirement.

LD 208 **An Act to Amend the Uninsured Motor Vehicle Coverage Requirements** **ONTP**

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

LD 208 proposed to allow employers who have secured workers' compensation coverage for their employees to exclude coverage for uninsured motor vehicle coverage claims by their employees or to reduce the amounts paid to their employees for uninsured motor vehicle coverage claims by the amount of workers' compensation benefits paid to the employee. If an employer did not have workers' compensation coverage at the time of the accident giving rise to a claim, the bill would have required that the motor vehicle insurance policy provide coverage in amounts equal to the minimum limits for liability prescribed in the Maine Revised Statutes, Title 29-A, section 1605.

LD 213 **An Act to Clarify Mixed Automobile Insurance** **PUBLIC 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON MAYO	OTP-AM	S-41

LD 213 proposed to clarify the definition of a personal automobile insurance policy. It set a threshold for determining whether a motor vehicle qualifies as a private passenger vehicle or a vehicle used primarily in the operation of a business or profession.

Committee Amendment "A" (S-41) replaced the bill. It proposed to clarify that uninsured motor vehicle coverage on commercial automobile insurance policies is not subject to the requirement for private passenger automobile insurance that uninsured coverage equal the limits for liability insurance on the policy unless the insured expressly rejects equal or higher limits of coverage. The amendment also proposed to require that commercial policies maintain uninsured motor vehicle coverage in an amount not less than the minimum limits for bodily injury liability pursuant to the Maine Revised Statutes, Title 29-A, section 1605, subsection 1.

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Enacted law summary

Public Law 2001, chapter 109 clarifies that uninsured motor vehicle coverage on commercial automobile insurance policies is not subject to the requirement for private passenger automobile insurance that uninsured coverage equal the limits for liability insurance on the policy unless the insured expressly rejects equal or higher limits of coverage. The law requires that commercial policies maintain uninsured motor vehicle coverage in an amount not less than the minimum limits for bodily injury liability pursuant to the Maine Revised Statutes, Title 29-A, section 1605, subsection 1.

LD 217

An Act to Clarify Insurance Coverage for Victims of Domestic Violence

PUBLIC 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY O'NEIL	OTP-AM	S-5

LD 217 proposed to remove the provision that allows insurers to apply an underwriting rating criterion to a victim of domestic abuse based on a physical or mental history or other factors of general applicability regardless of the underlying cause.

Committee Amendment "A" (S-5) replaced the bill. It proposed to clarify that an insurer, nonprofit hospital and medical service organization or health maintenance organization may not deny, cancel, refuse to renew or restrict coverage of any person or require additional charges based on the fact or perception that the applicant or insured is, or may become, a victim of domestic abuse.

The amendment also proposed to require that if an insurer, nonprofit hospital and medical service organization or health maintenance organization makes an adverse insurance decision on the basis of a medical condition that the insurer, nonprofit hospital and medical service organization or health maintenance organization knows or has reason to know is related to domestic abuse, the insurer, nonprofit hospital and medical service organization or health maintenance organization shall justify its decision to the applicant or insured in writing.

Enacted law summary

Public Law 2001, chapter 16 clarifies that an insurer, nonprofit hospital and medical service organization or health maintenance organization may not deny, cancel, refuse to renew or restrict coverage of any person or require additional charges based on the fact or perception that the applicant or insured is, or may become, a victim of domestic abuse.

Public Law 2001, chapter 16 also requires that if an insurer, nonprofit hospital and medical service organization or health maintenance organization makes an adverse insurance decision on the basis of a medical condition that the insurer, nonprofit hospital and medical service organization or health maintenance organization knows or has reason to know is related to domestic abuse, the insurer, nonprofit hospital and medical service organization or health maintenance organization shall justify its decision to the applicant or insured in writing.

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LD 226

An Act to Fund Community Health Access Programs

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

LD 226 was a study bill reported by the Joint Select Committee to study the creation of a Public/Private Purchasing Alliance. The bill proposed to establish the Affordable Health Care Fund to provide subsidies for individuals enrolled in community health access programs. The bill would have appropriated \$1.5 million to the Affordable Health Care Fund.

LD 226 was rereferred to the Joint Standing Committee on Appropriations and Financial Affairs. Committee Amendment "A" (H-698) of the Appropriations Committee proposed to lower the appropriation from \$1.5 million to \$100,000 and add a fiscal note to the bill.

LD 226 was enacted in the House and placed on the Special Appropriations Table in the Senate. The bill died on adjournment.

LD 235

An Act to Lower the Cost of Health Coverage

ONTP

Sponsor(s)
NUTTING J
MARRACHE

Committee Report
ONTP

Amendments Adopted

LD 235 proposed to establish a health coverage purchasing pool to make health coverage available through the power of a group purchase to residents who are unable to obtain or to afford coverage. The bill would have required the Commissioner of Administrative and Financial Services to select the health coverage plan to be offered through the purchasing pool and authorized the Department of Administrative and Financial Services to provide any necessary administrative services. LD 235 also proposed to exempt the purchasing pool from the prohibition on forming a group for the sole purpose of purchasing insurance provided in the Maine Revised Statutes, Title 24-A, section 2808.

LD 251

**An Act to Define "Medically Necessary Health Care" and Clarify
its Application by Health Plans and Managed Care Plans**

PUBLIC 288

Sponsor(s)
RICHARDSON
ABROMSON

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-328

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LD 251 proposed to clarify the application of the definitions of "medical necessity" and "medically appropriate health care" to the medical review or utilization review practices of managed health care plans in the State.

Committee Amendment "A" (H-328) was the majority report of the committee and replaced the bill. The amendment proposed to repeal the definitions of "medical necessity" and "medically appropriate health care" and replace them with a definition of "medically necessary health care." The amendment clarified that "medically necessary health care" is the standard used to govern review of medical issues in utilization review at all stages of review, including internal and external appeals and civil action.

Enacted law summary

Public Law 2001, chapter 288 repeals the definitions of "medical necessity" and "medically appropriate health care" and replaces them with a definition of "medically necessary health care." The law clarifies that the term "medically necessary health care" is the standard used to govern review of medical issues in utilization review at all stages of review, including internal and external appeals and civil action.

LD 256 **An Act to Limit the Interest Rate Charged on Debt to 29 Percent** **ONTP**

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

LD 256 proposed to limit the interest that may be charged on consumer credit transactions to 29%.

LD 275 **An Act to Create Purchasing Alliances of Small Businesses In Order to Purchase Health Insurance** **ONTP**

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

LD 275 proposed to allow small employers with 100 or fewer employees to form an association for the purpose of obtaining health insurance on an aggregate group basis.

LD 318 **An Act to Clarify the Law Concerning Representations Made in Insurance Contracts** **ONTP**

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

Joint Standing Committee on Banking and Insurance

LD 318 proposed to add property and casualty insurance to the list of types of insurance subject to the current Maine law concerning misrepresentations made on insurance applications. Under current law, misrepresentations made on insurance applications that are fraudulent or material to the acceptance of the risk by the insurer or to the hazard assumed by the insurer may prevent a recovery under life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit or accident insurance.

LD 323

An Act Concerning Patient Access to Eye Care Providers

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM MAJ	S-269
MAYO	ONTP MIN	

LD 323 proposed to require health plans and managed care plans that provide coverage for eye care services to provide direct access to eye care providers. The bill also proposed to prohibit plans from imposing a deductible or coinsurance for eye care services that is greater than a deductible or coinsurance for other medical services.

Committee Amendment "A" (S-269) was the majority report of the committee and replaced the bill. The amendment proposed to require health insurance carriers that provide coverage for eye care services to allow enrollees to self-refer for a maximum of 2 visits for each occurrence requiring eye care services from an eye care provider participating in the carrier's health plans. Eye care services are defined as those urgent health care services related to the examination, diagnosis, treatment and management of conditions, illnesses and diseases of the eye that if not treated within 24 hours present a serious risk of harm.

The amendment would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2002. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 408 requires health insurance carriers that provide coverage for eye care services to allow enrollees to self-refer for a maximum of 2 visits for each occurrence requiring eye care services from an eye care provider participating in the carrier's health plans. Eye care services are defined as those urgent health care services related to the examination, diagnosis, treatment and management of conditions, illnesses and diseases of the eye that if not treated within 24 hours present a serious risk of harm.

Public Law 2001, chapter 408 applies to all policies, contracts and certificates issued or renewed on or after January 1, 2002.

Joint Standing Committee on Banking and Insurance

LD 353

An Act to Permit Foster Parents to Purchase Group Health Insurance

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER	OTP MAJ	H-644 O'NEIL
GAGNON	ONTP MIN	S-264 LAFOUNTAIN

LD 353 proposed to make foster parents belonging to a statewide organization specifically eligible for health insurance coverage on a group basis.

Senate Amendment "A" (S-264) proposed to make licensed foster parents currently caring for children whose care is reimbursed by the Department of Human Services eligible for coverage under the group health plan for State employees. The amendment required the foster parent to pay the full premium for coverage. The amendment also would clarify that a foster parent is eligible for coverage only during the periods in which the foster parent is caring for a child in that foster parent's home.

House Amendment "A" to Senate Amendment "A" (H-644) corrected the fiscal note for Senate Amendment "A."

LD 353 was placed on the Special Appropriations Table and died on adjournment. However, the substantive provisions of Senate Amendment "A", which would allow licensed foster parents to buy coverage under the group health plan for State employees, were enacted in the Part II budget, Public Law 2001, chapter 439, Part XX.

LD 354

An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

ONTP

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

LD 354 proposed to allow insurers to use independent 3rd-party claims administrators or agents for auto glass claims, but prohibit the use of a 3rd-party administrator or agent affiliated with the glass industry.

LD 354 was not enacted, but the committee requested a study of the issues raised by the bill in Joint Study Order HP 1293. See summary of Joint Study Order HP 1293.

Joint Standing Committee on Banking and Insurance

LD 375

An Act to Ensure Parity in the Sale of Securities by Maine Financial Institutions

**PUBLIC 61
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LAFOUNTAIN	OTP-AM	H-43

LD 375 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 375 proposed to amend state law governing broker-dealer registration of providers of financial services to ensure conformity between state securities laws and the related provisions of the Gramm-Leach-Bliley Act, which was adopted by Congress in 1999. The bill would establish parity between financial institutions in Maine and financial institutions in other states with respect to the need to register as a broker-dealer in the sale of securities.

Committee Amendment "A" (H-43) proposed to clarify that financial institutions must be licensed as a broker-dealer in connection with private securities offerings or "de minimis" transactions. The amendment also added an emergency preamble, emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 61 amends state law governing broker-dealer registration of providers of financial services to ensure conformity between state securities laws and the related provisions of the Gramm-Leach-Bliley Act, which was adopted by Congress in 1999. The law establishes parity between financial institutions in Maine and financial institutions in other states with respect to the need to register as a broker-dealer in the sale of securities, except that financial institutions in Maine are required to continue to be licensed as a broker-dealer in connection with private securities offerings and certain de minimis transactions.

Public Law 2001, chapter 61 was enacted as an emergency measure effective April 12, 2001.

LD 391

An Act to Expand the Mission of the Office of the Public Advocate

ONTP

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

LD 391 proposed to expand the duties of the Public Advocate to include oversight of the insurance industry by allowing the Public Advocate to review and make recommendations to the Superintendent of Insurance regarding insurance rates, policies and availability of products to Maine consumers. The bill also would have authorized the Public Advocate to intervene on behalf of a consumer or group of consumers of insurance products in any action before the Bureau of Insurance, other state or federal agencies or courts.

Joint Standing Committee on Banking and Insurance

LD 392

An Act to Establish the Community Health Access Program

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-670
	ONTP MIN	

LD 392 proposed to implement the recommendations of the Joint Select Committee to Study the Creation of a Public/Private Purchasing Alliance to Ensure Access to Health Care for All Maine Citizens. The bill would do the following.

1. It establishes the Community Health Access Program within the Department of Human Services. The bill allows the department to determine service areas throughout the State for the provision of comprehensive health care services through local community-based health plans. The community-based plans are managed by nonprofit community health plan corporations and governed by local boards. The program is primarily designed for individuals without health insurance and micro-employers with 4 or fewer employees.
2. It eliminates the requirement that a voluntary private purchasing alliance offer at least 3 different carriers through the alliance.
3. It directs the Department of Human Services to apply for a waiver from the Federal Government to establish a Medicaid "buy-in" program for individuals without health insurance coverage and small employers as a benefit to their employees.

Committee Amendment "A" (H-670) was the majority report of the committee and replaced the bill. The amendment proposed to establish the Community Health Access Program within the Department of Human Services. The amendment would allow the department to determine two service areas throughout the State for the provision of comprehensive health care services through local community-based health plans. The community-based health plans would be managed by nonprofit community health care corporations and governed by local boards. The program is primarily designed for individuals without health insurance and micro-employers with 4 employees or less.

The amendment removed the provisions of the bill that amended the laws governing private purchasing alliances and directed the Department of Human Services to apply for a Medicaid waiver to develop a Medicaid buy-in program because those provisions are included in other legislation.

The amendment also added an appropriation, an allocation and a fiscal note to the bill.

LD 392 was placed on the Special Appropriations Table in the Senate and died on adjournment. However, the substantive provisions of Committee Amendment "A" that would establish the Community Health Access Program within the Department of Human Services were enacted in the Part II budget, Public Law 2001, chapter 439, Part BBB with a delayed effective date of July 1, 2002.

Joint Standing Committee on Banking and Insurance

LD 403

An Act to Provide Health Insurance Coverage for General Anesthesia and Associated Facility Charges for Dental Procedures for Certain Vulnerable Persons

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM MAJ	S-300
SCHNEIDER	OTP-AM MIN	

LD 403 proposed to require that health insurers and health maintenance organizations provide coverage for general anesthesia and associated facility charges for dental procedures rendered in a hospital for certain eligible enrollees, including persons with developmental disabilities and persons whose health is compromised and for whom general anesthesia is medically necessary. This bill does not provide coverage for charges for the dental procedure itself, including, but not limited to, the professional fee of the dentist.

Committee Amendment "A" (S-300) was the majority report of the committee and replaced the bill. Like the bill, the amendment proposed to require that health insurers and health maintenance organizations provide coverage for general anesthesia and associated facility charges for dental procedures rendered in a hospital for certain eligible enrollees, including persons with developmental disabilities and persons whose health is compromised and for whom general anesthesia is medically necessary. As in the bill, coverage would not be provided for charges for the dental procedure itself, including, but not limited to, the professional fee of the dentist. The amendment proposed to clarify that coverage under a dental insurance policy is primary and health insurance coverage is secondary and make other clarifications in the language.

The amendment would apply to all policies, contracts and certificates issued or renewed on or after January 1, 2002. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 423 requires that health insurers and health maintenance organizations provide coverage for general anesthesia and associated facility charges for dental procedures rendered in a hospital for certain eligible enrollees, including persons with developmental disabilities and persons whose health is compromised and for whom general anesthesia is medically necessary. The law does not require coverage for charges for the dental procedure itself, including, but not limited to, the professional fee of the dentist.

Public Law 2001, chapter 423 applies to all policies, contracts and certificates issued or renewed on or after January 1, 2002.

LD 412

An Act to Amend the Maine Consumer Credit Code

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-80
DOUGLASS		

Joint Standing Committee on Banking and Insurance

LD 412 proposed to change the requirement on allowing deferment of the first periodic payment in a closed-end credit sale or loan from not more than 90 days to not more than 12 months.

Committee Amendment "A" (H-80) proposed to clarify that interest or costs may not be assessed against a consumer as the result of any period of deferral of the initial payment in a closed-end credit sale or loan. The assessment of allowable costs would be permitted if those costs are not associated with the deferral, such as costs incurred by default other than for nonpayment. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 82 allows a creditor to permit a consumer to delay the first periodic payment on a closed-end credit sale or loan for up to 12 months. Under current law, deferral is only permitted for up to 90 days.

Public Law 2001, chapter 82 also prohibits the assessment of interests or costs against a consumer during the deferral period, but permits assessment of allowable costs not associated with the deferral such as costs incurred by default other than for nonpayment.

LD 413

An Act to Amend the Definition of "Health Insurance"

**PUBLIC 79
EMERGENCY**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-81
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LD 413 proposed to remove certain limited benefit insurance products from the definition of health insurance and related terms as they relate to mandated medical benefits, coverages and rights involving health care practitioner, hospital, surgical or outpatient services or other forms of medical care.

Committee Amendment "A" (H-81) replaced the bill. The amendment proposed to exclude certain limited benefit health insurance products from the definition of "health insurance" and related terms as the terms apply to laws mandating medical benefits and coverage for certain specific health services, specific diseases or certain providers of health care services and to rights and obligations required under Maine Revised Statutes, Title 24-A, chapter 56-A enacted after the effective date of the bill.

The amendment also added an emergency preamble, emergency clause and fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 79 excludes certain limited benefit health insurance products from the definition of "health insurance" and related terms as the terms apply to laws enacted after the effective date of this law that mandate medical benefits and coverage for certain specific health services, specific diseases or certain providers of health care services and that require certain rights and obligations under the Maine Revised Statutes, Title 24-A, chapter 56-A. The effect of Public Law 2001, chapter 79 is to exempt accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance from having to comply with mandated benefit laws.

Public Law 2001, chapter 79 was enacted as an emergency measure effective May 2, 2001.

Joint Standing Committee on Banking and Insurance

LD 414 **An Act to Require Health Maintenance Organizations to Cover Optometrist Services** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	ONTP	

LD 414 proposed to amend the laws applicable to payments by health maintenance organizations for eye care services. It would have required health maintenance organizations to include coverage for services by optometrists.

See related bill LD 323.

LD 415 **An Act to Strengthen Health Maintenance Organization Insolvency Requirements** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	ONTP	

LD 415 proposed to require that health maintenance organizations carry insurance adequate to ensure payment for at least 120 days worth of managed care claims payments owed to participating providers in the event of insolvency.

See related bill LD 1284.

LD 426 **An Act Concerning Managed Care Provider Agreements** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ OTP-AM MIN	

LD 426 proposed to clarify that "hold harmless" provisions of managed care provider agreements and the "hold harmless" clause in the Maine Insurance Code do not prohibit participating providers from seeking reimbursement from either the health plan or the enrollee when the enrollee has not adhered to the terms of the health plan. The bill proposed to make the use or enforcement of "most favored nation" provisions in managed care provider agreements an unfair insurance practice. It also would allow participating providers to opt out of so-called "all products" clauses in participating provider agreements.

Joint Standing Committee on Banking and Insurance

Committee Amendment "A" (H-588) was the majority report of the committee and replaced the bill. The amendment proposed to clarify that the "hold harmless" provisions of managed care provider agreements do not prohibit participating providers from seeking reimbursement from an enrollee when the enrollee has not adhered to the terms of the health plan. The amendment required that participating providers notify enrollees of the availability of the Bureau of Insurance's Consumer Health Care Division for assistance in determining whether a health maintenance organization has properly denied coverage before seeking reimbursement. It also would preclude a provider from seeking reimbursement from a subscriber or enrollee if a determination is made that the health maintenance organization is liable for the coverage. The amendment also provided that the failure of a provider or health maintenance organization to process or issue a referral may not be considered the enrollee's failure to abide by the terms of the health plan.

The amendment proposed to remove the provisions in the bill relating to "most favored nation" and "all products" clauses in managed care provider agreements. The amendment also added a fiscal note to the bill.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate.

Committee Amendment "B" (H-589) was the minority report of the committee and replaced the bill. Like the majority report, the amendment proposed to clarify that the "hold harmless" provisions of managed care provider agreements do not prohibit participating providers from seeking reimbursement from an enrollee when the enrollee has not adhered to the terms of the health plan and also provided that the failure of a provider or health maintenance organization to process or issue a referral may not be considered the enrollee's failure to abide by the terms of the health plan. The amendment proposed to require that participating providers notify enrollees of the availability of the Bureau of Insurance's Consumer Health Care Division for assistance in determining whether a participating provider is properly exercising the provider's rights, but did not require that a determination be made that the coverage has properly been denied before permitting a provider to seek reimbursement.

The amendment proposed to remove the provisions in the bill relating to "most favored nation" and "all products" clauses in managed care provider agreements. The amendment also added a fiscal note to the bill.

Committee Amendment "B" was adopted in the Senate, but was not adopted in the House.

LD 428

An Act to Modify the Bureau of Insurance Complaint Ratios and to Increase the Amount of Penalties Assessed Against Violators of the Maine Insurance Code

PUBLIC 165

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP-AM	H-199

LD 428 was submitted on behalf of the Department of Professional and Financial Regulation. Part A of the bill proposed to eliminate the requirement that the Bureau of Insurance consider only defined "substantiated" complaints in calculating and publicizing complaint ratios that compare insurers by the number of written complaints received by the Bureau of Insurance proportionate to insurer market share by lines of business. It also provided that rules adopted by the Bureau related to complaint ratios are routine technical, rather than major substantive rules. Part A also proposed to clarify that only a written complaint submitted on a form approved by the Superintendent of Insurance would be counted as a complaint.

Joint Standing Committee on Banking and Insurance

Part B of the bill proposed to increase the amount of penalties the Superintendent of Insurance may assess against corporations or other entities for violations of the insurance laws or rules from \$2,000 per violation to \$10,000 per violation.

Committee Amendment "A" (H-199) proposed to clarify the definition of a "consumer complaint" for the purposes of calculating complaint ratios. It defined a "consumer complaint" as a written complaint that results in the need for the bureau to conduct further investigation or to communicate in writing with a regulated entity for a response or resolution to the complaint.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 165 eliminates the requirement that the Bureau of Insurance consider only defined "substantiated" complaints in calculating and publicizing complaint ratios that compare insurers by the number of written complaints received by the Bureau of Insurance proportionate to insurer market share by lines of business. Instead, the law clarifies that a "consumer complaint" is a written complaint that results in the need for the Bureau of Insurance to conduct further investigation or communicate in writing with a regulated entity for a response or resolution to the complaint. It also provides that future rules adopted by the Bureau related to complaint ratios are routine technical, rather than major substantive rules.

Public Law 2001, chapter 165 also increases the amount of penalties the Superintendent of Insurance may assess against corporations or other entities for violations of the insurance laws or rules from \$2,000 per violation to \$10,000 per violation.

LD 429

An Act to Change the Name of the Bureau of Banking in Order to Accurately Reflect the Scope and Variety of Entities Regulated by the Bureau

PUBLIC 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	OTP-AM	H-50

LD 429 proposed to change the name of the Bureau of Banking to the Bureau of Financial Institutions and the name of the Superintendent of Banking to the Superintendent of Financial Institutions.

Committee Amendment "A" (H-50) proposed to add a provision clarifying that any official action taken by the Superintendent of Banking remains in force after the law takes effect as if it were issued by the Superintendent of Financial Institutions. The amendment also added an effective date of January 1, 2002 to the bill and a fiscal note.

Enacted law summary

Public Law 2001, chapter 44 changes the name of the Bureau of Banking to the Bureau of Financial Institutions and the name of the Superintendent of Banking to the Superintendent of Financial Institutions.

Joint Standing Committee on Banking and Insurance

The law becomes effective January 1, 2002.

LD 431

**An Act to Amend the Credit for Reinsurance Provisions of the
Maine Insurance Code**

PUBLIC 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-44

LD 431 proposed to amend the State's credit for reinsurance statutes to adopt provisions from the 1996 National Association of Insurance Commissioners Credit for Reinsurance Model Act, related to oversight and regulation of ceding insurers and reinsurers. The proposed legislation also incorporated technical clean-up provisions to the credit for reinsurance and rehabilitation and liquidation laws to eliminate confusing and ambiguous language and clarify a reinsurer's responsibility in the event of an insurance company insolvency.

Committee Amendment "A" (H-44) proposed to make changes to the State's credit for reinsurance statutes to adopt provisions from the 1996 National Association of Insurance Commissioner's Credit for Reinsurance Model Act. The amendment also proposed to incorporate technical clean-up provisions to the credit for reinsurance laws to eliminate confusing and ambiguous language and clarify a reinsurer's responsibility in the event of an insurance company insolvency. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 47 amends the State's credit for reinsurance statutes to adopt provisions from the 1996 National Association of Insurance Commissioners Credit for Reinsurance Model Act related to oversight and regulation of ceding insurers and reinsurers. The law also incorporates technical clean-up provisions to the credit for reinsurance and rehabilitation and liquidation laws to eliminate confusing and ambiguous language and clarify a reinsurer's responsibility in the event of an insurance company insolvency.

LD 439

**An Act to Create Catastrophic Health Insurance for Small
Businesses in Maine**

ONTP

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

LD 439 proposed to allow carriers in the small group market to offer a catastrophic health plan defined by the Superintendent of Insurance. For purposes of the bill, a catastrophic health plan is a plan that provides benefits for medical emergencies, serious illness and hospitalization only and that is exempt from the requirements for mandated coverage. The bill would prohibit a catastrophic health plan from providing coverage for preventive care or annual exams and require a deductible to be imposed of \$1500 or higher. The bill also would have required that the premium rate charged by the carrier for a catastrophic plan may not exceed 80% of the premium rate charged by that carrier for the basic plan required by the Department of Professional and Financial Regulation, Bureau of Insurance, Rule Chapter 750.

Joint Standing Committee on Banking and Insurance

LD 452 **An Act to Assist Individuals in Obtaining Catastrophic Insurance** **ONTP**

<u>Sponsor(s)</u> TRAHAN MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 452 proposed to provide premium subsidies based on income to individuals covered under catastrophic health plans. Those individuals with incomes at or below 200% of the poverty line and up to 250% of the poverty line would have qualified for a premium subsidy on a sliding-scale basis. The bill defined an individual catastrophic health plan as a health plan providing comprehensive benefits that imposes a deductible of \$2,500.

LD 474 **An Act to Require Liability Insurance Carriers to Disclose Limits of Liability to Claimants** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 474 proposed to require a liability insurance carrier of a potential defendant to provide a claimant with the limitations of liability in the insurance agreement that the carrier has with the potential defendant and impose a civil penalty of \$100 a day for each day an insurance carrier fails to provide the required information.

Committee Amendment "A" (H-49) was the minority report of the committee and replaced the bill. It proposed to remove the provision assessing a per diem penalty and make violations subject to civil penalty in accordance with violations of other provisions of the Maine Insurance Code. The amendment also proposed to make other technical changes and clarifications and add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 482 **An Act to Ensure Equality in Health Insurance Coverage for Eating Disorders for Children and Adults** **ONTP**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 482 proposed to require health insurance policies and contracts to provide coverage for eating disorders to any person, including a person who is under 18 years of age.

See related bills LD 1572 and LD 1627.

Joint Standing Committee on Banking and Insurance

LD 484 **An Act to Mandate Smoking Cessation Services for Health Insurance** **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 484 proposed to require health insurers, health maintenance organizations and nonprofit hospital and medical service organizations to provide coverage for smoking cessation services in their individual and group policies for up to 3 "quit attempts" per enrollee. The bill did not require coverage for over-the-counter smoking cessation products. The bill would have applied to all policies and contracts issued or renewed on or after January 1, 2002.

LD 485 **Resolve, to Create a Committee to Study the Feasibility of a Single Payor Health Care System** **ONTP**

<u>Sponsor(s)</u> RICHARDSON EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 485 proposed to establish the Health Care Reform Commission to study and make recommendations to reform the State's health care system in a manner that addresses the State's unique social and financial situation and lowers costs to all components of the health care system.

See related bill LD 1490.

LD 491 **An Act Regarding Service Contracts** **ONTP**

<u>Sponsor(s)</u> ABROMSON DUDLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 491 proposed to establish regulatory standards for providers of service contracts and exempt these contracts from all other provisions of the Maine Insurance Code. It also proposed to exempt warranties; maintenance agreements; warranties, service contracts and maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Utilities Commission; service contracts sold or offered for sale to persons other than consumers; and service contracts on tangible property purchased for \$350 or less.

Joint Standing Committee on Banking and Insurance

LD 510

**An Act Concerning Indemnification and Limitation of Liability
Provisions of Managed Care Participating Provider Agreements**

ONTP

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

LD 510 proposed to require that an indemnification provision included in a managed care participating provider agreement must apply equally to each party and prohibit the carrier or the participating provider from indemnifying the other for any amount beyond the limit of liability insurance coverage available in the State. The bill also proposed to prohibit a carrier from limiting its liability in a participating provider agreement.

LD 526

An Act to Expand Insurance Coverage in the State

ONTP

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

LD 526 proposed to require health insurance carriers to offer policies providing coverage for unmarried couples under the same terms and conditions as coverage for married couples relative to the benefits or options for benefits extended to spouses of health plan members.

See related bill LD 1703.

LD 543

**An Act to Provide Universal Access to Health Care for All Citizens
of the State**

ONTP

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

LD 543 was a concept draft pursuant to Joint Rule 208. The bill proposed to establish a system to provide universal access to health care for all Maine citizens.

See related bills LD 1041 and LD 1277.

Joint Standing Committee on Banking and Insurance

LD 554 **An Act to Provide Equity in Reimbursement for Health Care Providers** **ONTP**

<u>Sponsor(s)</u> PERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 554 proposed to require an insurer to pay health care providers for health care services within 30 days of submission of a claim. The bill would permit one exception to this 30-day payment requirement: when the insurer provides written notice that a claim is controverted, the health care provider need not be paid within 30 days for health care services within the scope of the controverted claim provided after receipt of the notice. The bill also proposed to require that an insurer pay for these additional health care services and any legal expenses incurred by the insured in pursuit of payment of the controverted claim when it is determined that the insurer is obligated to pay the controverted claim.

See related bill LD 782.

LD 555 **An Act Regarding Assignment of Benefits Under Personal Injury Insurance** **ONTP**

<u>Sponsor(s)</u> PERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 555 proposed to require health care providers to notify insurers of assignments of benefits and insurers to pay health care providers directly when they have received notice of assignments of benefits. If after receiving notice of an assignment of benefits an insurer pays an insured's claim, the insurer must still pay the related claim of the health care provider. An assignment of benefits cannot be revoked or amended without the written permission of the health care provider.

LD 573 **An Act to Require Health Insurance Carriers to Cover the Cost of Dental Surgery for Children in Need of Hospital Dentistry** **ONTP**

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 573 proposed to require health insurance policies and contracts to provide coverage for dental treatment performed on minors under general anesthesia in a hospital.

See related bill LD 403.

Joint Standing Committee on Banking and Insurance

LD 590

An Act to Strengthen the Authority of the Bureau of Insurance

DIED BETWEEN
BODIES

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

LD 590 proposed to do the following.

1. It increases the maximum civil penalty for violations of the Maine Insurance Code by corporate entities to \$25,000.
2. It describes the mission of the Department of Professional and Financial Regulation, Bureau of Insurance and requires that the bureau dedicate its resources to supporting its mission.
3. It requires that the bureau appoint an advocacy panel to represent the interests of consumers in any rate filing affecting the interests of more than 100 policyholders or certificate holders or in any proceeding regarding an application for licensure by an insurer, nonprofit hospital and medical service organization, nonprofit health care service organization or health maintenance organization.
4. It allows the Superintendent of Insurance to order an insurer, nonprofit hospital and medical service organization, nonprofit health care service organization or health maintenance organization to compensate an intervenor in a proceeding for reasonable attorney's fees, expert witness fees or other reasonable costs. The superintendent may order compensation upon a finding that the position of the intervenor is not adequately represented by an advocacy panel, that the intervenor has substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in the proceeding and that the participation of the intervenor in the proceeding without compensation would impose a significant financial burden on the intervenor. The bill also allows the Superintendent of Insurance to order compensation for an intervenor from Bureau of Insurance funds if the position of the intervenor is not adequately represented by an advocacy panel and if participation of the intervenor without compensation would impose a significant financial burden on the intervenor.
5. It requires the bureau to conduct on an annual basis at least one market conduct examination of insurers writing business in each of its divisions: property and casualty insurance; life and disability insurance; and health insurance.
6. It removes the requirement that only substantiated complaints are included in the complaint ratios compiled by the Bureau of Insurance.
7. It requires the Bureau of Insurance, Consumer Health Care Division to publish a chart comparing health plans offered by carriers and allows the division to contract for those services. It also requires the division to publish information relating to complaints against carriers.

Committee Amendment "A" (S-271) was the majority report of the committee and replaced the bill. The amendment proposed to do the following.

1. It limits the requirement for an advocacy panel to rate hearings on individual health plans that propose a rate increase of 20% or more and to proceedings related to the change of control of a Maine health insurer,

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nonprofit hospital and medical service organization or health maintenance organization pursuant to the Maine Revised Statutes, Title 24-A, section 222, subsection 7.

2. It allows the Superintendent of Insurance to decide the scope of an advocacy panel and permits contracting for those services if existing Bureau of Insurance resources are not adequate.
3. It removes the provision on intervenor funding.
4. It requires annual reports from the Bureau of Insurance, within the Department of Professional and Financial Regulation, on the number of advocacy panels as well as an evaluation of the usefulness of advocacy panels.
5. It clarifies that the provisions apply to health insurers, nonprofit hospital and medical service organizations and health maintenance organizations that issue health plans in this State.
6. It also adds a subsection that repeals Title 24-A, section 205-A on October 1, 2006 unless the section is continued or modified by law.
7. It also adds an allocation section and a fiscal note to the bill.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate.

House Amendment "A" to Committee Amendment "A" (H-678) proposed to allow the Bureau of Insurance to hire additional staff or contract for the services of an advocacy panel to represent the interests of consumers and the public in a proceeding regarding a rate filing for an individual health plan. This amendment replaced the allocation section in Committee Amendment "A" and also corrected a statutory reference to reflect changes made by laws previously enacted this session. House Amendment "A" was adopted in the House, but was not adopted in the Senate.

Senate Amendment "A" to Committee Amendment "A" (S-305) proposed to allow the Bureau of Insurance to hire additional staff or contract for the services of an advocacy panel to represent the interests of consumers and the public in a proceeding regarding a rate filing for an individual health plan. This amendment replaced the allocation section in Committee Amendment "A" and also corrected a statutory reference to reflect changes made by laws previously enacted this session. Senate Amendment "A" was not adopted.

LD 593

**An Act to Establish the Office of Securities within the Department
of Professional and Financial Regulation**

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL DOUGLASS	OTP-AM	H-238

LD 593 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 593 proposed to move the Securities Division from the Bureau of Banking to a separate office within the Department of Professional and Financial Regulation to be known as the "Office of Securities." The Securities Administrator is appointed by the Commissioner of Professional and Financial Regulation for a term coterminous

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with the term of Governor and may be removed for cause. The administrator is given compensation commensurate with other agency heads within the Department of Professional and Financial Regulation and is given like authority to appoint and train personnel, cooperate and contract with other agencies and organize the Office of Securities. The administrator may also delegate the administrator's duties and authorities to senior office personnel. The substantive regulatory authority of the agency and the administrator remain unchanged.

Committee Amendment "A" (H-238) proposed to clarify that the position of Administrator of the Office of Securities is a major policy-influencing position within the department.

Enacted law summary

Public Law 2001, chapter 182 moves the Securities Division from the Bureau of Banking to a separate office within the Department of Professional and Financial Regulation to be known as the "Office of Securities." The Securities Administrator is appointed by the Commissioner of Professional and Financial Regulation for a term coterminous with the term of the Governor, and may be removed for cause. The administrator is given compensation commensurate with other agency heads within the Department of Professional and Financial Regulation and is given like authority to appoint and train personnel, cooperate and contract with other agencies and organize the Office of Securities. The administrator may also delegate the administrator's duties and authorities to senior office personnel. The substantive regulatory authority of the agency and the administrator remain unchanged.

LD 594 **An Act to Require Health Insurance Providers to Maintain Benefits During the Contract Term** **ONTP**

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

LD 594 proposed to require an insurer who enters into a health insurance binder with an employer to provide any health benefit to employees that the employer is contractually obliged to provide to employees during the term of the contract or risk a fine, suspension or revocation of the insurer's certificate of authority on being sued in Superior Court by any aggrieved parties.

LD 599 **An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions** **PUBLIC 350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP-AM	H-198 H-266 O'NEIL

LD 599 proposed to update the charter of the Maine Employers' Mutual Insurance Company, or MEMIC.

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1. It eliminates MEMIC industry or geographic divisions and their advisory boards because of the substantially diminished role such divisions and boards play in the operation of MEMIC.
2. It eliminates certain funding and accounting language rendered obsolete since the Superintendent of Insurance certified the company as having adequate surplus.
3. It preserves the high-risk division as a separate program subject to standards that previously applied to the high-risk division.

Committee Amendment "A" (H-198) proposed to clarify that an employer may be placed in the high-risk program for noncompliance with reasonable safety standards and allow the Board of Directors of the Maine Employers' Mutual Insurance Company to establish a plan for surcharges in the high-risk program based on an employer's specific loss experience. The amendment also corrected a technical error in the bill.

House Amendment "A" (H-266) proposed to clarify the standards for the placement of an employer in the high-risk program.

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Enacted law summary

Public Law 2001, chapter 350 updates the charter of the Maine Employers' Mutual Insurance Company, or MEMIC. The law eliminates MEMIC industry or geographic divisions and their advisory boards because of the substantially diminished role such divisions and boards play in the operation of MEMIC. It also eliminates certain funding and accounting language rendered obsolete since the Superintendent of Insurance certified the company as having adequate surplus. It preserves the high-risk division as a separate program subject to standards that previously applied to the high-risk division.

LD 600 **An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services** **CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

LD 600 would implement the recommendations of the Joint Select Committee on School-based Health Care Services. The bill proposed to do the following.

1. It requires the Department of Human Services to provide the state match for federal revenues under the Medicaid program for services provided in school-based health centers.
2. It requires the Department of Human Services to adopt rules allowing school-based health centers to become eligible for reimbursement for case management services to Medicaid-eligible children.
3. It requires health carriers to provide coverage for services provided in school-based health centers if the services would be covered under the policy in another setting. The bill also requires coverage for services under managed care plans without requiring prior approval from a primary care provider but requires school-based health centers to notify the primary care provider within 3 business days after the services are provided.
4. It requires the Department of Human Services, Bureau of Health, Division of Community and Family Health to convene an advisory group to develop standards and guidelines for school-based health centers and a certification process for school-based health centers. The advisory group shall submit its report and any necessary implementing legislation to the Joint Standing Committee on Health and Human Services. The Joint Standing Committee on Health and Human Services has authority to introduce a bill to the Second Regular Session of the 120th Legislature.

As required by Title 24-A Maine Revised Statutes Section 2752, the Joint Standing Committee on Banking and Insurance has requested that a review and evaluation of the proposed mandated health insurance benefit for school-based health care services included in the bill be completed by the Bureau of Insurance over the interim. LD 600 has been carried over to the Second Regular Session.

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LD 606

Resolve, to Reduce the Cost of Health Care Policies Purchased by Consumers and Businesses

ONTP

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

LD 606 proposed to require the Department of Professional and Financial Regulation, Bureau of Insurance to examine the state laws and rules governing health insurance and submit a report with implementing legislation that eliminates all mandated health insurance coverages to the Second Regular Session of the 120th Legislature no later than December 1, 2001.

LD 688

An Act to Eliminate the Requirement that Workers' Compensation Insurers Disclose Certain Cost Breakdowns When Issuing Workers' Compensation Policies

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM	H-197

LD 688 proposed to eliminate the requirement that workers' compensation insurers include detailed cost information with workers' compensation policies.

Committee Amendment "A" (H-197) proposed to require that workers' compensation insurers include detailed cost information with workers' compensation policies upon request from the employer.

Enacted law summary

Public Law 2001, chapter 176 requires that workers' compensation insurers include detailed cost information with workers' compensation policies upon request from the employer.

LD 726

An Act to Clarify the Medical Payments Subrogation Statute

ONTP

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

LD 726 proposed to prohibit casualty insurers providing medical payments coverage from instituting any action to recover payments made to an insured from an insurer of a person legally responsible for the insured's injury prior to the insured obtaining a recovery through settlement or through trial without the prior written consent of the insured obtained after the insurer notifies its insured of its desire to take such action.

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LD 727

Resolve, to Establish a Task Force to Study the Progress in Implementing a Single Claims Processing System

ONTP

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

LD 727 proposed to establish the Task Force to Study the Progress Made in Implementing a Single Claims Processing System for 3rd-party Payors of Health Care Benefits to follow up on the work done by the Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits, as established in Resolve 1997, chapter 63.

LD 778

An Act to Require Health Insurance Companies to Provide Advance Notice of Cancellation

ONTP

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

LD 778 proposed to require a health insurance company to notify an insured before canceling a policy for nonpayment of a premium. The notice must include language informing the insured that the policy will be cancelled if the premium is not paid within 2 weeks.

LD 782

An Act to Ensure Health Maintenance Organization Accountability **CARRIED OVER**

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

LD 782 proposed to define the term "undisputed claims" relative to health maintenance organizations, require the Superintendent of Insurance to collect data sufficient to enforce timely payment of undisputed claims and establish financial penalties for health maintenance organizations that do not make timely payment of claims.

LD 782 has been carried over to the Second Regular Session.

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LD 801

An Act to Authorize the State and Participating Municipalities to Pool Health Care in a Joint Venture

ONTP

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

LD 801 proposed to authorize the State to form a joint venture with participating counties and municipalities for a self-funded group health plan for state, county and municipal employees.

LD 802

An Act to Improve End-of-life Care in the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADORE KILKELLY	OTP-AM	H-586

LD 802 contains a number of provisions regarding hospice, end-of-life and palliative care. The bill proposed to do the following:

1. It requires health insurance and health maintenance contracts to cover palliative, hospice and end-of-life care.
2. It provides reimbursement under the Medicaid program for hospice care at \$130 per day.
3. It authorizes the Department of Human Services to establish the Maine Center for End-of-life Care.
4. It requires a report from the Department of Professional and Financial Regulation, Office of Licensing and Registration by January 15, 2002 regarding professional education requirements regarding end-of-life care, palliative care, hospice, pain management, advanced health care directives, appointment of health care decision surrogates and do-not-resuscitate orders.
5. It requires the Maine Health Data Organization to gather baseline data and standardized assessment tools regarding end-of-life care, palliative care, pain and symptom management and quality indicators for the care of terminally ill persons.
6. It requires the Joint Standing Committee on Health and Human Services to undertake a study of palliative care, hospice care and the barriers to inpatient hospice care.
7. It appropriates \$50,000 for the Maine Hospice Council.

Committee Amendment "A" (H-586) replaced the bill and proposed to do the following:

1. It removes the provisions relating to a mandated health insurance benefit for hospice care.

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2. It removes the provisions relating to reimbursement under the Medicaid program for hospice care because that issue is addressed in other legislation.
3. It requires the Department of Human Services, Bureau of Health to solicit grants and funding from other outside funding sources to establish and operate the Maine Center for End-of-life Care and requires that the center be hosted by an educational institution, professional association or other entity interested in the care of the terminally ill.
4. It requires the Department of Professional and Financial Regulation, Office of Licensing and Registration to compile a report on the current entry-level and continuing educational requirements related to end-of-life care issues for licensed health care professions.
5. It requires the Maine Health Data Organization to gather baseline data and standardized assessment tools regarding end-of-life care within the organization's existing database.
6. It removes the provision requiring the Joint Standing Committee on Health and Human Services to undertake a study of end-of-life care and the barriers to inpatient hospice care.
7. It retains the appropriation of \$50,000 to the Maine Hospice Council.
8. It also adds an allocation section and a fiscal note to the bill.

The substantive provisions of LD 802 and Committee Amendment "A" were incorporated into the Part I budget, LD 300, Public Law 2001, chapter 358, Part LL. Public Law 2001, chapter 358 was enacted as an emergency measure effective June 4, 2001. The provisions requiring individual and group health insurance and health maintenance organization contracts to cover hospice care services apply to contracts issued or renewed on or after January 1, 2002.

LD 812

An Act to Provide Insurance Parity for Substance Abuse Treatment

ONTP

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

LD 812 proposed to require that all individual and group health insurance policies or contracts provide coverage for substance abuse treatment under the same terms and conditions as coverage for physical conditions and illnesses. The bill would have applied to all policies and contracts issued or renewed on or after January 1, 2002.

See related bills LD 1572 and LD 1627.

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LD 816

An Act to Clarify Discounts to Nonsmokers in the Health Insurance Premium Rates

ONTP

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

LD 816 proposed to clarify the ability of insurers to offer premium discounts based on the smoking status of insureds.

See related bill LD 1745.

LD 854

An Act to Amend the Maine Insurance Code to Adopt Statutory Insurance Accounting Principles

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN LAFOUNTAIN	OTP-AM	H-79

LD 854 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 854 proposed to modernize the laws governing accounting standards for insurers by adopting the statutory insurance accounting practices that have been codified by the National Association of Insurance Commissioners, or NAIC, on a nationwide basis effective January 1, 2001. The bill proposed to repeal conflicting or superfluous provisions of the chapter of the Maine Insurance Code relating to valuation of insurers' assets and liabilities and update the pertinent cross-references. The bill also proposed to correct an error in the definition of "subsidiary" in the holding company law and incorporate a change to the transactions-with-affiliates section that was inadvertently omitted from prior accreditation legislation.

Enacted law summary

Public Law 2001, chapter 72 modernizes the laws governing accounting standards for insurers by adopting the statutory insurance accounting practices that have been codified by the National Association of Insurance Commissioners, or NAIC, on a nationwide basis effective January 1, 2001. The law repeals conflicting or superfluous provisions of the chapter of the Maine Insurance Code relating to valuation of insurers' assets and liabilities and updates the pertinent cross-references. It also corrects an error in the definition of "subsidiary" in the holding company law and incorporates a change to the transactions-with-affiliates section that was inadvertently omitted from prior accreditation legislation.

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LD 915

An Act to Amend the Maine Insurance Guaranty Association Act

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

LD 915 proposed to make the following changes to the Maine Insurance Guaranty Association Act.

1. It exempts additional types of insurance from being subject to the Act.
2. It excludes first-party claims by an insured whose net worth exceeds \$10,000,000.
3. It amends the definition of "insolvent insurer" to clarify that it applies to that group of insurers defined as "member insurers," and amends the definition to mean a member insurer against whom a final order of liquidation has been entered.
4. It enacts a definition of "person" to mean any individual or legal entity, including a governmental entity.
5. It sets a \$10,000 cap on a claim for the return of an unearned premium.
6. It provides that claims resulting from an insolvency must be filed no later than 18 months after the insolvency.
7. It provides that the Maine Insurance Guaranty Association may intervene as a party in a case involving an insolvent insurer.
8. It provides a premium tax offset for an insurer that pays an assessment pursuant to the Act.

Committee Amendment "A" (S-268) proposed to make the following changes to the bill.

1. It excludes from the definition of covered claims any first party claims of an insured whose net worth exceeds \$25,000,000.
2. It changes the cap on unearned premium to \$25,000.
3. It establishes a bar date for filing covered claims of the earlier of 24 months after the order of liquidation or the final date set by a court and allows the association to accept the late filed claims as covered claims for good cause.
4. It requires that notification of an insolvency to insureds and other interested parties by the association include prominent notice of the date by which a claim must be filed with the association.
5. It clarifies that the premium offset applies to deficiency assessments under Maine Revised Statutes, Title 24-A, Section 4440-A.
6. It clarifies the applicability provision.
7. The amendment also added a fiscal note to the bill.

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Committee Amendment "A" was adopted in the House, but, because the bill had a fiscal impact, LD 915 was placed on the Special Appropriations Table in the Senate pending enactment. At the end of the session, LD 915 was recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and has been carried over to Second Regular Session.

LD 968 **An Act to Define and Ensure Coverage of Basic Health Services by Health Maintenance Organizations** **PUBLIC 218 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM A OTP B ONTP C	H-200

LD 968 proposed to remove language directing the Superintendent of Insurance to consider certain specified factors in the adoption of rules defining "basic health care services." The bill also proposed to designate that such rules are major substantive rules subject to legislative review before final adoption.

Committee Amendment "A" (H-200) was the majority report of the committee and replaced the bill. The amendment proposed to specify that future rules adopted by the Bureau of Insurance to define "basic health care services" provided by health maintenance organizations are major substantive rules and subject to legislative review before final adoption.

The amendment also added an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 2001, chapter 218 specifies that future rules adopted by the Bureau of Insurance to define "basic health care services" provided by health maintenance organizations are major substantive rules and subject to legislative review before final adoption.

Public Law 2001, chapter 218 was enacted as an emergency measure effective May 18, 2001.

LD 984 **An Act to Protect Nongroup and Small Group Insureds** **PUBLIC 432**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-617 H-688 O'NEIL

LD 984 proposed to amend the laws governing nongroup and small group insureds as follows.

1. It requires that insurers provide written notice of rate filing.

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2. It repeals the repealers on the sections of law governing special rate hearings.
3. It enacts requirements regarding rate filings on small group health plans similar to the requirements regarding rate filings on individual health insurance policies.
4. It requires that health maintenance organizations offering individual coverage provide an annual marketing plan to the Department of Administrative and Financial Services, Bureau of Insurance.

Committee Amendment "A" (H-617) replaced the bill. The amendment proposed to require that carriers provide a minimum of 60 days' notice prior to a rate filing or rate increase in individual and group health insurance and Medicare supplement policies. The amendment also would require notice of anticipated rate increases when quoting rates for new business. The amendment also would retain those sections of current law governing special rate hearings for individual health plans by repealing the repealers on those sections of law.

The amendment also added an allocation section and a fiscal note to the bill.

House Amendment "B" to Committee Amendment "A" (H-688) proposed to clarify when a notice is required and when a rate increase may be implemented. The amendment also proposed to remove Medicare supplement insurance from the requirement to provide notices of rate filings and rate increases.

House Amendment "A" to Committee Amendment "A" (H-682) proposed to clarify when a notice is required and when a rate increase is implemented. House Amendment "A" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2001, chapter 432 requires that carriers provide a minimum of 60 days' notice prior to a rate filing or rate increase in individual and group health insurance.

Carriers offering individual health plans are required to provide written notice by first class mail of any proposed increase or change in a proposed rating formula, classification of risks or modification of any proposed rating formula or classification of risks. Individual carriers must also provide notice to policyholders of their right to request a hearing on the proposed rate filing or rate increase as provided under the Maine Insurance Code. Carriers offering group health insurance, except for accidental injury, specified disease, hospital indemnity, disability income, Medicare supplement, long-term care or other limited benefit health insurance, are required only to provide notice of a proposed rate increase. Individual and group health insurance carriers are also required to disclose any anticipated rate increase within 90 days when quoting rates for new business.

Public Law 2001, chapter 432 also retains current law governing special rate hearings on individual health plans.

LD 1041

An Act to Provide Universal Health Insurance Coverage

ONTP

Sponsor(s)
TWOMEY

Committee Report
ONTP

Amendments Adopted

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LD 1041 proposed to establish a universal access health care system that offers 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.

See related bills LD 543 and LD 1277.

LD 1152 **An Act to Amend the Standard Valuation Law for Life Insurance
and to Restrict Limitation of Liability for Death by Suicide in
Group Life Insurance Policies** **PUBLIC 89**

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

LD 1152 was submitted on behalf of the Department of Professional and Financial Regulation.

The bill proposed to amend the Standard Valuation Law for life insurance by clarifying the confidentiality provisions. It would ensure the ability of the Superintendent of Insurance to maintain the confidentiality of sensitive regulatory information, while allowing the sharing of information with other state, federal and international regulators and law enforcement officials. The bill also proposed to require group life insurance policies issued in the State to contain suicide exclusion clauses that are no more restrictive than clauses allowed under individual life insurance policies issued in the State. The provision would allow companies to exclude coverage for death by suicide occurring within 2 years from the date coverage commences or within 2 years of an increase in coverage but would prohibit an indefinite exclusion of coverage for death by suicide.

Enacted law summary

Public Law 2001, chapter 89 amends the Standard Valuation Law for life insurance by clarifying the confidentiality provisions. It ensures the ability of the Superintendent of Insurance to maintain the confidentiality of sensitive regulatory information, while allowing the sharing of information with other state, federal and international regulators and law enforcement officials.

Public Law 2001, chapter 89 also requires group life insurance policies issued in the State to contain suicide exclusion clauses that are no more restrictive than clauses allowed under individual life insurance policies issued in the State. The provision would allow companies to exclude coverage for death by suicide occurring within 2 years from the date coverage commences or within 2 years of an increase in coverage but would prohibit an indefinite exclusion of coverage for death by suicide.

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LD 1156

An Act to Update the Maine Consumer Credit Code Regarding
Rental-purchase Agreements

PUBLIC 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ OTP-AM MIN	H-368

LD 1156 proposed to amend the provisions of the Maine Consumer Credit Code relating to rental-purchase agreements:

1. It amends consumer disclosure provisions and clarifies the term "cash price;"
2. It limits the consumer's liability for the property to the least of the fair market value, early purchase option price, remaining rent or repair cost;
3. It lengthens the time consumers have in which to reinstate the rental-purchase agreement;
4. It requires merchants to display a point-of-rental placard for any item offered for rental-purchase; and
5. It tailors provisions of the Maine Fair Debt Collection Practices Act to rental-purchase agreements.

Committee Amendment "A" (H-368) was the majority report of the committee. It proposed to clarify the definition of "cash price" for items subject to a rental-purchase agreement. The amendment also proposed to clarify the information that must be disclosed to consumers entering into rental-purchase agreements. The amendment removed the sections of the bill that make changes to the provision governing civil actions by aggrieved consumers and made other technical changes and corrections to the bill.

The amendment also added a fiscal note to the bill.

Committee Amendment "B" (H-369) was the minority report of the committee. The amendment proposed to retain the provisions in the bill that tailor provisions of the Maine Fair Debt Collections Practices Act to rental-purchase agreements. The amendment removed all the remaining provisions in the bill. Committee Amendment "B" was not adopted.

Enacted law summary

Public Law 2001, chapter 287 amends the provisions of the Maine Consumer Credit Code relating to rental-purchase agreements.

1. It clarifies the definition of "cash price" for items subject to a rental-purchase agreement. The "cash price" for new merchandise may not exceed the amount produced by multiplying the merchant cost by an applicable factor based on the type of merchandise. The "cash price" for used items may not exceed the maximum permitted cash price of the item when new and must be adjusted based on factors such as the duration of prior rentals, the item's repair history, whether the consumer price of the general class of item has decreased or increased since the item's purchase and the condition of the item.
2. It amends the disclosures required to be made to consumers in rental-purchase agreements.

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3. It limits the consumer's liability for the property to the least of the fair market value, early purchase option price, remaining rent or repair costs.
4. It lengthens the time consumers have in which to reinstate the rental-purchase agreement.
5. It requires merchants to display a point-of-rental placard for any item offered for rental-purchase.
6. It tailors provisions of the Maine Fair Debt Collection Practices Act to rental-purchase agreements.

LD 1217 **An Act to Create Uniform Underwriting Standards for Determining Eligibility for Certain Group Policies** **PUBLIC 400**

<u>Sponsor(s)</u> GOLDTHWAIT BERRY R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-270
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LD 1217 proposed to establish criteria for determining when an employer qualifies as an eligible group for 2-person group coverage.

Committee Amendment "A" (S-270) replaced the bill and proposed to establish criteria for determining when an employer qualifies as an eligible group for 2-person group coverage. The amendment would clarify that the criteria apply to those employers applying for 2-person group coverage on or after October 1, 2001.

Enacted law summary

Public Law 2001, chapter 400 establishes criteria for determining when an employer qualifies as an eligible group for 2-person group health insurance coverage. The eligibility criteria apply to those employers applying for 2-person group coverage on or after October 1, 2001.

LD 1277 **An Act to Establish a Single-payor Health Care System** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> VOLENIK RAND	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-514 H-680 VOLENIK
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LD 1277 proposed to establish the Maine Single-payor Health Care Plan. It would establish the Agency of Health Security as an independent agency to administer the plan. Under the plan, enrollees would choose their own health care providers and the plan would pay their bills. Coverage under the plan would be supplemental to other coverage. The bill would require a report from the Health Security Board to the joint standing committee of the Legislature having jurisdiction over human resources matters on the options for coordination of the plan with other health care plans and for the plan to take over coverage of some persons covered by those health care plans. The

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bill also would require an annual report from the board to the Governor and the Legislature on the operation and activities of the plan.

Committee Amendment "A" (H-514) was the majority report of the committee. The amendment proposed to clarify the definition of "resident" for the purposes of establishing eligibility for coverage under the Maine Single-payor Health Care Plan. It also clarified the duties of the Health Security Board. The amendment specified that the Commissioner of Human Services or the commissioner's designee is a member of the Health Security Board and added 6 additional members to the Health Security Board, including 2 Legislators, a member representing mental health consumers, a member representing persons with disabilities, a physician and a public member. It directed the Department of Human Services to apply for a waiver from the Federal Government to operate the Medicaid program in coordination with the Maine Single-payor Health Care Plan.

The amendment also added an appropriation section and a fiscal note to the bill.

House Amendment "C" to Committee Amendment "A" (H-680) proposed to delay the effective date of the Maine Single-payor Health Care Plan until January 1, 2003 and establish in the interim a board composed of the same members as the Health Security Board to conduct a feasibility study of economic impacts of the plan on individuals and businesses of payment options and to develop proposals for implementation of the Maine Single-payor Health Care Plan. The amendment would authorize the board to introduce legislation to the Second Regular Session of the 120th Legislature, allowing the Legislature to make modifications to the plan prior to the plan's effective date of January 1, 2003.

House Amendment "A" to Committee Amendment "A" (H-542) proposed to establish a gross receipts tax and a compensating use tax for the privilege of engaging in the sale or use of property and services in the State to fund the Maine Single-payor Health Care Plan. The tax would begin July 1, 2002 at 1% of gross receipts on the value of the property or service sold or used and increase 1% each year until it reaches 6%. The amendment directed the Health Security Board to implement the Maine Single-payor Health Care Plan incrementally, within available resources and fully implemented the plan no later than July 1, 2007. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-564) proposed to limit coverage under the Maine single-payor health plan to catastrophic health care coverage for medically necessary services after an enrollee has paid a \$10,000 deductible. House Amendment "B" to Committee Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-296) proposed to prioritize the duties of the Health Security Board. The amendment would require the board to first determine the percent of health care benefits that are paid from automobile insurance, general liability insurance and workers' compensation insurance; assess what savings are associated with a simplified billing system; assess what savings schools and correctional facilities would recognize with a single-payor system based on their current expenses for occupational therapy, physical therapy and speech therapy; and assess what savings are associated with a single-payor system by comparing hospitals of similar size in Maine and other states. Senate Amendment "A" to Committee Amendment "A" was not adopted.

LD 1277 was placed on the Special Appropriations Table in the Senate and died on adjournment. However, the substantive provisions of House Amendment "C" requiring a study of the feasibility and implementation of a single-payor health care system were enacted in the Part II budget, Public Law 2001, chapter 439, Part ZZZ.

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LD 1284

An Act Related to the Financial Regulation of Health Maintenance Organizations

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN O'NEIL	OTP	

LD 1284 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1284 proposed to make the following changes to the laws concerning the financial regulation of health maintenance organizations.

1. It clarifies that health maintenance organizations, or HMOs, are subject to the same provisions as authorized insurers regarding the voluntary termination of certificate of authority. The requirements of the Maine Revised Statutes, Title 24-A, section 415-A are made expressly applicable to HMOs with respect to a voluntary partial or total withdrawal from the market. The Superintendent of Insurance is permitted to require a withdrawing HMO to maintain its deposit after the HMO has withdrawn. Currently, it is unclear what processes and requirements would be applicable to an HMO that wishes to voluntarily surrender, or seek modification of, its certificate of authority. The requirements of section 415-A provide guidance as to what is required for these actions and clarify that any such proposal must be carried out pursuant to a plan approved by the superintendent.
2. It prohibits any provider who has rendered a covered service for an enrollee or subscriber of an insolvent HMO from billing the enrollees or subscribers for these services after a petition for liquidation has been filed. In this circumstance, the providers have to seek payment from the HMO or the receiver of the HMO. Claims for covered services incurred between the time a petition for liquidation is filed and the time coverage terminates may be paid by the receiver as costs of administration in a liquidation. It also clarifies that other provider claims for covered services fall within the same priority class as policyholder claims. In addition, if a receiver is unable to prorate a premium when coverage ceases under a liquidation, the receiver must return such an unearned premium to members or subscribers as a cost of administration.
3. It clarifies the appropriate calculation when determining the amount of required minimum surplus as a percentage of health care expenditures and the interrelationship of Title 24-A, chapter 79 and section 4204-A.
4. It clarifies that dividends payable by HMOs, for example, to a parent organization, are subject to the same standards and approval requirements as dividends paid by insurance companies.
5. It makes the receivership laws apply to all authorized HMOs, foreign and domestic.
6. It makes the requirements of the laws concerning bulk insurance and voluntary dissolution expressly applicable to HMOs.
7. It provides that in the continuation of coverage provisions after an HMO insolvency, the superintendent is permitted to take into account increased health care costs in considering replacement rates for multiple-year contracts. The superintendent is also permitted to equitably allocate groups of a withdrawing HMO to other HMOs operating in at least a portion of the same service area.

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Enacted law summary

Public Law 2001, chapter 88 makes several changes to the laws concerning the financial regulation of health maintenance organizations. The law does the following.

1. It clarifies that health maintenance organizations, or HMOs, are subject to the same provisions as authorized insurers regarding the voluntary termination of certificate of authority. The requirements of the Maine Revised Statutes, Title 24-A, section 415-A are made expressly applicable to HMOs with respect to a voluntary partial or total withdrawal from the market. The Superintendent of Insurance is permitted to require a withdrawing HMO to maintain its deposit after the HMO has withdrawn. Currently, it is unclear what processes and requirements would be applicable to an HMO that wishes to voluntarily surrender, or seek modification of, its certificate of authority. The requirements of section 415-A provide guidance as to what is required for these actions and clarify that any such proposal must be carried out pursuant to a plan approved by the superintendent.
2. It prohibits any provider who has rendered a covered service for an enrollee or subscriber of an insolvent HMO from billing the enrollees or subscribers for these services after a petition for liquidation has been filed. In this circumstance, the providers have to seek payment from the HMO or the receiver of the HMO. Claims for covered services incurred between the time a petition for liquidation is filed and the time coverage terminates may be paid by the receiver as costs of administration in a liquidation. It also clarifies that other provider claims for covered services fall within the same priority class as policyholder claims. In addition, if a receiver is unable to prorate a premium when coverage ceases under a liquidation, the receiver must return such an unearned premium to members or subscribers as a cost of administration.
3. It clarifies the appropriate calculation when determining the amount of required minimum surplus as a percentage of health care expenditures and the interrelationship of Title 24-A, chapter 79 and section 4204-A.
4. It clarifies that dividends payable by HMOs, for example, to a parent organization, are subject to the same standards and approval requirements as dividends paid by insurance companies.
5. It makes the receivership laws apply to all authorized HMOs, foreign and domestic.
6. It makes the requirements of the laws concerning bulk insurance and voluntary dissolution expressly applicable to HMOs.
7. It provides that in the continuation of coverage provisions after an HMO insolvency, the superintendent is permitted to take into account increased health care costs in considering replacement rates for multiple-year contracts. The superintendent is also permitted to equitably allocate groups of a withdrawing HMO to other HMOs operating in at least a portion of the same service area.

LD 1400

An Act to Provide Health Insurance to Uninsured Maine Residents

ONTP

Sponsor(s)
PERKINS
KILKELLY

Committee Report
ONTP

Amendments Adopted

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LD 1400 proposed to establish a health coverage purchasing pool to make health coverage available through the power of a group purchase to residents of the State who are unable to obtain or to afford coverage. The bill would have required covered persons to pay premiums to cover the costs of their coverage and any administrative costs. The bill proposed to require the Commissioner of Human Services to select the health coverage plan to be offered through the purchasing pool and require the Commissioner to provide any necessary administrative services. The bill would have required that at least one health plan offered by the purchasing pool have an annual deductible of \$10,000. The purchasing pool is exempt from the prohibition on forming a group for the sole purpose of purchasing insurance provided in the Maine Revised Statutes, Title 24-A, section 2808. The bill also proposed to require that any initial funding required for the establishment of the purchasing pool be allocated from the Fund for a Healthy Maine.

LD 1402

**An Act to Clarify and Update the Security Requirements for
Employers Self-insured for Workers' Compensation Liabilities**

PUBLIC 224

<u>Sponsor(s)</u> MATTHEWS EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-246
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LD 1402 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1402 proposed to change the security and assessment provisions for self-insured employers in order to address financial risks currently borne by injured workers and self-insured employers as a result of the current structure of the Maine Self-Insurance Guarantee Association assessment mechanism.

It proposed to change the basis for calculating the minimum security requirements to an actuarially determined liability in place of the case reserves that are used under current law and limit the unsecured liability that may be authorized under the working capital offset to \$10,000,000, a level equal to 5 times the Maine Self-Insurance Guarantee Association funding cap. The bill also proposed to authorize the Maine Self-Insurance Guarantee Association to levy assessments in excess of the otherwise-applicable limits when necessary to avoid a default in benefit payments to injured workers.

Committee Amendment "A" (H-246) proposed to clarify the cap on assessments that may be made by the Maine Self Insurance Guarantee Association upon individual and group self-insurers for workers' compensation.

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Enacted law summary

Public Law 2001, chapter 224 changes the security and assessment provisions for self-insured employers in order to address financial risks currently borne by injured workers and self-insured employers as a result of the current structure of the Maine Self-Insurance Guarantee Association assessment mechanism.

The law changes the basis for calculating the minimum security requirements to an actuarially determined liability in place of the case reserves that are used under current law and limits the unsecured liability that may be authorized under the working capital offset to \$10,000,000, a level equal to 5 times the Maine Self-Insurance Guarantee Association funding cap. The law also authorizes the Maine Self-Insurance Guarantee Association to levy assessments in excess of the otherwise-applicable limits when necessary to avoid a default in benefit payments to injured workers.

LD 1420

An Act to Require Employers to Offer Benefits to Cohabitants of Employees

ONTP

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

LD 1420 proposed to require that if an employer extends employee benefits to someone other than the employee or spouse or dependent of the employee then an employer must offer all employees employee benefits for the benefit of an individual with whom the employee cohabitates, regardless of the gender of the individual or the relationship between the employee and the individual.

Committee Amendment "A" (H-594) was the minority report of the committee and replaced the bill. The amendment proposed to require that health insurers make available benefits to group policyholders' coverage for cohabitants of employees covered under group health insurance plans to the same extent and under the same terms and conditions as benefits are provided to spouses or dependents of employees. The amendment would require the coverage to be offered for cohabitants regardless of gender or the relationship between the employee and the employee's cohabitant and limit coverage to one cohabitant. The amendment would not require that employers purchase coverage, but if an employer chooses this coverage, then the coverage must be offered to all employees eligible for coverage under the group policy. The amendment does not affect the decision of an employer to offer family coverage to employees.

The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

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LD 1490 **Resolve, to Establish the Commission to Develop and Finance Health Care Coverage for All Maine People** **DIED BETWEEN BODIES**

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

LD 1490 proposed to establish the Commission to Develop and Finance Health Care Coverage for All Maine People.

Committee Amendment "A" (H-329) was the majority report of the committee. The amendment proposed to add 2 members to the commission: a member representing health maintenance organizations and health plans and a member representing small employers with fewer than 50 employees. The amendment would delete the reference to rural health centers and replace it with the correct reference to community health centers. The amendment also proposed to clarify that the duties of the commission include addressing ways to alleviate the burden of increasing costs on employers, particularly small employers. The amendment also added an appropriation section and a fiscal note to the bill.

LD 1490 died between the bodies in non-concurrence; the House moved for a committee of conference and the Senate indefinitely postponed the bill. However, a study of options for developing and financing universal access to health care, including a single payor system, was authorized in the Part II budget, Public Law 2001, chapter 439, Part ZZZ.

LD 1503 **Resolve, Creating the Commission to Study Health Insurance Costs for Small Businesses** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY O'NEIL	ONTP	

LD 1503 proposed to create the Commission to Study Health Insurance Costs for Small Businesses.

LD 1554 **An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts** **CARRIED OVER**

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

LD 1554 proposed to allow residents of the State to establish medical savings accounts for payment of eligible medical expenses, including the payment of health insurance premiums, coinsurance, copayments and

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deductibles. Contributions to, interest earned on and qualified withdrawals from medical savings accounts would be exempt from Maine state income tax.

LD 1554 has been carried over to the Second Regular Session.

LD 1572 An Act to Provide Insurance Parity for Mental Health Services ONTP

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

LD 1572 proposed to require all insurance sold in the State to cover certain biologically based mental illnesses under the same terms and conditions as physical illnesses. The bill also proposed to add to the list of mental illnesses defined as biologically based by including eating disorders, substance abuse disorders, tic disorders, and attention and disruptive disorders.

See related bill LD 1627.

LD 1621 An Act to Require that a Corporation Meet the Same Requirements as an Individual for Proof of Insurance ONTP

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

LD 1621 proposed to impose the same requirements for proof of financial responsibility relating to the ownership or operation of a motor vehicle by an individual on a corporation. The bill also proposed to require that when vehicles owned by corporations are involved in accidents corporations must settle with the owner, operator or passenger of any other vehicle involved in the accident within 60 days of the accident if the fault of the operator of the corporation's vehicle is not disputed. If the corporation believes the operator of its vehicle is not at fault in the accident, the corporation must demonstrate to the Secretary of State that the operator was not at fault within 30 days of the accident.

LD 1627 An Act to Ensure Equality in Mental Health Coverage CARRIED OVER

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

LD 1627 proposed to establish parity coverage for mental illness and substance abuse under the same terms and conditions as coverage for physical illness in all health insurance policies and health benefit plans. It would expand the coverage of illness to include children's disorders and adult disorders as defined in the Diagnostic and Statistical

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Manual of Mental Disorders, as periodically revised, and make current statutory definitions consistent. The bill also would include licensed clinical professional counselors in the definition of providers eligible to diagnose and treat mental illness.

As required by Title 24-A Maine Revised Statutes Section 2752, the Joint Standing Committee on Banking and Insurance has requested that a review and evaluation of the proposed mandated health insurance benefit for mental illness included in the bill be completed by the Bureau of Insurance over the interim. LD 1627 has been carried over to the Second Regular Session.

LD 1630 **An Act to Permit the Issuance of Certain Types of Consumer Credit Insurance** **PUBLIC 138**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS SULLIVAN	OTP-AM	S-89

LD 1630 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1630 proposed to amend the Maine Revised Statutes, Title 24-A, chapter 37 to permit the issuance of additional types of consumer credit insurance. Currently, chapter 37 only permits the issuance of credit life and credit accident and health insurance. This bill would extend the provisions of this chapter to expressly permit the issuance of and clarify the regulation of credit involuntary unemployment insurance and credit property insurance. It also added a new chapter 40-A to Title 24-A that expressly permits the issuance of the following types of property and casualty insurance on a group basis: credit involuntary unemployment insurance, credit property insurance and other types of insurance authorized to be issued on a group basis under rules adopted by the Superintendent of Insurance. Currently, it is unclear whether these types of insurance may be issued on a group basis. This bill would expressly permit the issuance of these products and provide regulatory protections for this insurance. LD 1630 proposed to authorize the superintendent to adopt rules regarding consumer credit insurance including the creation of rating standards and to adopt rules to establish specific requirements for group property and casualty insurance policies and rates. The latter rules may also specify additional types of insurance that may be issued on a group basis.

Committee Amendment "A" (S-89) proposed to exempt casualty insurance and debt cancellation agreements from the application of chapter 37 of the Maine Insurance Code. The amendment also removed the reference to approval of rates consistent with current law.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 138 amends the Maine Revised Statutes, Title 24-A, chapter 37 to permit the issuance of additional types of consumer credit insurance. Currently, chapter 37 only permits the issuance of credit life and credit accident and health insurance. The law extends the provisions of this chapter to expressly permit the issuance of and clarify the regulation of credit involuntary unemployment insurance and credit property insurance. The law exempts debt cancellation agreements and casualty insurance from the application of chapter 37 of the Maine Insurance Code.

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Public Law 2001, chapter 138 also adds a new chapter 40-A to Title 24-A that expressly permits the issuance of the following types of property and casualty insurance on a group basis: credit involuntary unemployment insurance, credit property insurance and other types of insurance authorized to be issued on a group basis under rules adopted by the Superintendent of Insurance. Currently, it is unclear whether these types of insurance may be issued on a group basis. This law expressly permits the issuance of these products and provides regulatory protections for this insurance. It authorizes the superintendent to adopt rules regarding consumer credit insurance including the creation of rating standards. It also authorizes the superintendent to adopt rules to establish specific requirements for group property and casualty insurance policies and rates. The latter rules may also specify additional types of insurance that may be issued on a group basis.

LD 1637

An Act to Amend the Revised Maine Securities Act

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON SULLIVAN	OTP-AM	S-88

LD 1637 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1637 proposed to amend the Revised Maine Securities Act in several respects.

1. Part A of the bill defines "investment adviser representative" and requires investment adviser representatives to be licensed in the same manner as investment advisers. The licensing of investment adviser representatives allows the State to participate in a national investment adviser representative database to track and regulate these individuals for the protection of the public.
2. Part B of the bill clarifies certain ambiguous language in the Revised Maine Securities Act. Part B updates a current securities exemption for companies where information about the company is publicly available through a nationally recognized securities manual. The exemption language proposed is model language recommended by the North American Securities Administrators Association. Part B updates the securities exemptions for certain domestic issuers so that they apply to limited partnerships and limited liability companies organized under the laws of this State or any issuer determined by the securities administrator to have its principal place of business in the State.

Committee Amendment "A" (S-88) proposed to clarify that annual fees from license renewals of investment adviser representatives are dedicated revenue to support the activities of the Securities Administrator. The amendment also added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 183 amends the Revised Maine Securities Act in several respects.

Part A of the law defines "investment adviser representative" and requires investment adviser representatives to be licensed in the same manner as investment advisers. The licensing of investment adviser representatives allows the State to participate in a national investment adviser representative database to track and regulate these individuals for the protection of the public. Annual fees from license renewals of investment adviser representatives are dedicated revenue to support the activities of the Securities Administrator.

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Part B of the law clarifies certain ambiguous language in the Revised Maine Securities Act. Part B updates a current securities exemption for companies where information about the company is publicly available through a nationally recognized securities manual. The exemption language proposed is model language recommended by the North American Securities Administrators Association. Part B updates the securities exemptions for certain domestic issuers so that they apply to limited partnerships and limited liability companies organized under the laws of this State or any issuer determined by the securities administrator to have its principal place of business in the State.

LD 1638

An Act to Reform Health Care in the State

ONTP

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1638 proposed to do the following.

1. In Part A, the bill authorizes health insurance carriers to vary premium rates up to 10% above or below the community rate filed by a carrier based on age and eliminates the ability of carriers to vary the premium rate based on smoking status, geographic area or occupation and industry for individual and small group health plans. The bill also authorizes a carrier to vary the premium rate up to 30% above or below the community rate based on the ability of an individual to maintain a healthy lifestyle. The bill identifies the factors that may be considered by a carrier in determining whether an individual maintains a healthy lifestyle as smoking status, obesity, alcohol or substance abuse and the management of chronic conditions such as diabetes and high blood pressure.
2. In Part B, the bill directs the Department of Human Services to apply for a waiver from the federal Department of Health and Human Services, Health Care Financing Administration to allow comprehensive coverage under Medicaid for residents of the State with an income up to 100% of the official federal nonfarm poverty line.
3. In Part C, the bill establishes a tax credit for employers that provide health benefits to their employees and their dependents. The bill allows a credit of 10% of the amount paid for health benefits in excess of \$1,000 for each qualifying employee under a health benefit plan for the taxable year. The bill defines a "qualifying employee" as one whose hourly wage is below 1/50th of the State's average annual weekly wage.
4. In Part D, the bill establishes the Standard Small Group Health Plan Commission and directs the commission to define by rule a minimum standard small group health plan. The bill requires that the plan's premium not exceed 10% of the State's average annual wage.
5. In Part E, the bill bans smoking and other tobacco use by students, school employees and the public in school buildings and on school grounds.

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LD 1640

**An Act to Conform the State's Financial Services Privacy Laws
with Federal Law**

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM MAJ	S-236
O'NEIL	OTP-AM MIN	

LD 1640 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1640 amends the laws governing the various providers of financial services regulated by the Department of Professional and Financial Regulation to ensure that the laws governing the privacy of personal information furnished to those individuals or entities are consistent with the provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Federal Trade Commission and the Securities and Exchange Commission. The bill further provides that if an entity is required under federal law to comply with the Gramm-Leach-Bliley Act and the implementing federal regulations and it fails to do so, that failure to comply is also a violation of state law, which the agencies within the Department of Professional and Financial Regulation may enforce.

Part A amends the Maine Consumer Credit Code to require creditors other than financial institutions or credit unions to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the Federal Trade Commission. Failure to do so is a violation of the Maine Consumer Credit Code.

Part B amends the banking laws of the State to permit the sharing of information by financial institutions and credit unions authorized to do business in this State to the same extent permitted under the federal Gramm-Leach-Bliley Act. It also clarifies the law with respect to sharing consumer or commercial financial records between financial institutions, and with their subsidiaries and affiliates, as is the existing practice within the industry. It further provides that the failure to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the applicable implementing federal regulations adopted by the federal banking regulators constitutes an anti-competitive or unfair practice. Part B also increases the penalties for intentional and knowing violations of the confidentiality provisions of Chapter 16 of the banking laws of the State and imposes liability upon the institution itself for such violations.

Part C amends the Maine Insurance Code to parallel the model privacy law adopted by the National Association of Insurance Commissioners and to authorize the Superintendent of Insurance to adopt rules governing the privacy of consumer information as is required by the federal Gramm-Leach-Bliley Act and provides that such rules are routine technical rules.

Part D amends the Revised Maine Securities Act to provide that the failure of a licensed broker-dealer, sales representative or investment adviser to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the United States Securities and Exchange Commission constitutes grounds for disciplinary action including license suspension or revocation.

Part E amends the statutes governing various other types of financial service providers such as check cashers and foreign currency exchangers, collection agencies and repossession companies, operators of cash dispensing machines, pawnbrokers and mortgage settlement agents to require these businesses to comply with the privacy

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requirements of the federal Gramm-Leach-Bliley Act when they meet the definition of "financial institution" under the regulations promulgated by the Federal Trade Commission.

Committee Amendment "B" (S-236) was the minority report of the committee. The amendment differed from Committee Amendment "A" because it retained the opt out provisions of the federal Gramm-Leach-Bliley Act. The amendment also proposed to do the following.

1. It uses consistent terms and cross-references to the various privacy regulations adopted by federal regulators and clarifies that such regulations are applicable under state law only to the extent applicable under federal law.
2. It clarifies that the privacy regulations are not intended to permit the release of health care information except as permitted under current state law.
3. It requires the Department of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002 on the status of privacy legislation and rules in other states in response to the federal Gramm-Leach-Bliley Act.
4. It removes the emergency preamble and emergency clause.
5. It also adds a fiscal note to the bill.

Committee Amendment "A" (S-235) was the majority report of the committee. The amendment proposed to do the following.

1. It puts in place an opt-in requirement for the disclosure of nonpublic personal information to nonaffiliated 3rd parties under state law instead of the opt-out provision required under the federal Gramm-Leach-Bliley Act.
2. It uses consistent terms and cross-references to the various privacy regulations adopted by federal regulators and clarifies that those regulations are applicable under state law only to the extent applicable under federal law.
3. It clarifies that the privacy regulations are not intended to permit the release of health care information except as permitted under current state law.
4. It requires the Department of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002 on the status of privacy legislation and rules in other states in response to the federal Gramm-Leach-Bliley Act.
5. It also adds a fiscal note to the bill.

Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2001, chapter 262 amends the laws governing the various providers of financial services regulated by the Department of Professional and Financial Regulation to ensure that the laws governing the privacy of personal information furnished to those individuals or entities are consistent with the provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the Office of the Comptroller of the Currency, the

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Office of Thrift Supervision, the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Federal Trade Commission and the Securities and Exchange Commission. The law further provides that if an entity is required under federal law to comply with the Gramm-Leach-Bliley Act and the implementing federal regulations and it fails to do so, that failure to comply is also a violation of state law, which the agencies within the Department of Professional and Financial Regulation may enforce.

Under Public Law 2001, chapter 262, providers of financial services regulated by the Department of Professional and Financial Regulation and required to comply with the federal Gramm-Leach-Bliley Act and the provisions of chapter 262 are governed by an "opt-out" standard for the disclosure of nonpublic personal information to non-affiliated third parties. Nonpublic personal information may be shared with non-affiliated third parties to the extent permitted by law unless the consumer affirmatively opts out. The law is not intended to permit the release of health care information except as allowed under current state law.

Part A amends the Maine Consumer Credit Code to require creditors other than financial institutions or credit unions to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the Federal Trade Commission. Failure to do so is a violation of the Maine Consumer Credit Code.

Part B amends the banking laws of the State to permit the sharing of information by financial institutions and credit unions authorized to do business in this State to the same extent permitted under the federal Gramm-Leach-Bliley Act. It also clarifies the law with respect to sharing consumer or commercial financial records between financial institutions, and with their subsidiaries and affiliates, as is the existing practice within the industry. It further provides that the failure to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the applicable implementing federal regulations adopted by the federal banking regulators constitutes an anti-competitive or unfair practice. Part B also increases the penalties for intentional and knowing violations of the confidentiality provisions of Chapter 16 of the banking laws of the State and imposes liability upon the institution itself for such violations.

Part C amends the Maine Insurance Code to parallel the model privacy law adopted by the National Association of Insurance Commissioners and to authorize the Superintendent of Insurance to adopt rules governing the privacy of consumer information as is required by the federal Gramm-Leach-Bliley Act and provides that such rules are routine technical rules.

Part D amends the Revised Maine Securities Act to provide that the failure of a licensed broker-dealer, sales representative or investment adviser to comply with the privacy provisions of the federal Gramm-Leach-Bliley Act and the implementing regulations adopted by the United States Securities and Exchange Commission constitutes grounds for disciplinary action including license suspension or revocation.

Part E amends the statutes governing various other types of financial service providers such as check cashers and foreign currency exchangers, collection agencies and repossession companies, operators of cash dispensing machines, pawnbrokers and mortgage settlement agents to require these businesses to comply with the privacy requirements of the federal Gramm-Leach-Bliley Act when they meet the definition of "financial institution" under the regulations promulgated by the Federal Trade Commission.

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Part F requires the Department of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002 on the status of privacy legislation and rules in other states in response to the federal Gramm-Leach-Bliley Act.

LD 1652 **An Act to Promote Healthy Lifestyles and to Reallocate the Cost of Health Care Insurance** **ONTP**

<u>Sponsor(s)</u> TURNER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1652 proposed to make the following changes relating to the rating practices of health carriers offering individual and small group health plans.

1. It eliminates the requirement that health insurers may vary the rates for individual and small group health plans only within certain rating bands based on age, smoking status, occupation or industry and geographic area.
2. It removes the prohibition on varying premium rates due to the health status of individuals or small group members and allows the rates to vary depending on the ability of the individual or small group members to maintain a healthy lifestyle. The highest rates that may be charged for individuals or small group members with poor health status is limited to 150% of the lowest rate.
3. It allows carriers to vary premium rates based on the smoking status of the individual or small group members.

LD 1703 **An Act to Ensure Access to Health Insurance** **PUBLIC 347**

<u>Sponsor(s)</u> DUDLEY ABROMSON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-370
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LD 1703 proposed to require health carriers to offer policies providing coverage for domestic partners of health plan members under the same terms and conditions as coverage for spouses of health plan members. A domestic partner is defined as a person who is legally domiciled in the health plan member's household and who is not legally married to another individual.

Committee Amendment "A" (H-370) was the majority report of the committee and replaced the bill. It proposed to require health carriers to offer policies providing coverage for domestic partners of health plan members under the same terms and conditions as coverage for spouses of health plan members. It clarified that the offer of domestic partner benefits is made to the group policyholder, not to each member covered under a group policy.

Domestic partners are defined as persons who are legally domiciled with one another for at least 12 months, not legally married to or legally separated from another individual, mentally competent and are each other's sole domestic partner and intend to remain so. The amendment proposed to clarify that carriers may require domestic

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partners to sign an affidavit attesting that the definition of a domestic partner is met and that, after terminating a domestic partnership, a health plan member may not enroll another domestic partner for at least 12 months.

The amendment also proposed to allow carriers to provide domestic partner benefits to policyholders that do not comply with the requirements of the bill. The provisions would apply to all policies and contracts issued or renewed on or after January 1, 2002.

Enacted law summary

Public Law 2001, chapter 347 requires health carriers to offer policies providing coverage for domestic partners of health plan members under the same terms and conditions as coverage for spouses of health plan members. Carriers are required to make the offer of coverage to the individual or group policyholder, not to each member covered under a group policy. Under the law, the cost of providing the domestic partner benefits must be paid by the policyholder or member covered under the policy.

Further, the law allows carriers to negotiate policies providing domestic partner benefits that do not comply with the requirements of chapter 347 if the policyholder rejects the offer of coverage in accordance with chapter 347.

Public Law 2001, chapter 347 defines domestic partners as persons who have been legally domiciled with one another for at least 12 months, who are not legally married to or legally separated from another individual, who are mentally competent and who are each other's sole domestic partner and intend to remain so. The law allows carriers to require domestic partners to sign an affidavit attesting that the definition of domestic partner has been met as a condition providing the benefit. The law prohibits a health plan member from enrolling another domestic partner until at least 12 months after terminating a prior domestic partner relationship.

Public Law 2001, chapter 347 requires that carriers make the offer of coverage for domestic partner benefits in all individual and group policies issued or renewed on or after January 1, 2002.

LD 1729

An Act to Amend the Maine Banking Code

PUBLIC 211

<u>Sponsor(s)</u> O'NEIL LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-247
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LD 1729 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1729 proposed to make several technical changes to the Banking Code.

1. It amends the confidential financial records law to specifically permit a financial institution to respond to a request from the Department of Labor.
2. It amends the current formula for assessments paid by nondepository trust companies, establishing a base rate that is consistent with assessments paid by depository institutions and the ability for the superintendent to change the rate or further define fiduciary assets under management through rulemaking.

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3. It establishes an assessment to be paid by an uninsured bank or merchant bank to be consistent with the assessment paid by other state-chartered depository or nondepository institutions.
4. It removes the requirement that original signatures attesting to the condition and income reports be filed with the Department of Professional and Financial Regulation, Bureau of Banking.
5. It clarifies state law with respect to filing notice for use of restrictive terms such as "savings bank" or "trust and banking company."
6. It enacts a provision to recognize that financial institutions and credit unions now utilize the Internet to deliver products and services.
7. It repeals a provision that requires a financial institution to have a branch in the State in order to operate a satellite facility or an automated teller machine.
8. It corrects a reference to the abandoned property law.
9. It changes the notice requirement necessary for a financial institution to engage in a closely related activity or to have a subsidiary engage in a closely related activity from not later than 10 business days after consummating the transaction to at least 30 days prior to consummating the transaction. The bill also gives the Superintendent of the Bureau of Banking the flexibility to require a full application in certain unique circumstances.
10. It clarifies banking law with respect to "unauthorized business."
11. It realigns law relating to credit union field of membership to include nonnatural persons in a field of membership. Current law utilizes the term "limited members" in lieu of the term "nonnatural persons," which is used in the Federal Credit Union Act and implementing regulations. Also current state law places restrictions and limitations for limited members that are not imposed under federal law. This bill establishes parity in this area.
12. It provides parity between state and federally chartered credit unions by clarifying state law as follows. It permits state chartered credit unions to accept deposits and shares of other federally insured credit unions. It alters the process and timing for verification of accounts. It removes outdated limitations on the sale of credit union assets.
13. It clarifies credit union merger and acquisition statutes to more closely parallel federal credit union law.
14. It clarifies the definition of "control" under bank holding company laws.
15. It makes technical changes to the application requirements for a financial institution holding company to engage in closely related activities.
16. It treats companies that own uninsured banks in the same fashion as companies that own merchant banks and nondepository trust companies with respect to the application of the Maine bank holding company laws.

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Committee Amendment "A" (H-247) proposed to do the following:

1. It clarifies the application of the statutory definition of nonnatural person as it relates to credit union field of membership.
2. It clarifies the Department of Professional and Financial Regulation, Bureau of Banking's examination authority with respect to bank or credit union affiliates and service corporations.
3. It adds a cross-reference to the Uniform Commercial Code.
4. It adds a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 211 makes several technical changes to the Banking Code.

1. It amends the confidential financial records law to specifically permit a financial institution to respond to a request from the Department of Labor.
2. It amends the current formula for assessments paid by nondepository trust companies, establishing a base rate that is consistent with assessments paid by depository institutions and the ability for the superintendent to change the rate or further define fiduciary assets under management through rulemaking.
3. It establishes an assessment to be paid by an uninsured bank or merchant bank to be consistent with the assessment paid by other state-chartered depository or nondepository institutions.
4. It removes the requirement that original signatures attesting to the condition and income reports be filed with the Department of Professional and Financial Regulation, Bureau of Banking.
5. It clarifies state law with respect to filing notice for use of restrictive terms such as "savings bank" or "trust and banking company."
6. It enacts a provision to recognize that financial institutions and credit unions now utilize the Internet to deliver products and services.
7. It repeals a provision that requires a financial institution to have a branch in the State in order to operate a satellite facility or an automated teller machine.
8. It corrects a reference to the abandoned property law.
9. It changes the notice requirement necessary for a financial institution to engage in a closely related activity or to have a subsidiary engage in a closely related activity from not later than 10 business days after consummating the transaction to at least 30 days prior to consummating the transaction. The law also gives the Superintendent of the Bureau of Banking the flexibility to require a full application in certain unique circumstances.
10. It clarifies banking law with respect to "unauthorized business."

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11. It realigns law relating to credit union field of membership to include nonnatural persons in a field of membership. Current law utilizes the term "limited members" in lieu of the term "nonnatural persons," which is used in the Federal Credit Union Act and implementing regulations. Also current state law places restrictions and limitations for limited members that are not imposed under federal law. The law establishes parity in this area.
12. It provides parity between state and federally chartered credit unions by clarifying state law as follows. It permits state chartered credit unions to accept deposits and shares of other federally insured credit unions. It alters the process and timing for verification of accounts. It removes outdated limitations on the sale of credit union assets.
13. It clarifies credit union merger and acquisition statutes to more closely parallel federal credit union law.
14. It clarifies the definition of "control" under bank holding company laws.
15. It makes technical changes to the application requirements for a financial institution holding company to engage in closely related activities.
16. It treats companies that own uninsured banks in the same fashion as companies that own merchant banks and nondepository trust companies with respect to the application of the Maine bank holding company laws.
17. It clarifies the Department of Professional and Financial Regulation, Bureau of Banking's examination authority with respect to bank or credit union affiliates and service corporations.

LD 1730

**An Act to Adopt the National Association of Insurance
Commissioners' Model Insurance Producer Licensing Act**

PUBLIC 259

<u>Sponsor(s)</u> MAYO LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-327
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LD 1730 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1730 proposed to adopt the Producer Licensing Model Act of the National Association of Insurance Commissioners in order to help create a system of national reciprocity for insurance producer licensing, create uniform standards for key areas of producer licensing and preserve the authority of states to license insurance producers, under Federal Public Law 106-102, known as the Gramm-Leach-Bliley Act.

The model act is the result of an extensive initiative coordinated by the National Association of Insurance Commissioners, with the goal of achieving reciprocity among the states and uniformity as to key areas, regarding producer licensing. Adoption of such standards by a majority of the states is necessary to preserve their authority to license insurance producers.

The Gramm-Leach-Bliley Act's specific mandate is that a majority of the states must either enact uniform laws and regulations governing the licensing of individuals and entities authorized to sell and solicit the purchase of insurance within the states or achieve reciprocity regarding these issues. If states do not enact uniform laws and regulations

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or enact a system of reciprocal licensing by November 12, 2002, the National Association of Registered Agents and Brokers would be established to provide a mechanism through which uniform licensing, appointment, continuing education and other insurance producer sales qualification requirements and conditions would be adopted and applied on a multistate basis. The bill adopts the model act as a new subchapter in the Maine Revised Statutes, Title 24-A, chapter 16. It also revises corresponding provisions regarding adjuster and consultant licensing, to avoid having 2 licensing procedures in place, thereby maintaining internal uniformity as well. The bill also reorganizes some of the structure of the existing Title 24-A, chapter 16, so that the flow of the process will remain logical with the addition of the new subchapter, and makes technical changes to existing law to ensure consistency with the model act.

Committee Amendment "A" (H-327) proposed to clarify the immunities provision in the bill. The amendment also proposed to clarify that documents or other material held by the Department of Professional and Financial Regulation, Bureau of Insurance relating to the licensing of an insurance producer is confidential and not subject to subpoena or discovery in a private civil action unless disclosure is ordered by a court for good cause.

The amendment also corrected cross-references and added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 259 adopts the Producer Licensing Model Act of the National Association of Insurance Commissioners in order to help create a system of national reciprocity for insurance producer licensing, create uniform standards for key areas of producer licensing and preserve the authority of states to license insurance producers, under Federal Public Law 106-102, known as the Gramm-Leach-Bliley Act.

The model act is the result of an extensive initiative coordinated by the National Association of Insurance Commissioners, with the goal of achieving reciprocity among the states and uniformity as to key areas, regarding producer licensing. Adoption of such standards by a majority of the states is necessary to preserve their authority to license insurance producers.

The Gramm-Leach-Bliley Act's specific mandate is that a majority of the states must either enact uniform laws and regulations governing the licensing of individuals and entities authorized to sell and solicit the purchase of insurance within the states or achieve reciprocity regarding these issues. If states do not enact uniform laws and regulations or enact a system of reciprocal licensing by November 12, 2002, the National Association of Registered Agents and Brokers would be established to provide a mechanism through which uniform licensing, appointment, continuing education and other insurance producer sales qualification requirements and conditions would be adopted and applied on a multistate basis.

Public Law 2001, chapter 259 adopts the model act as a new subchapter in the Maine Revised Statutes, Title 24-A, chapter 16. It also revises corresponding provisions regarding adjuster and consultant licensing, to avoid having 2 licensing procedures in place, thereby maintaining internal uniformity as well. The law also reorganizes some of the structure of the existing Title 24-A, chapter 16, so that the flow of the process will remain logical with the addition of the new subchapter, and makes technical changes to existing law to ensure consistency with the model act.

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LD 1736

An Act to Amend Maine Credit Laws

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ	H-275
DOUGLASS	OTP-AM MIN	

LD 1736 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1736 proposed to amend various laws administered by the Office of Consumer Credit Regulation. The bill clarifies that transactions entered into following electronic mail solicitations by lenders and creditors are subject to the Maine Consumer Credit Code. The bill excludes limited-purpose financial institutions from certain provisions of the Maine Consumer Credit Code. The bill grants to the Director of the Office of Consumer Credit Regulation the power to issue a temporary order suspending the license of a supervised lender under circumstances in which delaying such an order would result in harm to consumers.

Committee Amendment "B" (H-275) was the minority report of the committee. The amendment proposed to clarify that the Maine Consumer Credit Code applies to home equity loans with a finance charge that does not exceed 12 1/4% made by banks and credit unions on or after January 1, 2002. Current law applies to home equity loans made by mortgage companies. Unlike Committee Amendment "A", the amendment did not propose to remove the requirement for legislative review and confirmation of the Director of the Office of Consumer Credit Regulation.

The amendment also added a fiscal note to the bill.

Committee Amendment "A" (H-274) was the majority report of the committee. The amendment proposed to clarify that the Maine Consumer Credit Code applies to home equity loans with a finance charge that does not exceed 12 1/4% made by banks and credit unions on or after January 1, 2002. Current law applies to home equity loans made by mortgage companies. The amendment also removed the requirement for legislative review and confirmation of the Director of the Office of Consumer Credit Regulation.

The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 2001, chapter 371 amends various laws administered by the Office of Consumer Credit Regulation. The law clarifies that transactions entered into following electronic mail solicitations by lenders and creditors are subject to the Maine Consumer Credit Code. It excludes limited-purpose financial institutions from certain provisions of the Maine Consumer Credit Code. The law grants to the Director of the Office of Consumer Credit Regulation the power to issue a temporary order suspending the license of a supervised lender under circumstances in which delaying such an order would result in harm to consumers.

Public Law 2001, chapter 371 also clarifies that the Maine Consumer Credit Code applies to home equity loans with a finance charge that does not exceed 12 1/4% made by banks and credit unions on or after January 1, 2002. Current law applies to home equity loans made by mortgage companies.

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LD 1742

An Act to Clarify and Update the Laws Related to Health Insurance Contracts

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN ABROMSON	OTP-AM	H-416

LD 1742 was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1742 proposed to do the following.

Part A clarifies the requirement for coverage of newborns under maternity benefits by specifying that newborns are not subject to a separate deductible.

Part B gives the Superintendent of Insurance authority to waive the requirement that an insurer that exits the individual, small group or large group health insurance market in the State can not reenter for 5 years. It also gives the superintendent authority to waive the requirement that an insurer give a 3-month notice before ceasing to issue individual, small group or large group health insurance in the State.

Part C requires insurers to provide a certificate of creditable coverage to terminating insureds consistent with federal law.

Part D conforms various definitions and other provisions to federal regulations adopted pursuant to the Health Insurance Accessibility and Accountability Act of 1996.

Part E clarifies several definitions and other provisions in the individual health insurance reform laws, the small group health insurance reform laws and the continuity of coverage laws.

Part F amends the laws pertaining to Medicare supplement policies. It allows rates for benefit components of one plan to be based on the average cost of that benefit component across all standardized plans. It restricts the ability of insurers to segregate insureds by health status through the use of association groups.

Part G corrects errors from a previous law.

Part H makes out-of-state blanket policies providing coverage in the State subject to the same filing requirements as out-of-state group policies.

Committee Amendment "A" (H-416) proposed to require that information be provided in evaluations of proposed mandated health insurance benefits performed by the Bureau of Insurance on the financial impact of a mandate on employers and on the potential costs savings of the proposed mandated benefit and its effect on cost-shifting in the overall health care delivery system. It also added a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 258 does the following.

Part A clarifies the requirement for coverage of newborns under maternity benefits by specifying that newborns are not subject to a separate deductible.

Part B gives the Superintendent of Insurance authority to waive the requirement that an insurer that exits the individual, small group or large group health insurance market in the State cannot reenter for 5 years. It also gives the superintendent authority to waive the requirement that an insurer give a 3-month notice before ceasing to issue individual, small group or large group health insurance in the State.

Part C requires insurers to provide a certificate of creditable coverage to terminating insureds consistent with federal law.

Part D conforms various definitions and other provisions to federal regulations adopted pursuant to the Health Insurance Accessibility and Accountability Act of 1996.

Part E clarifies several definitions and other provisions in the individual health insurance reform laws, the small group health insurance reform laws and the continuity of coverage laws.

Part F amends the laws pertaining to Medicare supplement policies. It allows rates for benefit components of one plan to be based on the average cost of that benefit component across all standardized plans. It restricts the ability of insurers to segregate insureds by health status through the use of association groups.

Part G corrects errors from a previous law.

Part H makes out-of-state blanket policies providing coverage in the State subject to the same filing requirements as out-of-state group policies.

Part I requires that the Bureau of Insurance provide information on the financial impact of a mandate on employers and on the potential cost-savings of a mandate and its effect on cost-shifting in the overall health care delivery system as part of its review and evaluation of proposed mandated health insurance benefits performed pursuant to Title 24-A, Maine Revised Statutes, section 2752.

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LD 1745

An Act to Address Issues in the Maine Health Insurance Market

PUBLIC 410

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM MAJ OTP-AM MIN	S-274

LD 1745 was submitted on behalf of the Department of Professional and Financial Regulation.

Part A of LD 1745 proposed to amend several provisions of the individual and small group health insurance reform laws in the following ways.

1. It eliminates the requirement that private purchasing alliances offer health coverage through more than one carrier.
2. It increases the permitted downward adjustments in individual insurance rates based on age and geographic area from 20% to 40% over a 2-year period. It increases the permitted downward adjustments in small group insurance rates based on age, geographic area and occupation or industry from 20% to 40% over a 2-year period. Upward variations for both individual and small group rates would remain limited to 20%.
3. It removes entirely the current restrictions on differentiating individual and small group health insurance rates based on smoking status and permits discounts for nonsmokers and those with healthy lifestyles.
4. It permits rates for individual health insurance to vary based on health status, within limits. For policies issued after January 1, 2002, higher rates may be used for those in poor health at time of issue, but renewal rates may not be increased based on subsequent deterioration of health. The highest rate charged for a given age and geographic area is limited to 150% of the standard rate for that age and geographic area.
5. It authorizes the Superintendent of Insurance to approve pilot projects under which insurers may offer innovative products that are exempted from certain provisions of the insurance code including access requirements and mandated benefits. It also authorizes approval of pilot projects under which insurers may be exempted from certain provisions of the insurance code in order to offer the same product in multiple states.
6. It eliminates the requirement for carriers to offer standardized plans in the small group market.

Part B proposed to include the following consumer protection provisions.

1. It requires health insurers to provide a minimum 30-day notice of rate increases to policyholders. It also requires disclosure of anticipated rate increases when quoting rates for new business.
2. It requires more complete disclosure of loss information in order to facilitate shopping by employers for alternate coverage while protecting confidential information from improper disclosure.
3. It makes health maintenance organizations subject to the same continuation of coverage requirements currently applicable to group indemnity coverage. It also clarifies that the general penalty provisions of the insurance code apply to health maintenance organizations.

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4. It establishes standards applicable to health policies and contracts that limit payment of claims for covered services based on a determination of "usual, customary and reasonable charges," UCR or similar methodology. The bill requires disclosure to insureds that they may be subject to balance billing, requires carriers to give insureds the opportunity to request the carrier's UCR rate for a given procedure to permit the insured to shop around for services, requires carriers to disclose their methodology and specific data relied upon in calculating UCR for a given claim and limits carriers' ability to apply UCR when credible data is not available.
5. It requires utilization review notices to advise whether or not the service reviewed for medical necessity is covered under the health contract or policy at issue. Utilization review notices frequently advise only whether or not a requested service is medically necessary, causing consumer confusion when a service authorized as medically necessary is subsequently denied as not being covered.
6. It permits those who lose eligibility for the low-cost drugs for the elderly or disabled program to purchase a Medicare supplement policy with prescription drug benefits.

Part C proposed to create a new chapter of the Maine Insurance Code based on a National Association of Insurance Commissioners model law to standardize and simplify the terms and coverages of individual health insurance policies and group health insurance policies and certificates. It is also intended to facilitate public understanding and comparison and to eliminate provisions contained in health insurance policies that may be misleading or unreasonably confusing in connection either with the purchase of these coverages or with the settlement of claims. It further would provide for full disclosure in the sale of health coverages and give the Superintendent of Insurance authority to adopt rules to carry out the purposes of the chapter.

Committee Amendment "A" (S-274) was the majority report of the committee.

In Part A, the amendment proposed to do the following.

1. It removes the provisions relating to private purchasing alliances because those changes are included in other legislation.
2. It removes the provisions proposing changes to the community rating laws applicable to individual and small group health insurance except that it allows carriers to vary premium rates in the individual and small group markets based on smoking status outside of the rating bands.
3. It removes the provisions authorizing the Superintendent of Insurance to authorize pilot projects for innovative products and multistate products in the individual and small group health insurance markets.
4. It retains the provision eliminating the requirement for carriers to offer standardized plans in the small group market.

In Part B, the amendment proposed to do the following.

1. It removes the provisions relating to notices of rate increases to policyholders because similar provisions are included in other legislation.

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2. It requires insurers to provide loss information in aggregate form to group policyholders upon written request within 21 business days of the request. Under current law, insurers are required to provide the information upon request 60 days prior to renewal of the policy and again 6 months from the date the policy becomes effective.
3. It removes the provisions that would have permitted the disclosure of confidential loss information relating to the medical diagnosis, treatment or health status of group members, including potentially identifying information.
4. It retains the provision making the continuity and penalties provisions of the Maine Insurance Code applicable to health maintenance organizations.
5. It retains the provision relating to standards applicable to health insurance policies that limit payment of claims for covered services based on a determination of "usual, customary and reasonable" charges.
6. It retains the provision requiring utilization review entities to advise whether or not the service reviewed for medical necessity is a covered service under the health policy or contract at issue.
7. It retains the provision permitting those who lose eligibility for the low-cost drugs for the elderly or disabled program to purchase a Medicare supplement policy with prescription drug benefits. The amendment also clarifies that Medicare supplement coverage with prescription drug benefits may not affect eligibility for coverage under the low-cost drugs for the elderly or disabled program if the individual no longer has Medicare supplement coverage with prescription drug benefits at the time of reapplication for the program.

In Part C, the amendment proposed to clarify that the new chapter of the Maine Insurance Code does not apply to group disability income protection coverage. The amendment also would make the rules adopted by the Superintendent of Insurance major substantive rules and subject to legislative review before final adoption.

The amendment also added a fiscal note to the bill.

Committee Amendment "B" (S-275) was the minority report of the committee. The amendment differs from the majority report only in Part A because it would retain the provisions relating to community rating with the exception of the medical underwriting and healthy lifestyle provisions in the bill.

In Part A, the amendment proposed to do the following.

1. It removes the provisions relating to private purchasing alliances because those changes are included in other legislation.
2. It removes the provisions proposing to allow medical underwriting on the basis of health status and healthy lifestyle in the individual health insurance market, but retains the provisions allowing rating on the basis of smoking status in the community rating laws applicable to individual and small group health insurance.
3. It retains the provisions increasing the downward adjustments in the community rating bands in the individual and small group health insurance market on the basis of age and geographic area.
4. It removes the provisions authorizing the Superintendent of Insurance to authorize pilot projects for innovative products and multistate products in the individual and small group health insurance markets.

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5. It retains the provision eliminating the requirement for carriers to offer standardized plans in the small group market.

The changes proposed in the amendment to Parts B and C of the bill are identical to those contained in the majority report. The amendment also added a fiscal note to the bill.

Committee Amendment "B" was not adopted.

Enacted law summary

Public Law 2001, chapter 410 amends the individual and small group health insurance laws.

In Part A, Public Law 2001, chapter 410 allows carriers to vary premium rates in the individual and small group markets based on smoking status outside of the prescribed community rating bands. The law also eliminates the requirement for carriers to offer standardized plans in the small group market.

In Part B, Public Law 2001, chapter 410 requires insurers to provide loss information in aggregate form to group policyholders upon written request within 21 business days of the request. Under current law, insurers are required to provide the information upon request 60 days prior to renewal of the policy and again 6 months from the date the policy becomes effective.

The law makes health maintenance organizations subject to the same continuity of coverage requirements currently applicable to indemnity coverage. And it clarifies that the general penalty provisions of the Maine Insurance Code apply to health maintenance organizations.

The law establishes standards applicable to health insurance policies that limit payment of claims for covered services based on a determination of "usual, customary and reasonable" charges. It requires disclosure to insureds that they may be subject to balance billing, requires carriers to give insureds the opportunity to request a carrier's UCR rate for a given procedure, requires disclosure of a carrier's methodology and specific data used to calculate UCR for a given claim and limits a carrier's ability to apply UCR in the absence of creditable supporting data.

Part B of Public Law 2001, chapter 410 also requires utilization review entities to advise whether or not the service reviewed for medical necessity is a covered service under the health policy or contract at issue.

The law also permits those who lose eligibility for the low-cost drugs for the elderly or disabled program to purchase a Medicare supplement policy with prescription drug benefits and clarifies that Medicare supplement coverage with prescription drug benefits may not affect eligibility for coverage under the low-cost drugs for the elderly or disabled program if the individual no longer has Medicare supplement coverage with prescription drug benefits at the time of reapplication for the program.

In Part C, Public Law 2001, chapter 410 creates a new chapter of the Maine Insurance Code to standardize and simplify the terms and coverages of individual and group health insurance. The law is intended to facilitate public understanding and enable comparison among insurance policies. It also gives authority to the Superintendent of Insurance to adopt rules relating to the required disclosures in the sale of health insurance policies and designates those rules as major substantive rules subject to legislative review before final adoption.

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LD 1768 **An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1768 is a concept draft pursuant to Joint Rule 208 and was jointly referred to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Banking and Insurance.

This bill proposed to create a comprehensive prescription insurance plan for senior citizens of the State in accordance with the recommendations of the Heinz Family Philanthropies study regarding prescription drugs. The plan would include the following requirements:

1. All Maine citizens 62 years of age and older would be eligible;
2. The plan would be means tested. Premiums, copayments, deductibles and a catastrophic cap would all be tied to income levels and the consumer price index. Persons with the lowest income levels would also have the lowest catastrophic cap;
3. In determining the premiums, deductibles and catastrophic caps for married couples based on household income, a reduction would be given so that those couples are not penalized or disadvantaged;
4. A formulary based on incentives would be established with generic, preferred and nonpreferred drugs;
5. If a generic drug is available, a brand-name drug may be obtained only by paying the difference in cost between the generic and brand-name medication;
6. "Lifestyle" drugs would be excluded from the plan; and
7. The plan would sunset after 4 full fiscal years.

LD 1768 has been carried over to the Second Regular Session.

LD 1784 **An Act to Lower Costs in the Small Group Market** **CARRIED OVER**

<u>Sponsor(s)</u> SAXL LAFOUNTAIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1784 is a concept draft pursuant to Joint Rule 208. The bill proposed to establish a reinsurance mechanism for the small group health insurance market.

LD 1784 has been carried over to the Second Regular Session.

LD 1804 **An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State** **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1804 proposed to address the changing insurance environment in the State and to provide affordable options to certain employers wishing to make health benefits available to employees. The bill would do the following:

1. Amend and relax the criteria for self-funded multiple employer welfare arrangements by and among certain businesses;
2. Establish a mechanism by which certain small businesses in the same geographic region can form an association for the purpose of providing self-funded health benefit plans to employees and their dependents; and
3. Ensure that employees participating in such self-funded arrangements are protected by imposing certain safeguards, including oversight by the Superintendent of Insurance.

LD 1804 has been carried over to the Second Regular Session.

LD 1821 **Resolve, to Require Further Study of the Effect and Cost Impact of Mental Illness on the State and Private Health Insurance** **RESOLVE 69
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u> H-684 DUDLEY S-393 GOLDTHWAIT
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LD 1821 was reported out pursuant to joint order by the Joint Standing Committee on Banking and Insurance. The resolve proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services, the Department of Education and the Department of Corrections to study the cost savings to the state budget that may result from legislation requiring parity coverage for mental illness and mental disorders, eating disorders and substance abuse. The resolve would also require the Department of Professional and Financial Regulation, Bureau of Insurance to collect information relating to the denial of claims for coverage of mental illness over the last 5 years. The resolve required the Bureau of Insurance to compile this information on cost savings and claims denials in a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002.

The resolve also included an allocation section and a fiscal note.

Joint Standing Committee on Banking and Insurance

House Amendment “A” to LD 1821 (H-684) proposed to clarify the time period for which the Department of Professional and Financial Regulation, Bureau of Insurance is required to provide information related to claims denials and make other clarifying changes to the resolve.

Joint Standing Committee on Banking and Insurance

Senate Amendment “A” to LD 1821 (S-393) proposed to remove the requirement that the Department of Education study and report on cost savings in the department’s budget that may result from enactment of legislation providing equality of coverage for certain disorders.

Enacted law summary

Resolve 2001, chapter 69 was reported out of committee pursuant to joint order. The resolve requires the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Human Services and the Department of Corrections to study the cost savings to the state budget that may result from legislation requiring parity coverage for mental illness and mental disorders, eating disorders and substance abuse. The resolve also requires the Department of Professional and Financial Regulation, Bureau of Insurance to collect information relating to the denial of claims for coverage of mental illness from January 1, 1999 through June 30, 2001. The resolve requires the Bureau of Insurance to compile this information on cost savings and claims denials in a report to the Joint Standing Committee on Banking and Insurance by January 15, 2002.

Resolve 2001, chapter 69 was passed as an emergency measure effective June 28, 2001.

HP 1153 **Joint Resolution, Memorializing Congress to Allow Medicare Supplement Insurance Policies Offering Prescription Drug Coverage** **OTP**

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

Enacted Law Summary

Joint Resolution HP 1153 petitions the Congress of the United States to change federal rules and regulations to allow the development of Medicare supplement insurance policies offering greater prescription drug coverage than currently available under the federally-regulated uniform A-J Medicare supplement insurance policies.

HP 1293 **Joint Order, Relative to Establishing the Joint Study Committee to Examine Issues Related to Motor Vehicle Glass Claims** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O’NEIL		

This joint order was reported out by the Joint Standing Committee on Banking and Insurance pursuant to joint order. The joint order proposed to establish a joint study committee to study issues related to automobile insurance claims for motor vehicle glass. The study committee would have consisted of 5 legislative members and would have been charged with studying several issues related to whether affiliated networks of motor vehicle glass dealers are "steering" insurance consumers in violation of state law and whether legislative action is needed to address problems among motor vehicle glass dealers, affiliated and independent networks and automobile insurance companies. The joint order proposed that the study committee report back to the 120th Legislature by November 15, 2001.

Joint Standing Committee on Banking and Insurance

Enacted law summary

Joint Resolution HP 1153 petitions the Congress of the United States to change federal rules and regulations to allow the development of Medicare supplement insurance policies offering greater prescription drug coverage than currently available under the federally-regulated uniform A-J Medicare supplement insurance policies.

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Joint Standing Committee on Business and Economic Development

LD 65 **An Act to Require Elevators Installed during New Construction be Large enough to Accommodate Ambulance Stretchers** **PUBLIC 178**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-105
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LD 65 proposed to require that elevators in public buildings be large enough to accommodate ambulance stretchers.

Committee Amendment "A" (H-105) proposed to require that whenever plans for the construction of a new multi-story building or for a new addition to an existing multi-story building that extends beyond the original exterior walls include the installation of a passenger elevator, the elevator must be large enough to accommodate an ambulance stretcher in a fully supine position. The amendment would apply to buildings that house private or nonprofit entities that serve the public or are places of public accommodation constructed after January 1, 2002. The amendment would exclude buildings owned by a local unit of government.

Enacted law summary

Public Law 2001, chapter 178 provides that whenever plans for the construction of a new multi-story building or for a new addition to an existing multi-story building that extends beyond the original exterior walls include the installation of a passenger elevator, the elevator must be large enough to accommodate an ambulance stretcher in a fully supine position. This requirement applies to buildings that house private or nonprofit entities that serve the public or are places of public accommodation constructed after January 1, 2002 and excludes buildings owned by a local unit of government.

LD 68 **An Act to Permit the Sale of Motorcycles on Sunday** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 68 proposed to allow a person whose primary business is the sale of motorcycles to sell motorcycles on Sunday.

Committee Amendment "A" (H-108) was the minority report and was not adopted. The amendment proposed to strike the title and language of the original bill. The amendment also proposed to clarify that the current law prohibiting the sale of motor vehicles on Sunday by allowing licensed dealers of motorcycles, whose primary business is the buying and selling of motorcycles, to display motorcycles on their lots on Sunday and to answer questions about features, options and accessories on those displayed motorcycles. The amendment, however, did not propose to remove the prohibition against sales of motor vehicles on Sunday.

Joint Standing Committee on Business and Economic Development

LD 117 **An Act to Require Consignment Businesses to Provide Itemized Receipts** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 117 proposed to require that a person who receives goods for sale on consignment provide an itemized receipt of these goods and copies of the receipts of the sales of these goods to the person who consigns them.

LD 118 **An Act to Establish Requirements for Licensed Physicians Regarding Naturopathic Treatments** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 118 proposed to require that licensed physicians who advertise as providers of naturopathic medicine offer naturopathic medical treatments to patients seeking naturopathic care, provide research information to those patients and notify those patients of any limitations of the physician's malpractice insurance regarding naturopathic medicine.

LD 143 **An Act to Allow Landlords to Participate in the Fuel Assistance Program** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 143 proposed that Low-income Home Energy Assistance funds be paid directly to the landlord when a tenant is provided assistance under the LIHEAP program and the landlord provides oil heat to that tenant.

LD 160 **An Act to Extend the Lemon Law to Snowmobiles** **ONTP**

<u>Sponsor(s)</u> BELANGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 160 proposed to establish a "lemon law" governing the sale of new snowmobiles in the State. The bill also proposed to establish state-certified arbitration for disputes over new snowmobiles.

Joint Standing Committee on Business and Economic Development

LD 161 **Resolve, Regarding Legislative Review of Chapter 11: Rules for the
Maine Biomedical Research Program, a Major Substantive Rule of
the Department of Economic and Community Development** **RESOLVE 2
EMERGENCY**

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

LD 161 proposed to provide for legislative review of Chapter 11: Rules for the Maine Biomedical Research Program, a major substantive rule of the Department of Economic and Community Development.

Enacted law summary

Resolve 2001, chapter 2 authorizes final adoption of Chapter 11: Rules for the Maine Biomedical Research Program, a major substantive rule of the Department of Economic and Community Development.

Resolve 2001, chapter 2 was passed as an emergency measure effective March 30, 2001.

LD 248 **An Act to Promote Economic Development in Rural Maine** **CARRIED OVER**

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

LD 248 was a concept draft that proposed to promote economic development in rural Maine. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 249 **An Act to Amend the Rule-making Process Regarding the State's
Plumbing Code** **PUBLIC 215
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
TOBIN D TURNER		OTP-AM		H-222

LD 249 proposed to change the Plumbers' Examining Board's authority to adopt a state plumbing code by designating these rules as major substantive instead of routine technical rules.

Committee Amendment "A" (H-222) proposed to designate the adoption of a new plumbing code as a major substantive rule that would need to receive the affirmative action of the Legislature before adoption and all subsequent technical changes to the plumbing code would be routine technical rules.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Public Law 2001, chapter 215 changes the Plumbers' Examining Board's authority to adopt a state plumbing code by designating the adoption of a new plumbing code as a major substantive rule that must receive the affirmative action of the Legislature before adoption. This Public Law also provides that all subsequent technical changes to the plumbing code are routine technical rules.

Public Law 2001, chapter 215 was enacted as an emergency measure effective May 18, 2001.

LD 258 An Act to Establish Returnable Tobacco Products and to Create the ONTP Returnable Tobacco Products Fund

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

LD 258 proposed to establish a system of deposit and redemption for used and discarded cigarette butts, referred to as returnable tobacco products, and to create the Returnable Tobacco Products Fund, a dedicated fund for use in the payment of deposits and redemptions and to hold funds not required for either purpose.

Committee Amendment "A" (H-205), which was the minority report, proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

LD 270 An Act to Create a Resource within State Government to Protect INDEF PP the Privacy of Personal Information

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

LD 270, which was not referred to a committee but was suggested for reference to the Joint Standing Committee on Business and Economic Development, was a concept draft pursuant to Joint Rule 208 and was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. The concept draft proposed that a person or persons within State Government protect the privacy of personal data about the people of Maine. The person would not have regulatory authority, but would be charged with the following duties:

1. Conducting research and studies, gathering facts and evaluating procedures regarding the treatment of personal data by public and private entities;
2. Investigating complaints about information confidentiality, making recommendations for policy, rule and legislative changes, where appropriate, and making referrals to, and cooperating with, enforcement entities;

Joint Standing Committee on Business and Economic Development

3. Advising, consulting and assisting the legislative and executive branches of government on development of policies and procedures related to confidential personal data;
4. Coordinating communication and cooperation among components of State Government; and
5. Educating the public about the status of personal data and how to protect privacy.

The person performing this function would be in a position that, to the greatest extent possible, is not subject to political or economic pressure. This person would have authority to maintain the confidentiality of information in that person's possession.

LD 310 **An Act to Require Bonding of Building Contractors** **ONTP**

<u>Sponsor(s)</u> COWGER CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 310 proposed to require home construction contractors to be bonded for an amount equal to prepayments made by a homeowner or lessee.

LD 322 **An Act to Amend the Motor Vehicle Franchise Laws** **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 322 proposed to provide that a motor vehicle franchisor may not recover the costs incurred in reimbursing a franchisee for warranty work it performs that is required or permitted by the franchisor.

LD 324 **An Act Regarding the Rescission Period in the Purchase of Time Shares** **ONTP**

<u>Sponsor(s)</u> DAVIS P JONES	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 324 proposed to reduce the time period in which the purchaser or potential purchaser of a time-share unit from a developer may cancel the contract or conveyance. This bill proposed to reduce the current 10-day cancellation period to 3 days. As proposed, the developer would not be required to return the full amount of the deposit if the purchaser or potential purchaser cancels after the 3-day period has expired.

Joint Standing Committee on Business and Economic Development

Committee Amendment "A" (S-93), the minority report, proposed to increase the amount of time a purchaser or potential purchaser of a time-share unit for a developer has to cancel the contract from 3 calendar days to 5 business days.

LD 336

An Act to Protect the Privacy of Maine Physicians

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY BRUNO	OTP-AM	S-118

LD 336 proposed to protect the privacy of physicians in the State by preventing the Board of Licensure in Medicine and the Board of Osteopathic Licensure from disclosing to the public certain personal information.

Committee Amendment "A" (S-118) proposed to clarify what information the Board of Licensure in Medicine and the Board of Osteopathic Licensure would be required to keep confidential and would allow the boards to share an applicant's or licensee's personal address and telephone number with governmental licensing or disciplinary authorities or any health care providers that are concerned with regulating a physician's employment or privileges. The amendment further proposed to provide that personal health information submitted, as part of an application, would be confidential but could also be shared with other appropriate regulatory entities.

Enacted law summary

Public Law 2001, chapter 214 protects the privacy of physicians in the State by preventing the Board of Licensure in Medicine and the Board of Osteopathic Licensure from disclosing to the public certain personal information. This Public Law allows the Board of Licensure in Medicine and the Board of Osteopathic Licensure to share an applicant's or licensee's personal address and telephone number with governmental licensing or disciplinary authorities or any health care providers that are concerned with regulating a physician's employment or privileges. This law also provides that personal health information submitted as part of an application is confidential but can be shared with other appropriate regulatory entities.

LD 341

An Act to Appropriate Block Grants to Promote Regional Tourism

ONTP

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

LD 341 proposed to establish the Regional Tourism Promotion Grant Program to be administered by the Office of Tourism and Community Development within the Department of Economic and Community Development. The bill proposed that through the grant program, the 8 tourism regions of the State receive grants of up to \$100,000 per region per year to promote tourism in the regions. In addition, the proposed bill listed criteria for determining eligibility for the grants. The program would have been funded primarily by directing the Commissioner of Economic and Community Development to use \$400,000 of the budget of the Office of Tourism and Community Development for grants. Under the proposed bill, the program would be authorized to receive additional funds from other sources.

Joint Standing Committee on Business and Economic Development

LD 360 **An Act to Require that Professors of Social Work Be Licensed at the Master Social Worker or the Clinical Social Worker Level** **ONTP**

<u>Sponsor(s)</u> SKOGLUND PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 360 proposed to require persons who teach social work in a full-time, tenure-track position to be licensed as a social worker at the licensed master social worker level or the licensed clinical social worker level.

LD 368 **An Act to Openly Display Components of the Price of a Gallon of Gasoline at Filling Stations** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 368 proposed to require that a sign be posted at the pump showing a list of taxes, wholesale prices and other components that make up the price of a gallon of gasoline. The bill also proposed to require the posting to display a comparison between the current price and last listed price showing where a change in price has occurred.

LD 432 **An Act to Make Changes to the Board of Licensure in Medicine** **ONTP**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 432 proposed to increase the Board of Licensure in Medicine to 10 members and require 5 of the members to be representatives of the public. This bill also proposed to allow a person aggrieved by an action of the board to appeal to the Superior Court and proposed to increase the statute of limitations on actions against health care providers from 3 years to 6 years.

LD 455 **Resolve, to Establish the Commission to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-105
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Joint Standing Committee on Business and Economic Development

LD 455 proposed to set the deposit and refund value of refillable containers, nonrefillable containers sold through geographically exclusive distributorships and nonrefillable containers not sold through geographically exclusive distributors at 5-cents per container. The bill also proposed to set the deposit and refund value of wine and spirit containers at 15-cents per container. The bill also proposed to increase the reimbursement rate for handling costs by redemption centers from 3-cents to 5-cents per container. The bill, as amended by Committee Amendment “A,” was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. The contents of the amended bill, however, were included in a joint study order (HP 1389), which was passed by both Houses prior to adjournment.

Committee Amendment “A” (S-105) proposed to strike and replace the original title and the original bill. It proposed to establish the Commission to Study Reimbursement Rates for Maine’s Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers. The 13-member committee proposed to be established under this amendment was directed to examine a number of issues related to handling and collection of returnable containers, including: operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is warranted; the interrelationships among beverage producers, distributors and redemption centers concerning collection of returnable containers; and the nature and extent of fraudulent redemptions. The amendment also proposed that the study committee report its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 1, 2001.

LD 458

An Act to Amend the Laws Governing the Board of Licensing of Auctioneers

ONTP

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

LD 458 proposed to provide that one member of the Board of Licensing of Auctioneers could be an auctioneer who is selected from a list submitted to the Governor by a statewide organization of auctioneers.

Joint Standing Committee on Business and Economic Development

LD 480

An Act Concerning the State Board of Funeral Service

PUBLIC 169

<u>Sponsor(s)</u> PERRY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-187
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LD 480 proposed to clarify the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries and crematoriums.

Committee Amendment "A" (H-187) proposed to clarify the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries and crematoriums. The amendment also proposed to exclude the transportation of human remains by an authorized person from the definition of funeral service.

Enacted law summary

Public Law 2001, chapter 169 clarifies the jurisdiction of the State Board of Funeral Service to include only funeral services, excluding services provided by cemeteries, crematoriums, mausoleums or columbariums. This Public Law also clarifies that the practice of funeral services does not include the transportation of human remains by an authorized person.

LD 487

An Act to Allow the Agencies of the Department of Professional and Financial Regulation to Revoke Professional and Occupational Licenses

PUBLIC 167

<u>Sponsor(s)</u> LAVERDIERE SHOREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-206
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LD 487 proposed to authorize the agencies and professional and occupational licensing boards within or affiliated with the Department of Professional and Financial Regulation to revoke licenses and registrations issued by the respective boards. The bill also proposed to transfer concurrent jurisdiction over license revocations and suspensions from the District Court to the Superior Court and provided that any nonconsensual disciplinary action would be subject to judicial review exclusively in the Superior Court.

Committee Amendment "A" (H-206) proposed that any nonconsensual revocation of an occupational or professional license could be heard de novo exclusively in the District Court.

Enacted law summary

Public Law 2001, chapter 167 authorizes the agencies and professional and occupational licensing boards within or affiliated with the Department of Professional and Financial Regulation to revoke licenses and registrations issued by the respective boards. This Public Law also provides that an appeal from any nonconsensual revocation of an occupational or professional license may be heard de novo exclusively in the District Court.

Joint Standing Committee on Business and Economic Development

LD 490 **An Act to Preserve Competition in the Retail Marketing of Motor Fuels** **ONTP**

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

LD 490 proposed to prohibit the retail sales of motor fuel below cost. The bill proposed to establish remedies for actions brought under the provisions of the bill. The bill proposed statutory and compensatory damages for a plaintiff bringing a successful action. The bill also proposed to define "rack price" for motor fuels and to authorize the Attorney General to invoke rule-making authority to establish an alternative means of calculating the rack price.

LD 519 **An Act to Amend the Licensing Provisions for Private Investigators** **PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM	H-186
MARTIN		H-430 RICHARDSON

LD 519 proposed to affect the licensing statutes for private investigators as follows.

1. It would clarify the Commissioner of Public Safety's authority to appoint a designee to deal with licensing matters.
2. It would make consistent the language identifying disqualifying convictions for the license application and refusing to issue, suspending and revoking a private investigator license and would make it clear that the commissioner must provide notice and opportunity for hearing if there are grounds to refuse to issue or renew a license under the chapter pertaining to private investigators.
3. It would amend the section describing prior experience as an investigative assistant to make the section more specific.

Committee Amendment "A" (H-186) proposed to require 1,700 hours of employment as an investigative assistant and would require the 1,700 hours take at least one year and no more than 2 years to complete.

House Amendment "A" to Committee Amendment "A" (H-430), which was enacted, proposed to clarify that the 1,700 hours of employment as an investigative assistant must be accomplished within 2 years after the date of issuance of the investigative assistant license but no earlier than one year after the date of issuance.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Public Law 2001, chapter 298 provides that the Commissioner of Public Safety has authority to appoint a designee to deal with private investigator licensing matters and that the commissioner must provide notice and opportunity for hearing if there are grounds to refuse to issue or renew a private investigator license. This Public Law also requires investigative assistants to obtain 1,700 hours of employment as an investigative assistant before being eligible to be licensed as a private investigator and further requires that those hours be accomplished within 2 years after the date of issuance of the investigative assistant license but no earlier than one year after the date of issuance.

LD 547 **An Act to Provide Support for Impoverished Communities for Economic Development** **ONTP**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 547, a concept draft pursuant to Joint Rule 208, proposed to establish an ombudsman position at the state level through the State Planning Office to provide assistance and guidance to Maine's poorest counties in seeking creative funding sources. The ombudsman would have helped municipalities procure grants and other alternative funding sources and could have provided research and grant-writing services. Under the proposed bill, criteria to qualify for assistance would have been easily understood and would have been set out by widely publicized rules established by the State Planning Office.

LD 588 **An Act Concerning Nurses in Advanced Practice** **ONTP**

<u>Sponsor(s)</u> BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 588, a concept draft pursuant to Joint Rule 208, proposed to revise the licensing laws concerning advanced practice registered nurses.

LD 668 **An Act to Reallocate a Portion of the Calendar Year 1999 Allocation of State Ceiling** **P & S 9
EMERGENCY**

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 668 proposed to reallocate the \$10,000,000 of the state ceiling on private activity bonds for calendar year 1999 originally allocated to the Finance Authority of Maine and reallocated to the Maine Educational Loan Authority by the 119th Legislature, back to the Finance Authority of Maine to be used for educational loans.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Private and Special Law 2001, chapter 9 reallocates the \$10,000,000 of the state ceiling on private activity bonds for calendar year 1999 originally allocated to the Finance Authority of Maine and reallocated to the Maine Educational Loan Authority by the 119th Legislature, back to the Finance Authority of Maine to be used for educational loans.

Private and Special Law 2001, chapter 9 was enacted as an emergency measure effective April 11, 2001.

LD 669

An Act to Clarify the Use of the Municipal Investment Trust Fund

PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH COWGER	OTP-AM	S-52

LD 669 proposed to clarify the definition of public service infrastructure to include streetscape improvements that are critical to the "livability" of communities and the hardware necessary to support the development and operation of geographic information systems. The bill also further clarified that the highest priority for public service infrastructure grants and loans are service center communities and proposed priorities for preferences for grant awards from the Municipal Investment Trust Fund.

Committee Amendment "A" (S-52) proposed to amend the bill by requiring that rules adopted in establishing a methodology to identify a service center community are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. It also proposed to repeal a current definition of service center in Title 30-A, section 4349-A. The amendment also proposed to amend Title 30-A, section 5953-D to add a municipality that has been designated a service center community to the list of municipalities eligible to receive a loan from the Municipal Investment Trust Fund.

Enacted law summary

Public Law 2001, chapter 90 repeals the current definition of a service center in Title 30-A, section 4349-A of the Maine Revised Statutes and requires that the State Planning Office develop a definition of "service center community" using a methodology established by major substantive rule that includes 4 basic criteria. The law also clarifies that public service infrastructure includes streetscape improvements that are critical to the "livability" of communities and the hardware necessary to support the development and operation of geographic information systems. It also clarifies that the highest priority for use of trust funds is service centers and prioritizes preferences for grant awards from the Municipal Investment Trust Fund. The law also amends Title 30-A, section 5953-D to add to the list of municipalities eligible to receive a loan from the Municipal Investment Trust Fund a municipality that has been designated a service center community.

Joint Standing Committee on Business and Economic Development

LD 682 **An Act to Require the Adoption of the 2000 International Plumbing Code** **ONTP**

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

LD 682 proposed to require the Plumbers' Examining Board to adopt the 2000 International Plumbing Code as the State's plumbing code.

LD 687 **An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State** **CARRIED OVER**

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

LD 687 proposed to require pharmacies to provide the Maine Board of Pharmacy with quarterly reports recording all schedule II drug transactions so that the board can maintain a centralized database.

Committee amendment “A” (H-630), which was the minority report, proposed to amend the original bill by designating the Department of Human Services as the department that will establish and maintain the schedule II drug database. The amendment also proposed that a retail drug outlet or a mail order business that dispenses schedule II drugs and is registered under the Maine Revised Statutes, Title 32, section 13751 must report schedule II drug transactions to the department on a quarterly basis. Additionally the amendment proposed to require the dispensing facility to report, at a minimum, the pharmacy prescription number, pharmacy number, patient identifier, which may include the name of the customer and the customer’s date of birth, the date the controlled substance was dispensed, the metric quantity of the controlled substance, the national drug code of the controlled substance, the estimated days of supply of the controlled substance dispensed and the prescriber’s United States Drug Enforcement Agency registration number to the department. The amendment proposed to designate information contained in the reports and in the database as confidential and limits its disclosure to governing bodies that license practitioners when they are conducting an investigation that involves schedule II drugs and to pharmacists, physicians and dentists when the information relates to their own patients. The amendment proposed to expressly prohibit the release of conditional information from the database to law enforcement officers. It also proposed to add a fiscal note to the original bill.

The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session of the 120th Legislature.

Joint Standing Committee on Business and Economic Development

LD 692 **An Act Regarding Minimum Prices for Cigarettes** **ONTP**

<u>Sponsor(s)</u> MICHAEL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 692 proposed to require dealers and distributors of tobacco products to set minimum prices below which their products could not be sold.

LD 707 **Resolve, to Explore the Feasibility of Establishing a Dental Residency Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> FULLER MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-107
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LD 707 proposed to direct the Finance Authority of Maine to undertake a study of methods of relieving the shortage of dentists in Maine, including the feasibility of establishing an accredited dental residency program. The bill, as amended by Committee Amendment “A,” was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. However, funds for the study were included in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part NNN).

Committee Amendment "A" (H-107) proposed to amend the original resolve by making the study described in the resolve contingent on funding. The amendment also proposed to add an emergency preamble, an emergency clause and a fiscal note to the original resolve.

LD 758 **An Act Concerning the Training of Personnel Who Administer Medications in Schools** **PUBLIC 451**

<u>Sponsor(s)</u> HUTTON EDMONDS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-346
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LD 758 proposed to restrict the administration of medication by school and corrections facility personnel to those persons who are licensed physicians, physician's assistants, nurses, nurse practitioners or medical technicians or persons who have received training and certification to administer medication from the department of jurisdiction.

Committee Amendment "A" (H-464), which was not adopted, removes existing language in the laws governing the administration of medication by a sheriff or deputy and adds an appropriation section and a fiscal note to the bill.

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Committee Amendment "A" (S-346) was the report of the Committee of Conference on L.D. 758 and was adopted. It proposed to strike and replaces the original bill. The amendment also proposed to amend the current law that requires the Commissioner of Education to adopt rules for administration of medication in schools, including the training of unlicensed personnel who administer medication. The amendment would require the commissioner to describe how the department will provide training directly to such personnel at the local level. It also proposed to amend current law to make the rules developed for the administration of medication in schools major substantive rules. Finally, it proposed to require the commissioner to submit the provisionally adopted rules to the Joint Standing Committee on Business and Economic Development no later than February 28, 2002.

House Amendment "A" (H-541) proposed to clarify that an unlicensed person may administer medication if that person receives training and certification from the Department of Education. This amendment proposed to remove language from the bill that was erroneously left intact by Committee Amendment "A" regarding the administration of medication to prisoners, thus making the bill applicable only to the administration of medication in schools. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 451 amends the current law that requires the Commissioner of Education to adopt rules for administration of medication in schools, including the training of unlicensed personnel who administer medication. The law requires the commissioner to describe how the department will provide training directly to such personnel at the local level. It also amends current law to make the rules developed for the administration of medication in schools major substantive rules. Finally, the law requires the commissioner to submit the provisionally adopted rules to the Joint Standing Committee on Business and Economic Development by February 28, 2002.

LD 772 **An Act to Require Explicit Statutory Authority for Expenditure of Certain Public Money for Lobbying Purposes and Private Enterprise and for Private For-profit Gain** **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 772 proposed to require the Maine Educational Loan Authority to obtain legislative approval before hiring lobbyists or making financial or other assistance available to a private enterprise.

LD 780 **An Act to Promote Economic Growth in the Penobscot Valley** **ONTP**

<u>Sponsor(s)</u> CATHCART STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 780 proposed to appropriate funds to employ an economic development specialist and to construct a building to attract a private employer to northern Penobscot County.

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LD 781 **An Act to Require Veterinary Clinics to Fully Disclose Their After-hours Staffing Policies** **ONTP**

<u>Sponsor(s)</u> BROMLEY MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 781 proposed to require a veterinarian who maintains a facility to practice veterinary medicine to provide written notice to a pet owner when an animal is released to the facility indicating the after-hours staffing policies of the facility, including staffing levels and hours.

LD 815 **An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales** **PUBLIC 193**

<u>Sponsor(s)</u> DAVIS P MENDROS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-104
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LD 815 proposed that the annual sale of more than 8 snowmobiles or ATVs that are less than one year old without a dealer's license is, pursuant to the Maine Revised Statutes, Title 12, section 7901, a Class E crime.

Committee Amendment "A" (S-104) proposed to replace the bill. The amendment proposed to establish new definitions for both "new snowmobile" and "new all-terrain vehicle." It also proposed to make it illegal for a person who does not have both a franchise agreement with a manufacturer and a dealer's license to sell more than 2 new snowmobiles or all-terrain vehicles per year. The amendment also proposed that an unlawful sale of a snowmobile or ATV result in a civil forfeiture of not less than \$500 and a penalty of not more than \$5,000.

Enacted law summary

Public Law 2001, chapter 193 provides definitions for both "new snowmobile" and "new all-terrain vehicle." It also makes it illegal for a person who does not have both a franchise agreement with a manufacturer and a dealer's license to sell more than 2 new snowmobiles or 2 new all-terrain vehicles per year. The law also establishes that an unlawful sale of a snowmobile or ATV may result in a civil forfeiture of not less than \$500 and a civil penalty of not more than \$5,000.

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LD 893 **An Act to Authorize Master Electricians to Work with up to 3 Helpers** **ONTP**

<u>Sponsor(s)</u> MCNEIL SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 893 proposed to allow a master electrician to work with 3 helper electricians instead of one.

LD 924 **Resolve, to Grant an Exception for Inspections of Low-use Elevators** **ONTP**

<u>Sponsor(s)</u> MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 924 proposed to direct the Board of Elevator and Tramway Safety to create rules to make an exception in the yearly scheduling of inspections for low-use elevators in churches, small businesses and other organizations that have elevators but use them infrequently.

LD 932 **An Act to Authorize the Maine State Housing Authority to Administer an Electric Assistance Program** **PUBLIC 257
EMERGENCY**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-361
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LD 932 proposed to require the Maine State Housing Authority to administer the electric assistance program established by the Public Utilities Commission to provide electric assistance to low-income households.

Committee Amendment "A" (H-361) proposed to amend the original bill by removing a 10 percent cap on the amount of electric assistance program funds that the Maine State Housing Authority could use to pay for the administrative and operational costs of the program. Under the provisions of the proposed amendment, the authority's use of these funds would be subject to approval by the Public Utilities Commission.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 257 requires the Maine State Housing Authority to administer the electric assistance program established by the Public Utilities Commission to provide electric assistance to low-income households. The law requires MSHA to report annually to the Public Utilities Commission information to determine the amount

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of funding necessary for the program. It also authorizes the authority to adopt routine technical rules to implement the program. The law establishes the sources of funds for the program as funds collected by an electric utility as determined by the commission pursuant to section 3214 of Title 35-A of the Maine Revised Statutes, all funds appropriated by the State for the fund, all interest and dividends from the investment of money in the fund, and any other money deposited in the fund to implement the program. The law also allows MSHA to use the fund to cover administrative and operational expenses related to the program subject to the approval of the commission.

Public Law 2001, chapter 257 was enacted as an emergency measure effective May 25, 2001.

LD 942 **An Act to Prohibit the Solicitation of Prearranged Funeral Services** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 942 proposed to strengthen the law prohibiting solicitation of prearranged funerals and funeral business by strictly defining "solicitation."

LD 947 **An Act Concerning Fair Debit Card Practices** **ONTP**

<u>Sponsor(s)</u> USHER O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 947 proposed to authorize public post-secondary institutions located in this State to sponsor debit card programs for their students. The bill also proposed to enable students to use their school-sponsored debit cards at local businesses outside the campus.

LD 951 **An Act Relating to Rent-to-own Purchases** **ONTP**

<u>Sponsor(s)</u> BRANNIGAN BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 951 proposed to help ensure that consumers who enter into rent-to-own contracts and who eventually purchase the item are charged a price that is based on the actual fair market value of the item.

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LD 986

Resolve, to Establish the Commission to Study Employee
Ownership Options for Maine Businesses

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN BROMLEY	OTP-AM	H-223

LD 986 proposed to establish the Commission to Study Ownership Patterns in Maine. A similar commission had been established in the Second Regular Session of the 119th Legislature, but that commission had been unable to commence its tasks due to time constraints. The bill, as amended by Committee Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session.

Committee Amendment "A" (H-223) proposed to change the title of the resolve and to amend the duties of the study commission. The Commission to Study Employee Ownership Options for Maine Businesses would examine a variety of issues related to employee ownership of businesses in this State, including the feasibility of establishing an employee ownership feasibility program. The amendment proposed to strike from the commission's original duties requirements that it analyze the patterns of business ownership in Maine and that it study the impacts of these changes in business ownership, among other things. The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

LD 987

An Act to Change Certain Educational Requirements for Licensed
Social Workers

PUBLIC 316

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-466

LD 987 proposed to create the position of licensed bachelor social worker and would have established standards and educational requirements for the position.

Committee Amendment "A" (H-466) proposed to remove the separate licensing category of licensed bachelor social worker and to subsume those provisions under the existing category of licensed social worker. The amendment would require anyone who is not licensed as a social worker or holds a licensed social worker conditional license prior to June 30, 2002 to meet the proposed new educational requirements. The amendment would also allow a licensed social worker with 2 instead of 5 years' experience to enter into consultation with a licensure candidate.

Enacted law summary

Public Law 2001, chapter 316 provides that a person must hold a bachelor's degree in social work or social welfare before being eligible to be licensed as a social worker unless that person was licensed as a social worker or holds a licensed social worker conditional license prior to June 30, 2002. The law also allows a licensed social worker with 2 instead of 5 years of experience to enter into consultation with a licensure candidate.

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LD 990

An Act to Establish the Maine Regulatory Fairness Board

PUBLIC 96

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-57
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LD 990 proposed to establish the 5-member Maine Regulatory Fairness Board. Among the duties of this proposed advisory board would be to take testimony concerning, and to report to the Legislature and the Governor at least annually on, regulatory and statutory changes necessary to enhance the State's business climate.

Committee Amendment "A" (S-57) proposed to amend the bill by requiring the Governor to endeavor to ensure regional representation on the Maine Regulatory Fairness Board. It also proposed to reduce the minimum number of required meetings of the board from 4 to 2 and to require that the State Planning Office provide technical support to the board. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 96 establishes the 5-member Maine Regulatory Fairness Board. Among the duties of this advisory board are to take testimony concerning, and to report to the Legislature and the Governor at least annually on, regulatory and statutory changes necessary to enhance the State's business climate. The law requires the Governor to attempt to ensure regional representation on the board and that the board hold at least 2 meetings annually. The law also requires the State Planning Office to provide technical support to the board.

LD 997

Resolve, to Enhance Economic Development in Eastern Maine

ONTP

<u>Sponsor(s)</u> GOLDTHWAIT POVICH	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 997 proposed to establish the Commission to Promote Workforce Development in Eastern Maine. The bill also proposed to establish and fund 20 new positions within the Department of Public Safety, Maine Drug Enforcement Agency in eastern Maine to reduce the prevalence of illegal drug activity.

Committee Amendment "A" (S-87) was the minority amendment and proposed to amend Part A of the original resolve by changing the appointing authority for several study commission appointments and adding a 17th member of the study commission to represent the Maine Ambulatory Care Coalition. The amendment also proposed to amend Part B of the resolve by providing that the Director of the Maine Drug Enforcement Agency assign 20 new agents among the 3 counties specified in the legislation. The amendment also proposed to amend Part B with a new section that terminates the new positions after 2 years unless the Legislature acts to continue them. As proposed, the joint standing committee of the Legislature having jurisdiction over criminal justice matters would have been required to evaluate the effectiveness of the new positions in combating drug-related crime in the 3 counties and to recommend to the First Regular Session of the 121st Legislature whether or not to continue the 20 new positions beyond the termination date. The amendment also proposed to add a fiscal note. This amendment was not adopted.

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LD 1001

An Act to Protect Consumers During Licensing Hearings

ONTP

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1001 proposed to provide a consumer of goods or services provided pursuant to an occupational or professional license standing at a nonconsensual disciplinary action hearing regarding that license.

LD 1012

An Act to Safeguard Production of Groundwater

**PUBLIC 209
EMERGENCY**

<u>Sponsor(s)</u> NUTTING J CLOUGH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-119
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LD 1012 proposed to amend the laws governing water wells in the following ways:

1. Changes the name of the Maine Water Well Drilling Program to the Maine Water Well Program and the name of the Maine Water Well Drilling Commission to the Maine Water Well Commission;
2. Provides that the repair or replacement of a pump in a well is under the jurisdiction of the Maine Water Well Commission;
3. Establishes the categories of apprentice pump installer, journeyman pump installer and master pump installer;
4. Gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies; and
5. Changes the penalties that may be imposed for a violation of the laws governing water wells.

Committee Amendment "A" (S-119) proposed to clarify that a person need not be licensed to remove and replace an existing pump for the purpose of well inspection or to test a pump if the pump and electrical system are not being modified.

Enacted law summary

Public Law 2001, chapter 209 changes the name of the Maine Water Well Drilling Program to the Maine Water Well Program and the name of the Maine Water Well Drilling Commission to the Maine Water Well Commission. This Public Law also places the repair or replacement of a pump in a well under the jurisdiction of the Maine Water Well Commission and clarifies that a person need not be licensed to remove and replace an existing pump for the purpose of well inspection or to test a pump if the pump and electrical system are not being modified. Additionally, this law establishes the categories of apprentice pump installer, journeyman pump installer and master

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pump installer and gives the Maine Water Well Commission the duty to license well drilling companies and pump installation companies.

Public Law 2001, chapter 209 was enacted as an emergency measure effective on May 18, 2001.

LD 1092

An Act to Prohibit Negative Option Sales Without a Consumer's Express Agreement

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY RICHARDSON	OTP-AM	S-106

LD 1092 proposed to prohibit so-called "negative option sales" to prohibit a merchant from charging a consumer for a good or service after a trial period unless the consumer expressly agrees to be charged for the good or service if the consumer does not affirmatively cancel the sale. A violation would be an unfair and deceptive act.

Committee Amendment "A" (S-106) proposed to limit the applicability of this section to sales agreed to by telephone and allows a merchant to provide a written description of the agreement within 10 days of charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis. The amendment also proposed to require the merchant to provide the consumer with the calendar date the consumer will be charged for the goods or services.

Enacted law summary

Public Law 2001, chapter 210 prohibits a merchant from charging a consumer for goods or services agreed to by telephone after the trial period without the expressed agreement of the consumer to be charged for those goods or services if the consumer did not cancel the sale during the trial period. This Public Law also provides that at least 15 days prior to any charge, or 10 days prior to charging the consumer if the services or goods are physically delivered to the consumer on at least a weekly basis, the merchant must provide the consumer with a detailed written description of the sales agreement including the process by which the consumer can cancel the agreement, and the calendar date when the consumer will be charged for the sale unless the consumer cancels the sale.

This Public Law was amended by the Errors Bill (LD 30), sections E-1 and E-2. The amended law strikes a requirement in chapter 210 that the merchant provide the consumer a written description of the good or service for which the consumer will be charged on a weekly or more frequent basis within 10 days of the good or service being physically delivered to the consumer. The Errors Bill also establishes limitations on the application of Title 10, Maine Revised Statutes, section 1210.

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LD 1117

An Act Concerning Motor Vehicle Dealer Sale Practices

PUBLIC 256

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-324
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LD 1117 proposed to provide consumers protection against 2 motor vehicle dealer practices. This bill proposed to require dealers to disclose any mark-up in the financing interest rate the dealer receives from the lender in return for arranging the financing. Under the proposed bill, a dealer who fails to comply would commit an unfair trade practice. The bill also proposed to restrict the practice of dealers who, following the sale of a motor vehicle, contact the buyer to inform the buyer that the dealer has decided to cancel the contract and to require the buyer to return the vehicle. Under the proposed bill, if a dealer were to engage in this practice, the dealer must reimburse the buyer the total purchase price of the vehicle, including any money given for a trade-in. This proposed requirement would not apply to a dealer who cancels the contract due to a material misrepresentation by the buyer. However, a dealer who failed to comply with this requirement would commit an unfair trade practice.

Committee Amendment "A" (H-324) proposed to amend the original bill by requiring a motor vehicle dealer to disclose to the buyer, both at the time of the purchase of a new or used vehicle and at the time of cancellation of a sale, that if financing can not be obtained on the terms agreed to in the sales contract, then the dealer must reimburse the consumer for the vehicle purchase price or for lease payments made in the case of a lease and all other charges pertinent to the sale and must return the vehicle traded in or the value of the traded-in vehicle as established in the contract in the event the vehicle is no longer available. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 256 requires a motor vehicle dealer to disclose to the buyer, both at the time of the purchase of a new or used vehicle and at the time of cancellation of a sale, that if financing can not be obtained on the terms agreed to in the sales contract, then the dealer must reimburse the consumer for the vehicle purchase price, or for lease payments made in the case of a lease, and all other charges pertinent to the sale and must return the vehicle traded in or the value of the traded-in vehicle as established in the contract in the event the vehicle is no longer available.

LD 1157

An Act to Amend the Laws Governing the Examination of Electricians

ONTP

<u>Sponsor(s)</u> SHOREY DUGAY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1157 proposed to provide that an applicant for licensure by the Electricians' Examining Board could take an examination before that applicant has completed the educational requirements for licensure.

Joint Standing Committee on Business and Economic Development

LD 1227 **An Act to Provide for the Disclosure of Company Information and Appointment of a Registered Agent in Maine by Persons or Business Entities Selling or Leasing Goods or Services via the Internet** **ONTP**

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

LD 1227 proposed to provide for the disclosure of company information and appointment of a registered agent in Maine by persons or business entities selling or leasing goods or services via the Internet.

LD 1251 **An Act to Enhance the Observance of Veterans' Holidays** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUFFARD DOUGLASS	ONTP MAJ OTP-AM MIN	H-465

LD 1251 proposed to require stores having more than 5,000 square feet of interior customer selling space and manufacturing facilities to close in observance of the holiday on Memorial Day, July 4th and Veterans' Day.

Committee Amendment "A" (H-465), which was the minority report of the Joint Standing Committee on Business and Economic Development, proposed to require stores having more than 5,000 square feet of interior customer selling space and manufacturing facilities to be closed on Memorial Day. It also proposed to add a fiscal note to the bill. The amendment was adopted in the House, but the bill was referred to a Committee of Conference, the members of which were not able to reach agreement.

LD 1262 **An Act to Properly Apply Jurisdiction of Chimney Regulation** **CARRIED OVER**

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

LD 1262 proposed to remove the Oil and Solid Fuel Board from responsibility for chimney regulation in the State. It also proposed to clarify that the Commissioner of Public Safety or the commissioner's designee is responsible for enforcing chimney regulation. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

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LD 1291 **An Act to Prohibit the Importation of Wreaths Made in Canada** **ONTP**

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

LD 1291 proposed to provide that a person could not import a wreath made in Canada into this State. Under the proposed bill, a person who violated this provision would have committed a civil violation for which a forfeiture of \$100 and \$10 per wreath for a first offense and \$500 and \$50 per wreath for a 2nd and each succeeding offense would have been adjudged.

LD 1299 **An Act to Amend the Laws Governing the Licensure of Dental Hygienists** **ONTP**

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

LD 1299 proposed to amend the laws governing the licensure of dental hygienists by:

1. Setting standards for the licensure of dental hygienists by the Board of Dental Examiners; and
2. Increasing the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

LD 1305 **An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers** **PUBLIC 324**

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

LD 1305 proposed to consolidate laws pertaining to transient sellers into the laws governing door-to-door home repair transient sellers for ease of administration. It also proposed to repeal the Maine Revised Statutes, Title 32, chapter 69-A and to incorporate provisions from that chapter into Title 32, chapter 128, subchapter II. In addition, the bill proposed to clarify that the registration requirement for door-to-door home repair sellers is in addition to the licensure requirements for a trade, occupation or profession for which a license is required.

The bill also proposed to clarify that investment securities that are registered, or exempt from registration, under the Revised Maine Securities Act, Maine Revised Statutes, Title 32, chapter 105 are excluded from the definition of merchandise because they are subject to regulation by the Maine Securities Division and the Securities and Exchange Commission.

Joint Standing Committee on Business and Economic Development

Enacted law summary

Public Law 2001, chapter 324 consolidates laws pertaining to transient sellers into the laws governing door-to-door home repair transient sellers for ease of administration. It repeals the Maine Revised Statutes, Title 32, chapter 69-A and incorporates provisions from that chapter into Title 32, chapter 128, subchapter II. In addition, the law clarifies that the registration requirement for door-to-door home repair sellers is in addition to the licensure requirements for a trade, occupation or profession for which a license is required.

PL 2001, chapter 324 also clarifies that investment securities that are registered, or exempt from registration, under the Revised Maine Securities Act, Maine Revised Statutes, Title 32, chapter 105 are excluded from the definition of merchandise because they are subject to regulation by the Maine Securities Division and the Securities and Exchange Commission.

LD 1320

An Act Relating to the Office of Substance Abuse

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY BLANCHETTE	OTP-AM	S-120

LD 1320 proposed to move the operation of the State Board of Alcohol and Drug Counselors from the Department of Professional and Financial Regulation to the Office of Substance Abuse, which is part of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Current board members would continue to serve their respective current terms on the board. This bill also proposed changes the position of Director of the Office of Substance Abuse to an associate commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (S-120) proposed to remove the licensing provisions of the bill, provide that the Director of the Office of Substance Abuse reports directly to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and deletes the requirement that the appointment of a person to that position be reviewed by the joint standing committee of the Legislature having jurisdiction over human services matters prior to taking office.

Enacted law summary

Public Law 2001, chapter 194 requires that the Director of the Office of Substance Abuse report directly to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and removes the requirement that the appointment of a director be reviewed by the joint standing committee of the Legislature having jurisdiction over human services matters prior to that director taking office.

Joint Standing Committee on Business and Economic Development

LD 1349

**An Act to Transfer Oversight of Geologists to the Bureau of
Geology and Natural Areas**

ONTP

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

LD 1349 proposed to transfer oversight of geologists and soil scientists from the Department of Professional and Financial Regulation to the Department of Conservation, Bureau of Geology and Natural Areas.

LD 1357

**Resolve, to Study the Statutes Pertaining to Funeral Homes,
Crematories and Cemeteries**

RESOLVE 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT MAYO	OTP-AM	H-248 RICHARDSON S-86

LD 1357 proposed to direct the Department of Economic and Community Development to create a working group to review the laws pertaining to funeral homes, crematories and cemeteries and their roles in meeting the needs of Maine families.

Committee Amendment "A" (S-86) proposed to strike and replace the text of the resolve. The amendment proposed to add membership to the working group, limit the number of meetings the working group may hold, require the working group to report back to the Joint Standing Committee on Business and Economic Development and require the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to appoint members to the working group and to share in the expenses of the group within the departments' budgeted resources. It also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-248) proposed to correct the name of the Maine Cemetery Association.

Enacted law summary

Resolve 2001, chapter 30 directs the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to create a working group to review the laws pertaining to crematories and cemeteries and, where related, funeral homes. This resolve provides for the membership of the working group, limits the number of meetings the working group may hold, requires the working group to report back to the Joint Standing Committee on Business and Economic Development by March 15, 2002. Additionally, this resolve requires the Department of Professional and Financial Regulation, the Department of Human Services and the Department of Environmental Protection to appoint members to the working group and to share in the expenses of the group within the departments' budgeted resources.

Joint Standing Committee on Business and Economic Development

LD 1407 **An Act Providing for the Licensure of Ophthalmic Dispensing** **ONTP**

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

LD 1407 proposed to create a licensing requirement for ophthalmic dispensers and establish the Ophthalmic Dispensing Board as the professional licensing board.

LD 1438 **An Act to Strengthen the Maine Sister City Relationship with Aomori, Japan** **ONTP**

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

LD 1438 proposed to create the Sister State Advisory Council established by the State Planning Office to strengthen the economic and cultural ties with Aomori, Japan.

LD 1463 **An Act to Revise the Maine Science and Technology Foundation's Charter and Revise the Charter of the Centers for Innovation** **PUBLIC 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER GAGNON	OTP-AM	H-188

LD 1463 proposed to eliminate reference to the Centers for Innovation from the charter of the Maine Science and Technology Foundation, to update the charter to include duties involving the Maine Technology Institute and the Maine Technology Capacity Fund and to revise the Centers for Innovation Program and establish the program in its own chapter in the Maine Revised Statutes.

Committee Amendment "A" (H-188) proposed to amend the original bill by striking reference to both the Maine Technology Institute and other centers for innovation that may be established by the Commissioner of Economic and Community Development. It also proposed to add a new section that preserves the sales tax exemption for the centers for innovation that has been available to them as subsidiary entities of the Maine Science and Technology Foundation. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 95 eliminates reference to the Centers for Innovation from the charter of the Maine Science and Technology Foundation. The law also updates the MSTF charter to include duties involving the Maine Technology Capacity Fund. It also revises the Centers for Innovation Program and establishes the program in its

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own chapter in the Maine Revised Statutes. It also preserves the sales tax exemption for the Centers for Innovation that has been available to them as subsidiary entities of the Maine Science and Technology Foundation.

LD 1472 **An Act to Create Limited Licenses for Retired Physicians** **ONTP**

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

LD 1472 proposed to permit a retired physician to obtain a limited license to practice medicine. A limited license would allow a physician to provide primary care and preventive health care services without compensation. As proposed, these services may be provided to family members or at certain facilities operated by nonprofit organizations or the government.

LD 1476 **An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields** **CARRIED OVER**

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

LD 1476 proposed to establish a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering. It also proposed to set criteria for the applicants, the continuing education courses and the entities that provide the courses. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 1498 **Resolve, to Require the Collection of Health Care Practitioner Workforce Data** **CARRIED OVER**

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

LD 1498 proposed to require that certain health care licensing boards amend their rules by January 1, 2002 to require that all licensed, registered and certified persons under the authority of those boards complete and return a survey seeking certain demographic and professional information from respondents. The resolve proposed that the data collected from the health care practitioners be used as the basis of an annual written report by each board required to amend its rules to conduct the survey. Under the resolve, the survey data would be made available to the public. The Joint Standing Committee on Business and Economic Development voted to carry over the resolve to the Second Regular Session.

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LD 1513 **An Act to Encourage the Profession of Nursing by Establishing a Nursing Education Loan Fund** **ONTP**

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

LD 1513 proposed to establish the Nursing Education Loan Program. Under the proposed program, the Finance Authority of Maine would have awarded loans to Maine residents who had been accepted into a professional nursing degree program. The loans would have been available to persons seeking initial degrees or furthering their nursing education. If a loan recipient elected to practice nursing in the State, the loan recipient would have been forgiven a portion of the loan for each calendar year worked. The bill also proposed to establish a nonlapsing fund that could be used to make the loan.

LD 1600 **An Act to Provide Relief from High Fuel Costs** **ONTP**

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

LD 1600 proposed to provide for the guarantee of loans up to \$1,000 by the Finance Authority of Maine for individuals who are residents of the State and are not eligible for the Low-income Home Energy Assistance Program to lock in the purchase price of home heating fuel at a prewinter heating season rate.

Committee Amendment "A" (H-599) proposed to add an appropriation section and fiscal note to the bill.

LD 1612 **An Act to Regulate Colonics** **ONTP**

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

LD 1612 proposed to require practitioners of colonic irrigation to be licensed pursuant to criteria established by the Commissioner of Professional and Financial Regulation. The bill proposed to require that the commissioner establish an advisory council to advise and consult with the commissioner concerning the regulation of colonic practitioners. The bill also proposed to authorize the Department of Professional and Financial Regulation to establish continuing education requirements for maintaining a license. The bill further proposed to set forth guidelines for disciplinary action and make practicing colonic irrigation without a license a Class E crime. Licensed physicians would have been exempt from the requirements of this bill.

Joint Standing Committee on Business and Economic Development

LD 1632 **Resolve, Directing the Maine Science and Technology Foundation to Determine the Technological, Economic and Public Policy Challenges and Opportunities for the Deployment of Broadband Information Technology Infrastructure to all Parts of the State** **RESOLVE 67 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-107 S-385 GOLDTHWAIT

LD 1632 proposed to direct the Maine Science and Technology Foundation, in cooperation with information technology interests and with various other agencies of the State, to determine the physical condition of the information technology infrastructure in the State, in particular in rural areas, and to report its recommendations, together with any necessary implementing legislation, to the Legislature.

Committee Amendment “A” (S-107) proposed to replace much of the original resolve and to establish a Telecommunications Working Group that is directed to determine the technological, economic and public policy challenges and opportunities for the deployment of broadband information technology infrastructure to all parts of the State, and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development in the Second Regular Session of the 120th Legislature. The amendment also proposed to establish a 21-member advisory panel and to add both an appropriations section and a fiscal note to the original resolve.

Senate Amendment “A” to Committee Amendment “A” (S-385) proposed to provide for a chair of the working group. It also proposed to remove legislators as members of the advisory panel and to provide for appointment of public members of the advisory panel by the chair of the working group. It also proposed to require notice of meetings to be given to the Legislature. The amendment also proposed to remove the appropriations section relating to legislative members. The amendment also proposed to change the report date from December 31, 2001 to December 5, 2001. Finally, the amendment proposed to ensure appropriate participation by both joint standing committees of the Legislature having potential jurisdiction over the subject matter.

Enacted law summary

Resolve 2001, chapter 67 directs the State Economist and Chief Information Officer of the State to determine technological, economic and public policy challenges and opportunities for deployment of broadband technology to all parts of the State. The resolve establishes a 4-member working group, chaired by the State’s CIO, and a 17-member advisory panel to provide information and advice to the working group members. The resolve also designates the Commissioner of Economic and Community Development as the chair of the advisory panel. The resolve requires the working group to identify specific geographic areas of the State where advanced telecommunication capability is deployed at a significantly lower rate than the rest of the State. It also requires the working group to study: the investment in telecommunications facilities with advanced capabilities in rural areas; the availability of telecommunications backbone networks and “last mile” facilities with advanced capability in potentially underserved areas; the technological, economic and public policy barriers to the wide deployment of board bandwidth to all parts of the State; the capability of various technological enhancements to existing wired and wireless networks to provide “last mile” advanced telecommunications capability in rural areas; and the feasibility of various technological alternatives to provide “last mile” advanced telecommunications capability in rural areas. Finally, the working group is charged with identifying success strategies that have been implemented in other states to deploy this technology to rural areas. The working group is required to report its findings and recommendations

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to the Joint Standing Committee on Business and Economic Development and the Joint Standing Committee on Utilities and Energy by December 5, 2001.

Resolve 2001, chapter 67 was emergency legislation that became effective June 28, 2001.

LD 1634 An Act to Amend the Laws Pertaining to the Maine Small Business Commission PUBLIC 142

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

LD 1634 proposed to require the Maine Small Business Commission to evaluate entrepreneurial programs as part of its duties and to require the commission to advise the Commissioner of Economic and Community Development in developing and implementing statewide strategies and policies as they relate to encouraging economic development by developing entrepreneurial businesses around the State. The bill also proposed to change the number of members of the commission from 3 to 7.

Enacted law summary

Public Law 2001, chapter 142 requires the Maine Small Business Commission to evaluate entrepreneurial programs as part of its duties and requires the commission to advise the Commissioner of Economic and Community Development to assist in developing and implementing statewide strategies and policies as they relate to encouraging economic development by developing entrepreneurial businesses around the State. The law also increases the number of members of the commission from 3 to 7.

LD 1639 An Act to Improve the Licensing and Regulation of Denturists PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH STANLEY	OTP-AM	S-204

LD 1639 proposed to makes several changes relating to denturists and dental practices. Specifically, the bill proposed the following:

1. To authorizes denturists to become shareholders in dental practices and to add a denturist as a member of the Board of Dental Examiners;
2. To establish the Denturist Subcommittee as an independent subcommittee of the Board of Dental Examiners with jurisdiction over examinations and approval of educational curriculums and continuing education;
3. To clarify the definition of the "practice of denturism";

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4. To prohibit a mandatory oral health certification as a precondition for a denturist to treat a patient, and clarify that the subcommittee, not the board, would adopt rules to regulate the practice of denturism;
5. To clarify that the a education requirement may be met by successful completion of a course certified by the American Denturist Association or the Denturist Association of Canada; and
6. To provide that denturist who is a licensed dental radiographer may expose, develop and interpret X rays without supervision of a dentist.

Committee Amendment "A" (S-204) proposed to strike and replace the original bill. The amendment also proposed to authorize denturists to become shareholders in dental practices providing that at no time could denturists have an equal or greater ownership interest in a dental practice than the dentists have in that practice. Finally, the amendment proposed to eliminate the requirement that denturists obtain oral health certification from a dentist prior to practicing denturism on a person.

Enacted law summary

Public Law 2001, chapter 337 makes two changes in the laws governing the practice of denturism. Specifically, the law authorizes denturists to become shareholders in dental practices providing that at no time a denturist or denturists in sum have an equal or greater ownership interest in a dental practice than the dentist or dentists have in that practice. The law also eliminates the requirement that denturists obtain oral health certification from a dentist prior to practicing denturism on a person.

LD 1655

An Act to Regulate Unused Property Markets

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 1655 proposed to prohibit unused property merchants from selling unused baby food, infant formula, nonprescription drugs and medical devices at unused property markets unless the unused property merchant possesses written authorization to do so from the manufacturer or distributor of the item being sold. The bill also proposed to require unused property merchants to collect and maintain detailed purchase receipts for a minimum of 2 years. The bill would not have applied to the sale of motor vehicles or trailers that are required to be registered or are subject to the certification of title laws of the State, wood for fuel, ice, livestock, business conducted in any industry or association trade show, property not manufactured within recent times, anyone who sells by sample catalogs or brochures for future delivery, and the sale of arts, crafts or other merchandise produced by a person who produces such arts, crafts or merchandise or a person acting on their behalf. Under the proposed bill, an unused property merchant's first violation of the Maine Revised Statutes, Title 32, chapter 112 would have been a Class E crime, the 2nd violation would have been a Class D crime and all subsequent violations would have been Class C crimes.

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LD 1669

An Act to Increase Business Opportunities at the Port of Eastport

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> SHOREY GOODWIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-58
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LD 1669 proposed to establish a marketing program within the Maine Port Authority to market the State's port terminal facilities. The bill proposed a General Fund appropriation of \$75,000 in each of fiscal years 2001-02 and 2002-03 to carry out the purposes of the Act. The bill, as amended by Committee Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session. However, funds for the program were included in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part LLLL).

Committee Amendment "A" (S-58) proposed to add a fiscal note to the bill.

LD 1672

An Act to Create the Washington County Development Authority

CARRIED OVER

<u>Sponsor(s)</u> SHOREY GOODWIN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1672 proposed to create the Washington County Development Authority for the purposes of enhancing economic development within the county, strengthening the financial condition of local governments within the county while combining resources and sharing costs for meeting regional economic development needs and challenges, and promoting and developing infrastructure and programs for employment and economic development. The bill proposed to take effect when enacted by the Legislature only for the purpose of permitting its submission to the legal voters of the cities, towns and plantations of Washington County at regular or special town and plantation meetings and city elections called and held for the purpose prior to December 31, 2001. Under the proposed bill, the municipalities of the county would have to vote to decide whether or not to become participating members of the authority. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session.

LD 1674

**An Act to Allow Boards of Professions to Grant Hardship
Deferments**

PUBLIC 285

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-325
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LD 1674 proposed to require a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant a hardship waiver for a professional who fails to meet continuing education requirements due to a death or serious illness in the person's family.

Committee Amendment "A" (H-325) proposed to allow a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant hardship deferments for continuing education requirements.

Enacted law summary

Public Law 2001, chapter 285 allows a licensing authority under the jurisdiction of the Department of Professional and Financial Regulation to grant hardship deferments for continuing education requirements.

LD 1677 **An Act to Enhance Tourism Promotion and Increase State Revenues** **INDEF PP**

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

LD 1677 proposed to establish the Tourism Marketing Promotion Fund that would be funded by a transfer of 5% of the tax revenue collected from sales tax imposed on meals and lodging. The proposed transfer would not affect the amount transferred for state-municipal revenue sharing. Under the bill, the Maine Tourism Commission must approve the annual budget of the fund, which, beginning in fiscal year 2002-03, would fund the entire budget of the Office of Tourism program. The bill also proposed to equalize the tax on all prepared food or meals at the 7% tax that is currently assessed on meals sold in establishments that are licensed for on-premises consumption of liquor pursuant to the Maine Revised Statutes, Title 28-A, chapter 43. Currently, meals sold at establishments not licensed for the on-premises consumption of liquor are taxed at 5%.

Committee Amendment "A" (H-557), which was the majority report of the Joint Standing Committee on Business and Economic Development and was not adopted, proposed to dedicate 7.75% of the 7% tax on meals and lodging to generate approximately the same amount of revenue for tourism promotion as the original bill. The amendment also proposed to strike from the bill a proposed increase from 5% to 7% on meals sold at establishments not licensed for on-premises consumption of liquor. It also proposed to strike from the original bill the role of oversight of the Tourism Marketing Promotion Fund by the Maine Tourism Commission.

Committee Amendment "B" (H-558), which was the minority report of the Joint Standing Committee on Business and Economic Development and was not adopted, proposed to strike from the original bill the role of oversight of the Tourism Marketing Promotion Fund by the Maine Tourism Commission.

The Tourism Marketing Promotion Fund was established, along with a dedicated revenue funding mechanism, in the Part 2 budget (LD 855, Public Law 2001, chapter 439, Part UUUU).

Joint Standing Committee on Business and Economic Development

LD 1680

An Act to Provide for the 2001 and 2002 Allocations of the State Ceiling on Private Activity Bonds

**P & S 14
EMERGENCY**

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1680 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary

Private and Special Law 2001, chapter 14 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2001 and 2002. Under federal law, a maximum of \$187,500,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2001 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 14 was enacted as an emergency measure effective May 8, 2001.

LD 1688

An Act to Amend the Personal Sports Mobile Franchise Law

PUBLIC 246

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-140
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LD 1688 proposed to require the Superior Court to refer to arbitration actions dealing with the establishing or relocating of personal sports mobile dealerships. The bill also proposed that treble damages be awarded to a franchise that prevails in an action brought for damages due to an unfair method of competition, an unfair or deceptive act or violation of the laws pertaining to the establishing or relocating of personal sports mobile dealerships.

Committee Amendment "A" (S-140) proposed to strike and replace the text of the original bill. The amendment also proposed to require that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for nonbinding mediation to be conducted in this State. It also proposed to suspend the application of any statute of limitations for the 60-day period in which the nonbinding mediation is to occur and to prevent a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The amendment also proposed to require that the court award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

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Enacted law summary

Public Law 2001, chapter 246 requires that, prior to filing any court action against a franchisor related to establishing or relocating a personal sports mobile dealership, a franchisee must serve the franchisor with a written demand for non-binding mediation to be conducted in this State. The law also suspends the application of any statute of limitations for the 60-day period in which the non-binding mediation is to occur and prevents a franchisor from establishing a new or relocating an existing personal sports mobile dealership in the relevant market during that same period. The law also requires the court to award attorney's fees and costs to the franchisee or dealer in any court action related to an unfair method of competition, an unfair or deceptive act or violation of the laws governing personal sports mobiles in which a franchisee or dealer prevails.

LD 1694

An Act to Amend the Finance Authority of Maine Act

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL KILKELLY	OTP-AM	H-467 S-325 GOLDTHWAIT

LD 1694 proposed to amend the Finance Authority of Maine Act in the following ways.

1. Modify the definition of a major business expansion project to include the development of new systems;
2. Delete an erroneous cross-reference to the definition of wartime veteran and to substitute the cross-referenced definition with a requirement that the Bureau of Maine Veterans' Services certify the wartime veteran status to the authority to determine eligibility for loan insurance programs targeted for veterans and wartime veterans;
3. Update the names of the authority's divisions and to combine Finance Authority of Maine's 2 business assistance divisions into one division for administrative purposes;
4. Remove references to the Maine Education Assistance Board, an advisory board to the authority repealed by this bill, and to replace the positions on the Finance Authority of Maine board held by members of the Maine Education Assistance Board with an individual knowledgeable in the field of student financial assistance and an individual generally knowledgeable in the field of higher education;
5. Remove outdated references to the Maine Capital Corporation and the Maine Natural Resources Capital Corporation, which no longer exist;
6. Repeal a reference to the Division of Natural Resources Financing and Marketing, which was repealed in 1993;
7. Update the list of the higher education assistance programs managed by the Finance Authority of Maine;
8. Amend the loan amount that may be advanced against other eligible collateral when the authority insures a loan;
9. Clarify the requirement that a community development organization must authorize the deposit of matching funds into a family development account, to remove a requirement that a financial institution must obtain a cosignature before allowing a withdrawal of fund from a family development account and to create a

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requirement that information on accounts must be provided to the community development organization that is sponsoring the account;

10. Reduce the membership of the Advisory Committee on Family Development Accounts;
11. Amend the Maine Seed Capital Tax Credit Program so that amendments made regarding the administration of the issuance of tax credits for investments in private venture capital funds are retained after the provisions sunset on June 30, 2001;
12. Repeal the provisions naming 2 individuals from the Maine Education Assistance Board to the Advisory Committee on College Savings, to replace one member formerly named from the Maine Education Assistance Board with an individual with knowledge of higher education financial assistance, to replace the other individual with an at-large member and staggers the terms of the new members; and
13. Modify the membership of the Advisory Committee on Medical Education to remove representation by organizations that no longer exist and to widen the pool of potential candidates for participation in the program to allow former participants to serve on the committee. The bill also proposed to change the status of 6 members from nonvoting to voting.

Committee Amendment "A" (H-467) proposed to clarify provisions of the Maine Seed Capital Tax Credit Program. It proposed to clarify that private venture capital funds can invest in and receive credits for investments in multiple businesses, within certain limits. The amendment also proposed to clarify that while a principal owner of a business may not receive a credit for the principal's own investment in the business, whether directly made or through a venture fund, only so much of the credit in a venture fund attributable to the investment in such principal's business would be ineligible. The amendment also proposed to strike ambiguous and contradictory language from provisions that govern the Educators for Maine Program. It also proposed to add a fiscal note to the bill.

Senate Amendment "B" to Committee Amendment "A" (S-325) proposed to remove those provisions related to the Seed Capital Tax Credit Program.

Senate Amendment "A" to Committee Amendment "A" (S-322), which was not adopted, proposed to remove those provisions related to the Seed Capital Tax Credit Program.

LD 1710

An Act to Clarify the Maine Biomedical Research Program

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-121

LD 1710 proposed that for purposes of receiving funds from the Maine Biomedical Research Program eligible institutions consist of nonprofit biomedical research institutions, academic medical centers or medical schools.

The bill further proposed to define specified grant sources to include federal agencies, nonprofit foundations, private corporations or out-of-state educational institutions that issue grants or contracts for peer-reviewed biomedical research where the grantee retains complete editorial control over the content of the research performed.

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The bill also proposed a definition for "private nonprofit biomedical research institution." The definition would be based upon the definition currently used by the Association of Independent Research Institutions.

The bill also proposed a definition for "academic medical center." This definition would be based upon that used by the Alliance of Independent Academic Medical Centers.

The bill also proposed a definition for "medical school."

The bill further proposed that the purpose of the biomedical Research Program would be to promote economic development and jobs in the State, and that the primary means for doing so that would be to make investments in institutions with a track record of attracting biomedical research funds to the State. A secondary purpose of the program would be to provide incentives for small biomedical research institutions to grow.

The bill also proposed to generalize the scope of biomedical research to include all diseases and biomedical mechanisms.

The bill also proposed to amend the application procedure to incorporate the amended definition of specified grant sources, and to clarify that the allocation of funds to eligible institutions be based on the funding that the institution has received or expended for the purpose of producing peer-reviewed biomedical research in on-site, "wetbench" laboratories in this State.

The bill also proposed to amend the section of the law pertaining to allocation of funds to incorporate the amended definition of specified grant sources.

The bill further proposed that the allocation formula must provide smaller institutions with an incentive to grow. It also proposed to repeal the minimum funding allocation provision in current law.

Finally, the bill proposed that rules adopted by the Department of Economic and Community Development to implement the Maine Biomedical Research Program would be routine technical rules.

Committee Amendment "A" (S-121) proposed to amend the original bill by establishing the Maine Biomedical Research Board. The amendment also transferred to that board from the Department of Economic and Community Development the administration of the Maine Biomedical Research Fund. The amendment also proposed to authorize the Maine Biomedical Research Board to contract with the Maine Technology Institute for such assistance as the board may require. The amendment also proposed to make technical corrections to the definition of an eligible institution. Finally, the amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 196 makes several changes to the law governing eligibility for receiving funds from the Maine Biomedical Research Program. It clarifies that eligible institutions for purposes of receiving funds from the Maine Biomedical Research Program consist of nonprofit biomedical research institutions, academic medical centers or medical schools.

The law also defines specified grant sources to include federal agencies, nonprofit foundations, private corporations or out-of-state educational institutions that issue grants or contracts for peer-reviewed biomedical research where the grantee retains complete editorial control over the content of the research performed.

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The law defines "private nonprofit biomedical research institution." The definition is based upon that used by the Association of Independent Research Institutions. The law also defines "academic medical center" based upon the definition used by the Alliance of Independent Academic Medical Centers. The law also defines "medical school" for the purposes of clarifying eligibility requirements to receive grants.

The law establishes the Maine Biomedical Research Board. It transfers to that board from the Department of Economic and Community Development the administration of the Maine Biomedical Research Fund. The law authorizes the Maine Biomedical Research Board to contract with the Maine Technology Institute for such assistance as the board may require.

PL 2001, chapter 196 declares that the purpose of the biomedical Research Program is to promote economic development and jobs in the State, and that the primary means for doing so is to make investments in institutions with a track record of attracting biomedical research funds to the State. A secondary purpose of the program is to provide incentives for small biomedical research institutions to grow.

The law generalizes the scope of biomedical research to include all diseases and biomedical mechanisms.

The law also amends the application procedure to incorporate the amended definition of specified grant sources, and clarifies that the allocation of funds to eligible institutions must be based on the funding that the institution has received or expended for the purpose of producing peer-reviewed biomedical research in on-site, "wetbench" laboratories in this State.

PL 2001, chapter 196 also amends the section of the law pertaining to allocation of funds to incorporate the amended definition of specified grant sources. It states that the allocation formula must provide smaller institutions with an incentive to grow. It also repeals the minimum funding allocation provision.

The law also provides that rules adopted by the Department of Economic and Community Development to implement the Maine Biomedical Research Program are routine technical rules.

LD 1718

An Act Relating to Licensing Board Fee Caps

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-326 H-407 RICHARDSON

LD 1718 proposed to establish fee caps for the Charitable Solicitations Act and the massage therapists licensure law and proposed to raise existing fee caps for the Nursing Home Administrators Licensing Board, the Board of Licensing of Auctioneers, the Electricians' Examining Board, the Board of Hearing Aid Dealers and Fitters, the State Board of Examiners of Psychologists, the Radiologic Technology Board of Examiners and the Board of Boilers and Pressure Vessels. Consistent with Public Law 1999, chapter 685 and Public Law 1999, chapter 687, Part C, section 6, this bill proposed to shift the fee-making authority for the licensing boards identified above from the boards to the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation.

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Committee Amendment "A" (H-326) proposed to require the Director of Licensing and Registration within the Department of Professional and Financial Regulation to provide reasonable notice to the affected board of any fee change proposed by rule. The amendment also proposed to establish a reporting requirement to the Legislature by the director regarding fees and fee caps and proposed to add a fiscal note to the bill.

House Amendment "A" (H-407) corrects a clerical error in the bill.

LD 1723

An Act to Amend the Maine Athletic Commission Laws

**PUBLIC 166
EMERGENCY**

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

LD 1723 proposed to amend the laws regarding the Maine Athletic Commission by authorizing the commission to license and regulate professional wrestlers in the interest of public safety, reduces the gate tax on gate receipts from 15% per event to 5% per event and specifies the contents of reports of events filed by commissioners with the Department of Professional and Financial Regulation. In addition, the bill proposed to prohibit so-called "toughman," "badman" and "ultimate fighting matches" and events.

Enacted law summary

Public Law 2001, chapter 166 amends the laws regarding the Maine Athletic Commission by authorizing the commission to license and regulate professional wrestlers in the interest of public safety, reduces the gate tax on gate receipts from 15% per event to 5% per event and specifies the contents of reports of events filed by commissioners with the Department of Professional and Financial Regulation. In addition, the bill prohibits so-called "toughman," "badman" and "ultimate fighting" matches and events.

Public Law 2001, chapter 166 was enacted as an emergency measure effective May 15, 2001.

LD 1731

An Act to Require Registration of Building Contractors

CARRIED OVER

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

LD 1731 proposed to require construction contractors who build or repair buildings and whose contracts with any consumer exceed \$4,500 to be registered with the State. The Joint Standing Committee on Business and Economic Development voted to carry over the bill to the Second Regular Session pending a report from a subcommittee that is working with interested parties to amend the bill to establish a homebuilding contractor licensing process.

Joint Standing Committee on Business and Economic Development

LD 1737

An Act to Amend the Forester Licensing Law

PUBLIC 261

<u>Sponsor(s)</u> RICHARDSON SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-396
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LD 1737 proposed to change the current methods to qualify for licensure as a forester or intern forester and to clarify the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the proposed changes would define the scope of practice for foresters and intern foresters. The bill also included a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75.

Committee Amendment "A" (H-396) proposed to amend the original bill by prohibiting the Board of Licensure of Foresters from adopting rules governing forest practices. It also proposed to authorize the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. The amendment further proposed to require the board to adopt rules for the granting of a variance and to designate those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The amendment also proposed to establish that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 261 changes the current methods to qualify for licensure as a forester or intern forester and clarifies the definition of certain terms, Board of Licensure of Foresters authority and standards of practice. In addition, the law defines the scope of practice for foresters and intern foresters. It also authorizes the board to grant a variance to an applicant for an intern forester license who does not hold a college degree. PL 2001, chapter 261 requires the Board of Licensure of Foresters to adopt rules for the granting of such a variance and designates those rules as major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The law also specifies that the rules adopted by the board governing the registration of foresters who supervise intern foresters are major substantive rules. The law includes a transition provision for license applicants who are in the process of applying for a license under the provisions of the Maine Revised Statutes, Title 32, chapter 75. Finally, the law prohibits the Board of Licensure of Foresters from adopting rules governing forest practices.

LD 1738

An Act to Clarify Certain Professional and Occupational Licensing Requirements

PUBLIC 260

<u>Sponsor(s)</u> CLOUGH SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-397
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LD 1738 proposed to resolve ambiguities in the manufactured housing law and the manufactured housing warranties law regarding the scope of practice under the existing "mechanic" and "installer" licenses by creating replacement license categories of "mobile home mechanic" and "modular home mechanic." The bill also proposed to prohibit a manufacturer or dealer from requiring that a dispute arising from the manufacture, sale, installation or

Joint Standing Committee on Business and Economic Development

servicing of a manufactured housing unit in Maine must always be heard in another state. Additionally, the bill proposed to eliminate a penalty limitation that conflicts with the penalty provisions found in Title 10, section 8003, subsection 5, paragraph A-1 that are generally applicable to Office of Licensing and Registration licensing boards.

The bill also proposed to do the following:

1. Amend the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position and would amend the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years;
2. Amend the law concerning dealer-licensees of hearing aids by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale;
3. Amend the nursing laws to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this State;
4. Amend the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license;
5. Clarify the intended effect of a change in the Board of Accountancy law that would clarify that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A proposed corresponding change in the Maine Professional Service Corporation Act would allow for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy; and
6. Authorize the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff.

Committee Amendment "A" (H-397) proposed to replace Part A of the bill with a clarification of the definition of "installation."

Enacted law summary

Public Law 2001, chapter 260 clarifies licensing requirements for certain professions and occupations. Part A of the law clarifies the definition of "installation" of manufactured housing. Part B of the law amends the law governing the membership of the Board of Dental Examiners to make the denturist position, which expired on January 1, 2001, a permanent position. Part B also amends the laws governing licensure by endorsement for dentists and denturists by reducing the active practice requirement from 5 years to 3 years. Part C of the law amends the law concerning hearing aid dealer-licensees by requiring that the notice provided by the dealer-licensee to the purchaser indicate that a full refund of the purchase price, less the reasonable price of the ear mold or molds and lab fees, be made to the purchaser if the purchaser returns the hearing aid within the 30-day trial period following the sale. Part D of the law amends current law governing the profession of nursing to permit recent nursing school graduates to practice under the on-site delegation and supervision of a registered professional nurse in order to assist these graduates in attaining training and to help alleviate the current nursing shortage faced in this

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State. Part D also provides the State Board of Nursing with the authority to appoint a subcommittee to hold informal conferences and enter into consent agreements in disciplinary matters. Part E of the law amends the Oil and Solid Fuel Board laws to rename the journeyman solid fuel license for the progression to master solid fuel license because there is not such a journeyman license. It also eliminates the board member position reserved for a manufacturer, importer or wholesaler of oil-burning equipment.

Part F of the law clarifies the intended effect of a change in the Board of Accountancy law. The amended language clarifies that all partners, officers, shareholders, members or managers whose principal place of business is in the State, or who perform professional services in Maine must be licensed by the Board of Accountancy. A corresponding change in the Maine Professional Service Corporation Act allows for a licensed certified public accountant to form corporations with nonlicensed individuals, provided a simple majority of shareholders in a public accounting firm are licensed by the Board of Accountancy. Part G of the law makes a necessary correction that resulted when Public Law 1999, chapter 386, Part U, section 3 reduced the required hours for licensure as an aesthetician. At that time, the minimum number of base hours for students to attend an aesthetics program either in a school setting or as a trainee was not adjusted accordingly. PL 2001, chapter 260 makes the corresponding adjustment. Finally, Part H of the law authorizes the Board of Licensure in Medicine to delegate approval of applications for licensure and renewal to the board's staff. Licensing decisions by staff may be appealed to the full board.

LD 1749 **Resolve, to Establish a Commission to Review Internet Policy** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1749, which was a committee bill pursuant to Joint Order H.P. 1155, proposed to establish an 11-member commission to study issues related to the commercial uses of information on the Internet. The proposed Commission to Review Internet Policy would have been required to report its findings and recommendations to the Legislature by November 1, 2001. The Joint Standing Committee on Business and Economic Development voted to carry over the resolve to the Second Regular Session.

LD 1778 **Resolve, to Establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine** **DIED IN CONCURRENCE**

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

LD 1778, which was a committee bill pursuant to Joint Order H.P. 682, proposed to establish the Commission to Study Ways to Eliminate Cigarette Litter in Maine. The 15-member commission would be required to submit a report with its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 1, 2001. Under the proposed resolve, the Joint Standing Committee on Business and Economic Development would be authorized to report out a bill to implement the recommendations of the commission.

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Committee Amendment "A" (H-549), which was not adopted, proposed to replace the appropriation section and to add a fiscal note to the resolve.

House Amendment "A" (H-636), which was not adopted, proposed to remove the emergency preamble and emergency clause from the resolve and to change the date for when the first meeting would be convened.

LD 1827 **Resolve, Directing the Department of Economic and Community Development to Study the Designation of Tourism Regions** **RESOLVE 59 EMERGENCY**

Sponsor(s) | Committee Report | Amendments Adopted

LD 1827, which was a committee bill pursuant to Joint Order H.P. 1301, proposed to direct the Department of Economic and Community Development to study the industry-designated tourism regions in the State to reflect the unique cultural attributes and economic needs of certain areas. The resolve proposed to require the department to consult with the tourism industry in conducting its study and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development before December 31, 2001.

Enacted law summary

Resolve 2001, chapter 59 directs the Department of Economic and Community Development to study the industry-designated tourism regions in the State to determine whether the regions reflect the unique cultural attributes and economic needs of certain areas. The department is required to consult with the tourism industry in conducting its study and to report its findings and recommendations to the Joint Standing Committee on Business and Economic Development before December 31, 2001.

Resolve 2001, chapter 59 was enacted as an emergency measure effective June 19, 2001.

SP 91 **JOINT ORDER - Relative to the Joint Standing Committee on Business and Economic Development Studying the Potential Alternatives for State Financing of the Construction of Meeting and Convention Facilities** **ONTP**

Sponsor(s) | Committee Report | Amendments Adopted
YOUNGBLOOD

Joint Order S.P. 91 proposed to require the Joint Standing Committee on Business and Economic Development to study the potential alternatives for state financing of the construction of meeting and convention facilities. In studying this issue, the committee would have been required to consider the findings of the Maine Meetings and Convention Committee established by the Department of Community and Economic Development in 1999. Under

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the joint order the committee would have been required to report out a bill to implement its recommendations to the Senate by January 15, 2002.

HP 868 **JOINT ORDER - Relative to Establishing the Joint Select Committee to Study the Necessity for Legislation Requiring Public Access to Rest Rooms by Service Stations Owned by Large, Out-of-State Companies** **ONTP**

<u>Sponsor(s)</u> RICHARD		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Joint Order H.P. 868 proposed to establish the Joint Select Committee to Study the Necessity for Legislation Requiring Public Access to Rest Rooms by Service Stations Owned by Large, Out-of-state Companies. The 3-member committee would have been required to report its findings and recommendations to the Second Regular Session of the 120th Legislature by November 1, 2001.

HP 1389 **JOINT STUDY ORDER – Joint Study Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers** **PASSED**

<u>Sponsor(s)</u> SAXL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Enacted law summary

HP 1389 established the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers. This Joint Order is essentially identical to Committee Amendment "A" to LD 455, which was a resolve with a similar title. The 13-member committee established under this joint order was directed to examine a number of issues related to handling and collection of returnable containers, including: operational costs of redemption centers to determine whether or not an increase in the reimbursement rate for handling costs is warranted; the interrelationships among beverage producers, distributors and redemption centers concerning collection of returnable containers; and the nature and extent of fraudulent redemptions. Pursuant to the Joint Order, the study committee must report its findings and recommendations to the Joint Standing Committee on Business and Economic Development by December 5, 2001.

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Joint Standing Committee on Criminal Justice

LD 5

An Act to Correct a Reference in the Maine Juvenile Code

PUBLIC 4

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 5 proposed to replace the outdated reference to the Maine District Court Criminal Rules with that of the Maine Rules of Criminal Procedure. In 1989, the Maine District Court Criminal Rules were abrogated and the substance of the Maine District Court Criminal Rule 4 was carried forward into the Maine Rules of Criminal Procedure, Rule 4.

Enacted law summary

Public Law 2001, chapter 4 replaces the outdated reference to the Maine District Court Criminal Rules with that of the Maine Rules of Criminal Procedure. In 1989, the Maine District Court Criminal Rules were abrogated and the substance of the Maine District Court Criminal Rule 4 was carried forward into the Maine Rules of Criminal Procedure, Rule 4. This law was proposed by the Criminal Law Advisory Commission.

LD 93

An Act to Implement the Recommendations that Relate to Juvenile and Criminal Law of the Joint Study Committee to Study Bomb Threats in Maine Schools

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 93, which was part of the majority report of the Joint Study Committee to Study Bomb Threats in Maine Schools, proposed to amend both the Maine Juvenile Code and the Maine Criminal Code for juveniles or adults who are 18 or 19 years of age and who are involved in making a bomb threat to a school. The bill proposed to:

1. Amend the Maine Juvenile Code to require the juvenile court to give scheduling priority to juvenile criminal cases involving making a bomb threat to a school;
2. Amend the Maine Juvenile Code to require the date of initial court appearance for a juvenile involved in making a bomb threat to a school to occur no later than 30 days after a juvenile community corrections officer receives the law enforcement officer's report on that case;
3. Require that the court suspend, revoke or deny issuance of driver's, occupational and recreational licenses to persons up to 20 years of age who are adjudicated or convicted of crimes involving making a bomb threat to a school. As proposed, licenses suspended, revoked or denied issuance under this subsection could not be issued or reissued until the person attained 20 years of age;
4. Require the Secretary of State to suspend the license or permit of any person determined to have made a bomb threat to a school pending final disposition of the case by the court;

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5. Require that the parent, guardian or legal custodian of a juvenile charged with committing a juvenile crime involving making a bomb threat to a school attend all juvenile court proceedings; and
6. Amend the restitution law to allow a court to order the parent, guardian or legal custodian of a juvenile adjudicated of a crime involving making a bomb threat to a school to make restitution of up to \$10,000 to the school departments, municipal governments, county governments or state agencies that incur costs in responding to the bomb threat.

LD 94 **An Act to Implement the Minority Recommendations Relating to** **ONTP**
Criminal and Juvenile Law of the Joint Study Committee to Study
Bomb Threats in Maine Schools

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

LD 94 was the minority report of the Joint Study Committee to Study Bomb Threats in Maine Schools. It proposed to amend both the Maine Juvenile Code and the Maine Criminal Code. The bill would have allowed the court to suspend, revoke or deny issuance of driver's licenses and permits and occupational and recreational licenses to persons up to and including 19 years of age who were adjudicated or convicted of crimes involving making a bomb threat to a school. Licenses suspended, revoked or denied issuance would have been suspended, revoked or denied for a period not to exceed 3 years.

LD 125 **An Act to Specify That Possession of Sexually Explicit Materials by** **PUBLIC 412**
Way of the Internet is Criminal

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-17

LD 125 proposed to amend the Maine Revised Statutes, Title 17, section 2924, which establishes the crime of possession of sexually explicit materials, to expressly criminalize possession of sexually explicit materials that have come into a person's possession by way of the Internet. The bill proposed to bring Title 17, section 2924 into conformity with changes previously made by Public Law 1999, chapter 444 to Title 17, section 2921, subsections 2 and 4 and Title 17, section 2923, subsections 1 and 2.

Committee Amendment "A" (H-17) proposed to make all provisions regarding sexually explicit materials consistent by including computer data files to the types of material regulated under the bill. This amendment also proposed to add a fiscal note.

Enacted law summary

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Public Law 2001, chapter 412 amends the Maine Revised Statutes, Title 17, section 2924, which establishes the crime of possession of sexually explicit materials, to expressly criminalize possession of sexually explicit materials that have come into a person's possession by way of the Internet and makes all provisions regarding sexually explicit materials consistent by including computer data files in the types of material regulated under the law. This law was proposed by the Criminal Law Advisory Commission.

LD 130 **An Act to Amend the Law Pertaining to the Maine Community Policing Institute Surcharge Fund** **PUBLIC 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MAYO	OTP-AM	S-21

LD 130 proposed to eliminate the repeal in order to allow the continuation of the Maine Community Policing Institute Surcharge Fund. Under current law, the Maine Community Policing Institute Surcharge Fund would be repealed September 30, 2001.

Enacted law summary

Public Law 2001, chapter 51 extends the repeal date for the Maine Community Policing Institute Surcharge Fund from September 30, 2001 to September 30, 2003.

LD 132 **Resolve, to Establish a Cold Case Homicide Squad within the Department of Public Safety** **ONTP**

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

LD 132 proposed to direct the Department of Public Safety to form a cold case homicide squad for the purpose of working on unsolved murders. (See committee bill LD 1743.)

LD 170 **An Act to Amend the Laws Regarding Sex Offender Registration** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J MCALEVEY	ONTP	

LD 170 proposed to provide that a person sentenced as a sex offender or a sexually violent predator on or after September 1, 1985 would be subject to the Sex Offender Registration and Notification Act of 1999.

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Current law provides that a person sentenced as a sex offender or a sexually violent predator on or after September 18, 1999 is subject to the Sex Offender Registration and Notification Act of 1999.

LD 186 **An Act to Exempt from Concealed Firearms Permit Requirements
Residents of Other States Allowed to Carry Concealed Firearms** **ONTP**

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

LD 186 proposed to allow persons who are allowed to carry concealed firearms in other states to carry concealed firearms in this State without having to get a permit to do so.

LD 233 **An Act to Criminalize the Possession of Theft Tools** **ONTP**

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

LD 233 proposed to prohibit the possession or transfer of tools used to commit theft.

LD 259 **An Act to Offer Reciprocity Concerning Concealed Firearms
Permits** **PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS DAVIS P	OTP-AM MAJ ONTP MIN	H-213 S-324 MILLS

LD 259 proposed to allow a person to carry a concealed firearm in the State if that person has a concealed firearms permit from another state or country and the permit to carry a concealed firearm from that state or country is granted reciprocity. Reciprocity could be granted to a permit to carry a concealed firearm from another state or country if:

1. The other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
2. The other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.

Committee Amendment "A" (H-213) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to strike language that would allow reciprocity agreements with other countries and clarify

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that the Chief of the State Police may enter into reciprocity agreements with other states. The amendment also proposed to add an appropriation and a fiscal note to the bill.

Committee Amendment "A" to Committee Amendment "A" (S-324) proposed to limit to 2 the number of states with which the Chief of the State Police may enter into reciprocity agreements for the recognition of permits to carry concealed weapons. This amendment also proposed to require the Chief of the State Police by January 15, 2003 to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the cost, in money and other resources, of entering into these reciprocity agreements.

Enacted law summary

Public Law 2001, chapter 459 allows a person to carry a concealed firearm in the State if that person has a concealed firearms permit from another state and the permit to carry a concealed firearm from that state is granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with no more than 2 states. Reciprocity may be granted if:

1. The other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
2. The other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.

Public Law 2001, chapter 459 also requires the Chief of the State Police to report to the Criminal Justice Committee by January 15, 2003 regarding the cost of entering into reciprocity agreements.

LD 260

An Act to Provide Funds to Purchase Thermal Imaging Cameras

**DIED ON
ADJOURNMENT**

Sponsor(s)
TRAHAN
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-34

LD 260 proposed to direct the State Fire Marshal to negotiate a bulk purchase price for thermal imaging cameras to be purchased by local fire-fighting units and law enforcement agencies. The bill proposed that the purchase may be furthered by means of a low-interest loan administered by the Commissioner of Public Safety from the Thermal Imaging Camera Fund, to which this bill would have appropriated \$500,000.

Committee Amendment "A" (H-34) replaced the bill. The amendment proposed to:

1. Remove references in the bill to law enforcement agencies. Under this amendment, only fire-fighting units would be eligible to participate in the bulk purchasing and loan program for thermal imaging cameras;

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2. Reduce the appropriation for the Thermal Imaging Camera Program to \$50,000. The program could receive funds from private sources. Under this amendment, loans would only be made to the extent funds are available; and
3. Add a fiscal note to the bill.

LD 260 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 439 enacted part of LD 260 that provides funds to establish the fund. (See Part BBBB.)

LD 267 **An Act to Repeal the Requirement That a Person Have a Permit for Concealed Firearms** **ONTP**

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

LD 267 proposed to repeal the requirement that a person obtain a permit prior to carrying a concealed firearm. It would have required a person who wanted to carry a concealed firearm to complete a handgun safety course and to carry proof of the successful completion of that course. As proposed, failure to obtain and carry such proof while carrying a concealed firearm would have been a Class D crime. A person who had a concealed firearms permit could have applied to the Commissioner of Public Safety for a waiver of the safety course requirement.

LD 272 **An Act to Seize the Cars of Habitual Offenders** **ONTP**

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

LD 272 proposed to allow the seizure of a motor vehicle operated by an habitual offender.

LD 274 **An Act Concerning the Requirements for Exits for Boardinghouses and Lodging Houses** **PUBLIC 31**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL LEMONT	OTP-AM	H-28

LD 274 proposed to allow a boardinghouse or lodging house of 3 stories or less to have a single exit from each story if it has a sprinkler system, meets the requirements of the applicable chapter of the National Fire Protection Association Life Safety Code 101 and every sleeping room has a 2nd means of escape. Current law requires that

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each story above the first story of a boardinghouse or lodging house accommodating more than 6 persons have more than one exit, either by stairways on the inside or fire escapes on the outside of the building.

Committee Amendment "A" (H-28) replaced the bill and proposed to eliminate references to boardinghouses and lodging houses in the provision of law regarding more than one means of egress. The effect of this change for lodging houses, also known as bed and breakfasts, would be to permit them to follow less stringent standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system. Boardinghouses are regulated by a different provision of law and are subject to more stringent requirements than contained in this section of law.

Enacted law summary

Public Law 2001, chapter 31 allows lodging houses, also known as bed and breakfasts, to follow minimum egress standards contained in the new National Fire Protection Association Life Safety Code 101 if they have a sprinkler system.

LD 277 **An Act to Amend the Standards Regarding the Endangerment of** **PUBLIC 111**
the Welfare of a Dependent Person

<u>Sponsor(s)</u> MCALEVEY POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-75
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LD 277 proposed to amend the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change proposed to make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

Committee Amendment "A" (S-75) proposed to specify that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly." The amendment also proposed to clarify that, for purposes of endangerment of a dependent person, a legal duty may be inferred if the defendant had assumed responsibility for the care of the dependent person.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 111 amends the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change would make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.

Public Law 2001, chapter 111 specifies that the culpable state of mind required for a person to endanger the welfare of a dependent person may be "intentionally," "knowingly" or "recklessly," and clarifies that, for purposes

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of endangerment of a dependent person, a legal duty may be inferred if the defendant has assumed responsibility for the care of the dependent person.

LD 292 **An Act to Add Prior Conviction for Burglary of a Motor Vehicle to Enhancement of Theft Penalties and to Include Burglary of a Motor Vehicle in the Presumption Provision for Theft** **PUBLIC 426**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-16

LD 292 proposed to add to the provision in the Maine Criminal Code that provides for the enhancement of theft penalties a prior conviction for burglary of a motor vehicle, in violation of the Maine Revised Statutes, Title 17-A, section 405.

Committee Amendment "A" (H-16) proposed to clarify the bill by establishing that burglary committed inside a motor vehicle may be used as a prior conviction for purposes of the enhancement of theft penalties. The amendment also proposed to create the presumption that a defendant is guilty of burglary of a motor vehicle if a defendant is in exclusive possession of property recently taken under circumstances constituting a theft or robbery and burglary of a motor vehicle. A similar presumption currently exists for burglary involving a structure.

This amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 426 establishes that burglary committed inside a motor vehicle may be used as a prior conviction for purposes of the enhancement of theft penalties and creates the presumption that a defendant is guilty of burglary of a motor vehicle if a defendant is in exclusive possession of property recently taken under circumstances constituting a theft or robbery and burglary of a motor vehicle. A similar presumption currently exists for burglary involving a structure. This law was proposed by the Criminal Law Advisory Commission.

LD 313 **An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property** **PUBLIC 171**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
LESSARD DAVIS P		OTP-AM		H-262

LD 313 proposed to allow county sheriffs to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. It also proposed to provide that a prisoner could qualify for a reduced sentence through performing public service work, whether that work is performed on the property of a charitable organization or on property of the county.

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Committee Amendment "A" (H-262) proposed to make the following substantive changes to the bill:

1. To remove those portions of the bill that repeal provisions of law providing rights of appeal for an inmate whose privilege of release from jail has been revoked; under this amendment, the rights of appeal provided in current law are maintained;
2. To change the law governing the disbursement of an inmate's employment wages; under current law, the court determines the disbursement according to certain guidelines established in law; under this amendment the sheriff would make the determination according to the same guidelines;
3. To change the law governing the prorating of an inmate's sentence for participation in public-works related projects; under current law an inmate's sentence must be reduced one day for each 16 hours worked; under this amendment, the sentence could be reduced up to one day for each 16 hours worked;
4. To modify that portion of the bill that repeals the authority of a court to withdraw an inmate's privilege to participate in a home-release monitoring program; under this amendment, the court could withdraw the privilege but must first provide an opportunity for the sheriff to comment;
5. To modify that portion of the bill that repeals the authority of a court to determine whether the inmate is responsible for the cost of participating in the home-release program, based on the inmate's ability to pay; under this amendment, the sheriff would be granted the authority to make this determination;
6. To change the law that directs the court to require the inmate under a home-release program to pay certain fees related to the costs of the program unless the inmate does not have the financial resources to pay these fees; under this amendment, the sheriff would be directed to undertake this responsibility;
7. To add a requirement that the Commissioner of Corrections submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning the management by sheriffs of inmate releases; and
8. To repeal the provisions transferring the decision-making authority with respect to releases of prisoners from the county jails from the courts to the sheriffs 90 days after the adjournment of the First Regular Session of the 121st Legislature; at this time the authority would revert back to the courts.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 171 allows county sheriffs instead of a court to make decisions concerning prisoner employment, participation in public works and participation in electronic monitoring and intensive supervision outside the jail. It requires the Commissioner of Corrections to submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning the management by sheriffs of inmate releases under these new provisions. It repeals this transfer from the court to the sheriffs of the decision-making authority with respect to releases of prisoners from the county jails 90 days after the adjournment of the First Regular Session of the 121st Legislature. On that date the authority reverts back to the courts. It also

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makes clear that a prisoner can qualify for a reduced sentence through performing public service work, whether that work is performed on the property of a charitable organization or on property of the county.

LD 349 **An Act Concerning the Transportation of Juvenile Offenders** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> PEAVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-455
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LD 349 proposed to relieve the county of the cost of transporting juveniles other than to a courthouse. The cost of other court-ordered transportation would be the responsibility of the State.

Committee Amendment "A" (H-455) replaced the bill and proposed to repeal juvenile transportation provisions in the Maine Revised Statutes, Title 34-A and create one transportation provision in the Maine Juvenile Code. The new provision proposed to direct county sheriffs to provide court-ordered and court-related transportation of juvenile detainees and require the Department of Corrections to reimburse the transporting county for those costs. The amendment also proposed to add a fiscal note and an appropriation.

LD 349 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 385 **An Act to Amend the Laws Governing Bail** **ONTP**

<u>Sponsor(s)</u> SKOGLUND PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 385 proposed to allow sheriffs to appoint county jail employees to act as bail commissioners. The bill proposed that a fee received by a sheriff serving as a bail commissioner would have to be paid to the county.

LD 407 **An Act Relating to Out-of-state Travel for Work Purposes for
Persons on Probation or on Supervised Release** **ONTP**

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 407 proposed to allow a convicted person who is placed on probation or on supervised release out-of-state travel for work purposes only.

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LD 464

An Act to Require a License to Sell Firearms

ONTP

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

LD 464 proposed to require sellers of firearms at gun shows or other so-called private sales to be licensed to sell firearms by the federal Bureau of Alcohol, Tobacco and Firearms and to perform background checks on the purchasers as required by federal law. The bill proposed to create exceptions for transfers to a federally licensed dealer; transfers to members of the seller's immediate family; transfers in accordance with a will; and transfers of antique firearms.

Committee Amendment "A" (S-97) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to replace the bill. This amendment proposed to do the following:

1. Require a person that sells or transfers firearms at a gun show to conduct or have conducted on the person's behalf a national instant criminal background check of the purchaser or transferee;
2. Require gun show operators to post notices of this requirement at the gun show;
3. Require gun show operators to designate at least one federally licensed firearms dealer at the show to conduct background checks on behalf of unlicensed sellers at cost and to maintain a record of the transfer;
4. Establish civil penalties for violations of the law; and
5. Establish a definition of a gun show.

Committee Amendment "A" was not adopted.

LD 476

An Act to Require Lifetime Probation for Dangerous Sexual Offenders

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	ONTP MAJ OTP-AM MIN	

LD 476 proposed to require lifetime probation for a person sentenced as a dangerous sexual offender.

Committee Amendment "A" (H-350) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to require lifetime probation for a person sentenced as a dangerous sexual offender who has been sentenced as a dangerous sexual offender 2 prior times. The amendment also would have required the court to order sexual offender treatment as a condition of the dangerous sexual offender's probation. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

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LD 508 **An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 508 proposed to remove the requirement that a sheriff or candidate for sheriff submit certification from the Maine Criminal Justice Academy showing that the sheriff or candidate has met the basic law enforcement training standards and basic corrections training standards and has 5 years of supervisory employment experience.

LD 579 **An Act to Allow Sheriffs to Use Modern Record-keeping Technologies in the Maintenance of Jail Records** **PUBLIC 33**

<u>Sponsor(s)</u> PEAVEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 579 proposed to remove the requirement that a sheriff keep certain information about prisoners committed to the jail under the sheriff's charge in a bound book and replace it with a requirement that this information be kept in a suitable, permanent record at the office of the sheriff.

Enacted law summary

Public Law 2001, chapter 33 removes the requirement that a sheriff keep certain information about prisoners committed to the jail under the sheriff's charge in a bound book and replaces it with a requirement that this information be kept in a suitable, permanent record at the office of the sheriff.

LD 601 **An Act to Provide for Relief from Mandatory Minimum Sentences in Certain Cases** **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 601 proposed to grant the judge authority to deviate from a mandatory minimum sentence and a mandatory minimum fine in certain circumstances. Section 1 of the bill proposed to repeal the mandatory minimum sentences for aggravated trafficking, furnishing or cultivation of scheduled drugs. Section 2 of the bill proposed to give courts the authority to deviate from statutory mandatory minimum sentences if the gravity of the offense is not diminished or if the public's safety is not adversely affected and if imposing the mandatory sentence would be a substantial injustice and would frustrate the general purposes of sentencing. In making the decision the court shall

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consider a number of factors (i.e., offense, victim's wishes, prospects for rehabilitation, age, physical and mental condition) in deviating from imposing a minimum sentence. LD 611 was carried over to the Second Regular Session of the 120th Legislature.

LD 602 **An Act to Allow for the Taking of Palm Prints, Footprints and Photographs of a Person Charged with the Commission of a Juvenile Crime** **DIED BETWEEN BODIES**

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

LD 602 proposed to allow the taking of palm prints, footprints and photographs whenever a law enforcement agency is exercising its statutory duty to take the fingerprints of a juvenile charged with the commission of a juvenile crime.

LD 611 **An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998** **CARRIED OVER**

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

LD 611 was a concept draft pursuant to Joint Rule 208.

This bill proposed to create a pilot program allowing one medical marijuana distribution center in the State. The center would be incorporated as a nonprofit entity managed and overseen by a diverse community group. In particular, this bill proposed the following.

1. A single nonprofit center, referred to herein as the "center," would be incorporated for the purpose of cultivating and distributing medical marijuana to individuals qualified under the Maine Medical Marijuana Act of 1998. The center would also be authorized to distribute or lend, or both, cultivation equipment, supplies and seeds to qualified individuals for cultivation for personal use.
2. The center would be overseen and managed by a community board made up of a wide range of individuals drawn from the community area of the center's site. Members of the community board might include members drawn from the following groups: law enforcement, current and former patients, patient advocates, hospice facilities, education professionals, legal community, business, pharmacists, clergy, medicine and other groups involved in the community.
3. The framework for the operation of the community board would be included in the enabling legislation. Among other things, the framework would provide for term length of board members, qualifying members as described above, civil and criminal immunity protection for board members and employees acting within the scope of the

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center's mission and the authorization to use Maine's nonprofit business statute as a basis for organizational structure.

4. The center would be able to charge patients for the product to help cover the cost of the center. The center would also be prohibited from securing medical marijuana from outside the State.
5. A mandatory registry system for patients using the center would be created to ensure that only qualified individuals access the center's services. The system would be maintained by the center with oversight and input from the sheriff of the county within which the center is located. Other law enforcement personnel could confirm the participation of individuals in the center's services, if necessary, through that particular sheriff's office or the center. Among other things, the registry system would consist of a photo identification card, and the center would be authorized by the patient to check with the individual's physician that the individual falls within the provisions of the Maine Medical Marijuana Act of 1998. The center would also check with the appropriate state medical board or with the statewide medical association to determine that the physician is duly licensed to practice in the State.
6. The center would be required to keep records of patients' usage from the center in order to monitor compliance with statutory limits.
7. The center would be required to report to the Legislature within 18 months of commencement of operation concerning the center's operations, an evaluation in meeting patients' needs and the unmet needs of patients. The report may also contain suggestions for additional legislation to meet needs of patients. The Legislature could then take additional action, including the authorization of additional sites with the State.
8. A person qualified under the Maine Medical Marijuana Act of 1998 who possessed appropriate documentation under the current law of that person's qualification at the time of a stop or encounter with law enforcement would not be subject to seizure of a lawful amount of marijuana or the equipment necessary to maintain, grow or consume medical marijuana.

Following the United States Supreme Court decision in United States v. Oakland Cannabis Buyers' Cooperative, in which the court held that there is no defense to federal criminal drug charges based on medical necessity of the recipient and that the federal government can obtain a civil injunction against a coop to prohibit growing and distribution, LD 611 was carried over to the Second Regular Session of the 120th Legislature.

LD 626

An Act to Amend the Laws Governing Sex Offender Registration

ONTP

Sponsor(s)
TRAHAN

Committee Report
ONTP

Amendments Adopted

LD 626 proposed to amend the Sex Offender Registration and Notification Act of 1999 to include in the sex offender registry the following information: the sex offender's social security number; the sex and age of the victim; the terms, conditions and duration of any probation or parole in the offense history of the offender; the sex offender's driver's license number; and a description of any motor vehicle owned and operated by the offender, including vehicle identification number and license plate number

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LD 642

An Act Concerning the Administration of Medications in County Jails

PUBLIC 153

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAVIS P	OTP-AM	H-161

LD 642 proposed to allow the administration of medications that have been prescribed by a nurse practitioner and approved by the jail's health care provider. In the case of a prisoner who has been incarcerated for less than 24 hours, permission to administer medication could be given by a physician, nurse practitioner or dentist or the facility health care provider.

Committee Amendment "A" (H-161) proposed to allow the administration of medications that have been prescribed by a physician assistant and approved by the jail's health care provider.

Enacted law summary

Public Law 2001, chapter 153 allows the administration of medications that have been prescribed by a nurse practitioner or a physician assistant and approved by the jail's health care provider. In the case of a prisoner who has been incarcerated for less than 24 hours, permission to administer medication may be given by a physician, nurse practitioner or dentist or the facility health care provider. Current law allows the sheriff of a county to administer to a prisoner in that county's jail medication that has been prescribed by a physician or dentist.

LD 649

An Act Concerning the Obligation of County Taxpayers to Pay for Medical Care for County Jail Inmates

ONTP

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

LD 649 proposed to limit the obligation of a county to provide county jail inmates with medical and dental services at taxpayer expense to illnesses and injuries that arise during incarceration.

LD 677

An Act to Change the Deadline for the Reporting of a Pilot Project Regarding Ambulance Drivers

**PUBLIC 45
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-53

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LD 677 was an emergency bill that proposed to extend the reporting date for the Department of Public Safety, Maine Emergency Medical Services ambulance operator training pilot project by one year.

Committee Amendment "A" (H-53) proposed to extend the date by which a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been provided as an equivalent. The current date is January 1, 2003 and this amendment proposed to extend the date one year to 2004.

Enacted law summary

Public Law 2001, chapter 45 extends the reporting date for the Department of Public Safety, Maine Emergency Medical Services ambulance operator training pilot project by one year.

It also extends the date by which a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been provided as an equivalent. The current date is January 1, 2003 and this law extends the date one year to 2004.

Public Law 2001, chapter 45 was enacted as an emergency measure effective April 11, 2001.

LD 680

An Act to Bring the Crime of Refusing to Submit to Arrest or Detention into Conformity with the Maine Criminal Code

PUBLIC 128

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 680 proposed to remove the defense to a prosecution for refusing to submit to an arrest or detention that the person knew that the law enforcement officer knew that the arrest or detention was illegal. The defense is contradictory to the general law on physical force in defense of a person as provided in the Maine Revised Statutes, Title 17-A, section 108, subsection 1-A. (See State v. Day, 724 A.2d 1245, 1247.)

Enacted law summary

Public Law 2001, chapter 128 removes the defense to a prosecution for refusing to submit to an arrest or detention that the person knew that the law enforcement officer knew that the arrest or detention was illegal. The defense is contradictory to the general law on physical force in defense of a person as provided in the Maine Revised Statutes, Title 17-A, section 108, subsection 1-A. (See State v. Day, 724 A. 2d 1245, 1247.) This law was proposed by the Criminal Law Advisory Commission.

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LD 681 **An Act to Amend the Law Concerning Possession of Firearms by Persons Convicted in Other States** **CARRIED OVER**

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

LD 681 proposed to specify that the prohibition against carrying a firearm applies to a person convicted of a crime in another state that is punishable in this State as murder or a Class A, B, or C crime.

Current law prohibits persons convicted of a crime punishable by a term of imprisonment for one year or more from carrying a firearm (consistent with prior history provisions used for private investigators' and occupational licenses). Under federal law, a crime punishable by more than a year in prison is considered a felony. In this State, crimes are not classified as a felony or misdemeanor; instead, crimes are classified by the severity of the punishment that may be imposed. For example, conviction of a Class D or Class E crime is punishable by a definite term of imprisonment less than one year. In some other states, however, a crime is considered a misdemeanor but carries a possible punishment of more than a year in prison. Under the current law, a person convicted of a crime in another state that is punishable by a year or more is prohibited from carrying a firearm in this State, even if the same crime in this State is a Class D or E crime.

LD 681 was carried over to the Second Regular Session of the 120th Legislature.

LD 700 **An Act to Amend the Physical Force Justification Laws** **ONTP**

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

LD 700 proposed to specifically exclude the use of a stick, a belt or any other hard or solid object from the permissible and justifiable use of reasonable degree of force by a parent or other responsible person when disciplining a dependent person if the use of the stick, belt or other hard or solid object causes a bruise on the dependent person.

LD 749 **An Act to Prohibit Cyberstalking** **PUBLIC 411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE MCALEVEY	OTP-AM	H-160

LD 749 proposed to amend the crime of stalking by specifying that, for purposes of stalking, "course of conduct" means, with intent to harass, annoy or alarm another, communicating or causing a communication to be initiated by

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mechanical or electronic means or otherwise with that person, anonymously or otherwise, by telephone, telegraph, mail or any other form of written communication.

Committee Amendment "A" (H-160) replaced the bill and proposed to clarify that for purposes of stalking "conveying oral or written threats" includes communicating or causing a communication to be initiated by mail or mechanical or electronic means. Mechanical or electronic means include telephones, cellular telephones, telegraphs, computers, video recorders, fax machines, pagers or similar devices. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 411 clarifies that for purposes of stalking "conveying oral or written threats" includes communicating or causing a communication to be initiated by mail or mechanical or electronic means. Mechanical or electronic means include telephones, cellular telephones, telegraphs, computers, video recorders, fax machines, pagers or similar devices.

LD 752 **An Act to Amend the Standards for Release for Crime Bailable as of Right Preconviction** **ONTP**

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

LD 752 proposed to amend the standards for release for a crime bailable as of right preconviction by indicating that a random search condition may not be imposed except by the court upon the State's proof by a preponderance of the evidence that the condition is necessary to ensure the presence of the defendant in court.

LD 768 **An Act to Require a Life Sentence for Murder Unless There Are Mitigating Circumstances** **DIED BETWEEN BODIES**

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

LD 768 proposed to specify that a person sentenced for the crime of murder must be sentenced to imprisonment for life. Only if mitigating circumstances exist could the court adjust the sentence downward, and if mitigating circumstances exist, the court would have had to specify those circumstances. If a sentence for murder were adjusted downward, it could not be adjusted below 25 years, which is the current minimum term of imprisonment for murder.

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Committee Amendment "A" (S-95) replaced the bill and was the minority report. The amendment proposed to change the mandatory minimum sentence for murder from 25 years to 35 years. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 774 **An Act to Require the Destruction of Certain Confiscated and Forfeited Handguns** **PUBLIC 348**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND BAKER	ONTP MAJ OTP-AM MIN	H-486 WHEELER E S-149 O'GARA S-96

LD 774 proposed to require the destruction of all handguns confiscated by or forfeited to the State. The bill proposed that handguns be defined using the definition under federal law.

Committee Amendment "A" (S-96) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill.

House Amendment "A" to Senate Amendment "A" (H-486) proposed to require the destruction of a handgun used in the commission of a homicide unless the handgun was stolen and the rightful owner could be ascertained, in which case the handgun would have to be returned to the rightful owner.

Senate Amendment "A" (S-149) proposed to narrow the scope of the bill by limiting its application to handguns that were confiscated or forfeited because they were used in the commission of a homicide. It also proposed to correct a clerical error.

Enacted law summary

Public Law 2001, chapter 348 requires the destruction of a handgun used in the commission of a homicide unless the handgun was stolen and the rightful owner can be ascertained, in which case the handgun must be returned to the rightful owner.

LD 790 **An Act to Make Assault with a Dangerous Dog a Crime and to Allow a Court to Impose Restitution to the Victim** **ONTP**

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

LD 790 proposed to create the criminal offense of assault with a dangerous dog and proposed to require the court to impose restitution during the sentencing of a person convicted of the offense if the victim suffered any financial damage.

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(See Public Law 2001, chapter 220, which was LD 661, An Act to Make An Owner Responsible for Injuries Caused by a Dog.)

LD 797

An Act to Amend the Laws Pertaining to Domestic Violence

PUBLIC 420

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-172
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LD 797 proposed to amend current law to make it a Class C crime, punishable by up to 5 years' imprisonment, if a person:

1. Assaults a family or household member and the person has 2 or more prior convictions for assault on a family or household member;
2. Violates a protective order through reckless conduct that creates a substantial risk of death or serious bodily injury to another person or assaults the plaintiff named in the protective order; or
3. Violates a protective order and has 2 or more prior convictions of violating a protective order.

Committee Amendment "A" (S-172) replaced the bill and proposed to remove language regarding increased classifications for prior convictions. The amendment also proposed to clarify that a person commits a Class C crime by violating a protective order through conduct that is reckless and that creates a substantial risk of death or bodily injury to the plaintiff named in the protective order, instead of to any person. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 420 specifies that a person commits a Class C crime by violating a protective order through conduct that is reckless and that creates a substantial risk of death or bodily injury to the plaintiff named in a protective order or by assaulting the plaintiff named in the protective order.

LD 806

An Act to Amend the Concealed Firearms Laws

ONTP

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 806 proposed to allow a resident of a municipality to apply for a concealed firearms permit to either the municipal officers, if the municipal officers issue concealed firearms permits, or the Chief of the State Police, at the preference of the resident. Current law allows a resident of a municipality to apply for a concealed firearms permit to the Chief of the State Police only if the chief has been designated by the municipality as the issuing authority.

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LD 817

An Act to Protect Maine Children

ONTP

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

LD 817 proposed to revise the most recent sex offender registration and notification act to apply to all sex offenders and sexually violent predators, regardless of when they were convicted and sentenced. It would have required sex offenders to register for the rest of their lives, as sexually violent predators are currently required to do.

This bill proposed to repeal the 2 earlier laws covering sex offender registration and notification that applied before 1999, but would have retained the notification procedures and applied them to sex offenders and sexually violent predators.

This bill had a nonseverability clause that would have provided that the whole Act was invalid if a court ruled that any provision of the Act was unconstitutional. This would have been necessary to ensure that current law requiring registration and notification was retained for sex offenders convicted and sentenced before September 18, 1999, if a court ruled that the Sex Offender Registration and Notification Act of 1999 could not be modified to apply retroactively to earlier convictions.

LD 823

An Act to Discourage Environmental Terrorism

DIED IN
CONCURRENCE

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

LD 823 proposed to establish the Class C crime of environmental terrorizing. A person would have been guilty of environmental terrorizing if that person commits a crime of violence dangerous to human life or destructive to property or business practices, for the primary purpose of protesting the practices of a person or business with respect to an environmental or natural resource issue, and the result was to cause injury in fact to persons or damage to property or business or to purposefully cause a significant interruption in business or loss of products that results in loss of revenues or in compensable damages.

Committee Amendment "A" (H-273) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. This amendment was not adopted.

House Amendment "A" (H-312) proposed to provide that the provisions of the bill do not apply to a person who was protesting the practices of a business during a labor dispute, strike or lockout at that business. This amendment was not adopted.

House Amendment "B" (H-401) proposed to clarify that the crime of environmental terrorizing only applies to the destruction of property or business practices if the act was a violent crime. This amendment was not adopted.

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House Amendment "C" (H-424) proposed to require that the damage to property or business practices as a result of the protest must create a threat to public health or safety in order to be considered environmental terrorizing. This amendment was not adopted.

Senate Amendment "A" (S-293) proposed to provide that the provisions of the bill do not apply to a person who was protesting the practices of a business during a labor dispute, strike or lockout at that business. This amendment proposed to require that the damage to property or business practices as a result of a crime that was destructive to property or business practices must create a threat to public health or safety in order to be considered ecoterrorism. This amendment also would have included knowingly exposing an animal to a contagious or infectious disease as a crime of ecoterrorism. This amendment was not adopted.

LD 827 **An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse or Unlawful Sexual Contact** **ONTP**

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

LD 827 proposed to require a court to impose a mandatory jail sentence and order counseling for a person convicted of sexual abuse of a minor if that person has one or more prior convictions for sexual abuse of a minor. The bill also would have required a court to impose a mandatory jail sentence and order counseling for a person convicted of unlawful sexual contact with a person who suffers from a mental disability if the person convicted has one or more prior convictions of that crime. The bill also would have raised the sentencing class by one class if the State plead and proved that the person has been convicted twice or more for the same crime.

LD 833 **An Act to Amend the Sex Offender Registration and Notification Act of 1999 and Sentencing Provisions for Sex Offenders** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM	H-531

LD 833 proposed to revise the most recent sex offender registration and notification laws to apply to all sex offenders and sexually violent predators who were sentenced on or after June 30, 1992. It proposed to repeal the two earlier laws covering sex offender registration and notification that applied before 1999. LD 833 contained a nonseverability clause that would have provided that this whole Act has no force and effect if a court rules that the amendment to the Maine Revised Statutes, Title 34-A, section 11202 is unconstitutional. This would be necessary to ensure that current law requiring registration and notification is retained for sex offenders convicted and sentenced before September 18, 1999, if a court rules that the Sex Offender Registration and Notification Act of 1999 cannot be modified to apply retroactively to earlier convictions.

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Committee Amendment "A" (H-531) proposed to do the following.

1. It amends the title.
2. It deletes language made unnecessary due to the repeal of the Maine Revised Statutes, Title 34-A, chapters 11 and 13 and the new application of Title 34-A, chapter 15.
3. It amends the sentencing provisions of the Maine Criminal Code by specifying that for purposes of enhancement of the classification of a crime due to prior convictions, the prior convictions for sex offenses could have occurred at any time, instead of within a 10-year window.
4. It specifies that the purpose of the Maine Revised Statutes, Title 34-A, chapter 15 is not punishment but to protect the public from potentially dangerous sex offenders and sexually violent predators by enhancing access to information concerning sex offenders and sexually violent predators.
5. It adds the new crime of solicitation of a child by computer to commit a prohibited act to the definition of "sex offense" for purposes of registration and notification.
6. It clarifies the definition of "sexually violent predator."
7. It specifies that sex offenders or sexually violent predators convicted from June 30, 1992 to September 17, 1999 shall register with the Department of Public Safety, State Bureau of Identification by September 1, 2002, unless sooner notified of a duty to register by the bureau, the Department of Corrections or a law enforcement officer, in which case the sex offender or sexually violent predator shall register with the bureau within 10 days.
8. It specifies that a sex offender or sexually violent predator convicted from June 30, 1992 to September 17, 1999 shall register for 10 years from the date of conviction if the sex offender or sexually violent predator was not sentenced to a period of institutional confinement, or for 10 years from the date of discharge or conditional release if the sex offender or sexually violent predator was sentenced to a period of institutional confinement.
9. It specifies that sex offenders and sexually violent predators convicted from June 30, 1992 to September 17, 1999 may not raise a defense under "just cause" that they were not aware of the registration requirement.
10. It amends the nonseverability clause to conform to drafting standards.
11. It adds an appropriation and allocation section and a fiscal note to the bill.

LD 833 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 349 incorporated and enacted the text of LD 833 as amended. (See Part 000.)

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LD 852 An Act to Regulate Obscenity ONTP

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

LD 852 proposed to create the crimes of promotion of obscenity and wholesale promotion of obscenity.

LD 861 An Act to Criminalize Failure to Complete Contracted and Paid for Work by a Building Contractor ONTP

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

LD 861 proposed to create the Class D crime of contract theft. The bill proposed that a person commits contract theft when that person enters into a written construction contract and receives the money but then fails to do the work within the time specified by the contract plus 60 days, or if there is no time specified, within 90 days.

LD 868 An Act to Amend the Laws Governing Reimbursement of Training Costs for Law Enforcement Officers ONTP

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

LD 868 proposed to change the formula regarding reimbursement of law enforcement officer training costs that a governmental entity must pay to another governmental entity when a law enforcement officer who is a recent graduate of the Maine Criminal Justice Academy changes employers. Current law bases this formula on a percentage of the training costs depending upon when the law enforcement officer graduated. The bill proposed to base this formula on specified dollar amounts depending upon when the law enforcement officer graduated.

The bill proposed to provide that a governmental entity that hires a law enforcement officer who recently graduated from the Maine Criminal Justice Academy while on the payroll of another governmental entity does not have to reimburse that other governmental entity for training costs if that law enforcement officer has not worked as a law enforcement officer for a period of at least one year.

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LD 870 **Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> TRAHAN KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-263
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LD 870 proposed to establish the Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child.

Committee Amendment "A" (H-263) replaced the resolve and proposed to establish the Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child, the duties of which include: conducting a comprehensive review of Maine's laws and other states' laws pertaining to penalties imposed for crimes against children; reviewing sentencing practices and patterns for crimes against children in this State, paying particular attention to sex offenses and murder and manslaughter cases; and evaluating the effectiveness and proportionality of those penalties and sentences and the need, if any, for the State to modify its current sentencing guidelines for crimes committed against children. The amendment proposed that the commission shall deliver its report and any proposed legislation to the Second Regular Session of the 120th Legislature. It also proposed to add an appropriation section and a fiscal note to the resolve.

LD 870 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 885 **An Act to Prohibit Issuance of a Concealed Firearms Permit to the Subject of a Permanent Protection from Abuse Order** **ONTP**

<u>Sponsor(s)</u> DOUGLASS	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 885 proposed to prohibit the issuance of concealed firearms permits to those who have been the subject of permanent protection from abuse order within 2 years of the date of the application.

LD 903 **An Act Concerning the Cost of Training County Corrections Officers** **ONTP**

<u>Sponsor(s)</u> PEAVEY DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Criminal Justice

LD 903 proposed to expand upon the present law by allowing a county sheriff to recoup from another agency the cost of training a corrections officer when the other agency hires the officer within 5 years of the officer's graduation from the academy. Current law allows law enforcement agencies to recoup from another law enforcement agency the cost of training a law enforcement officer at the Maine Criminal Justice Academy, when that other agency hires the officer within 5 years of the officer's graduation from the academy.

LD 908 **Resolve, to Establish Clear Guidelines for Protecting the Safety of Victims of Domestic Violence** **ONTP**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 908 proposed to direct the Commissioner of Public Safety to develop a protocol for dealing with domestic violence cases. As proposed, once the protocol is complete, the commissioner would have been directed to distribute copies of the protocol to municipal police departments and county sheriff departments. The Maine Criminal Justice Academy would have been required to incorporate the protocol into its training program.

LD 929 **An Act to Amend the Supervised Community Confinement Law** **PUBLIC 141**

<u>Sponsor(s)</u> PEAVEY DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-163
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LD 929 proposed to amend the supervised community confinement law by requiring that a prisoner who has a term of imprisonment of more than 5 years may be transferred to supervised community confinement after serving 2/3 of that time, and a prisoner who has a term of imprisonment of 5 years or less may be transferred after serving 1/2 of the term of imprisonment. Currently, a prisoner may not be transferred to supervised community confinement unless the prisoner has less than 12 months left on the term of imprisonment. This bill proposed to change that time to 18 months. The bill also proposed to allow a terminally ill prisoner to serve out the rest of the prisoner's term of confinement in a hospital or hospice.

Committee Amendment "A" (H-163) proposed to maintain a provision of the supervised community confinement law that prohibits any prisoner from being eligible for supervised community confinement unless the prisoner has no more than one year remaining on the term of imprisonment. The amendment also proposed to clarify the language of the bill concerning release of terminally ill inmates for end-of-life care. The amendment proposed to provide that the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility, approved by the Commissioner of Corrections. The amendment also proposed to allow a prisoner to receive hospice services.

Enacted law summary

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Public Law 2001, chapter 141 amends the supervised community confinement law by requiring that a prisoner who has a term of imprisonment of more than 5 years may be transferred to supervised community confinement after serving 2/3 of that time, and a prisoner who has a term of imprisonment of 5 years or less may be transferred after serving 1/2 of the term of imprisonment. Public Law 2001, chapter 141 also allows a terminally ill prisoner to serve out the rest of the prisoner's term of confinement in a hospital or other appropriate care facility and to receive hospice services.

LD 935 **An Act to Enhance Sentences for Individuals Convicted of Sexually Abusing Children** **ONTP**

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

LD 935 proposed to specify that the court shall sentence persons convicted of gross sexual assault to the following minimum periods of imprisonment: if the victim was less than 7 years of age at the time of the offense, a minimum of 20 years; if the victim was more than 7 years of age but less than 14 years of age at the time of the offense, a minimum of 15 years; or if the victim was more than 14 years of age but less than 18 years of age at the time of the offense, a minimum of 10 years. The bill also would have specified that an offense of gross sexual assault in which the victim was less than 18 years of age at the time of the offense could not be charged as a lesser crime, but must be charged as a violation of the Maine Revised Statutes, Title 17-A, section 253. The court could not suspend any part of the term of imprisonment sentenced for a person convicted of gross sexual assault against a person who was under 18 years of age at the time of the offense.

LD 936 **Resolve, Directing a Study of the Creation of a Fire and Emergency Services Academy** **RESOLVE 22
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY MCNEIL	OTP-AM	H-295 POVICH S-74

LD 936, an emergency resolve, proposed to direct the Department of Public Safety to develop a plan to create and implement the State Fire and Emergency Medical Services Academy as part of the Maine Criminal Justice Academy.

Committee Amendment "A" (S-74) proposed to replace the resolve. This amendment proposed to:

1. Direct the Maine Fire Protection Services Commission to study the need and feasibility of creating a central fire fighting training facility in the State and to report its recommendations to the Joint Standing Committee on Criminal Justice by January 1, 2002;

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2. Authorize the Joint Standing Committee on Criminal Justice to report out legislation to the Second Regular Session of the 120th Legislature in response to the report;
3. Provide that unexpended funds appropriated to the Maine Fire Protection Services Commission in fiscal year 2000-01 are carried forward to fiscal year 2001-02; and
4. Add an emergency preamble and clause to the resolve.

House Amendment "A" to Committee Amendment "A" (H-295) proposed to require that the Maine Fire Protection Services Commission shall submit a report to the Joint Standing Committee on Criminal Justice before January 1, 2002.

Enacted law summary

Resolve 2001, chapter 22 does the following.

1. It directs the Maine Fire Protection Services Commission to study the need and feasibility of creating a central fire fighting training facility in the State and to report its recommendations to the Joint Standing Committee on Criminal Justice by January 1, 2002;
2. It authorizes the Joint Standing Committee on Criminal Justice to report out legislation to the Second Regular Session of the 120th Legislature in response to the report; and
3. It provides that unexpended funds appropriated to the Maine Fire Protection Services Commission in fiscal year 2000-01 are carried forward to fiscal year 2001-02.

Resolve 2001, chapter 22 was passed as an emergency measure effective May 16, 2001.

LD 941

An Act to Create a Uniform Standard for Disposal of Property Seized by Law Enforcement Agencies

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER O'GARA	ONTP	

LD 941, a concept draft pursuant to Joint Rule 208, proposed to consolidate current Maine laws regarding the disposal of contraband materials seized by the police to ensure uniformity of treatment and proposed to enact standards for the disposal of contraband material that is not currently covered by Maine law, such as illegal drugs.

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LD 956

An Act to End Internet Crime

ONTP

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

LD 956 proposed to create a civil remedy for a person who suffers any loss of money or property, real or personal, as a result of another person intentionally allowing or introducing a computer virus into any computer resource in violation of the Maine Revised Statutes, Title 17-A, section 433, subsection 1, paragraph C. The bill proposed to allow a person who suffers damage because of the virus to bring an action either in the Superior Court or District Court for actual treble damages, restitution and for such other equitable relief. As proposed, a successful plaintiff in an action also would have been entitled to reasonable attorney's fees and costs incurred in connection with that action.

LD 993

An Act to Expand the Number of Persons Who May Be Appointed Sheriff or Become a Candidate for Sheriff

ONTP

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

LD 993 proposed to allow a person elected or appointed to the position of sheriff to meet the Maine Criminal Justice Academy training standards for that office within one year of election or appointment. As proposed, all other qualifications for the position of sheriff would remain unchanged. The bill also proposed to ensure that sheriffs have the same time allowances to achieve academy certification as other law enforcement officers and municipal police chiefs.

LD 1017

An Act to Allow Compassionate Leave to State Prisoners

ONTP

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

LD 1017 proposed to allow a prisoner compassionate leave to visit a dying relative, attend the funeral of a relative, obtain medical services not otherwise available or contact a prospective employer. The bill also proposed that if a prisoner did not return from the leave the prisoner would be guilty of escape.

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LD 1019 **An Act to Impose Community Service on a Person Convicted of Assaulting a Sports Official** **ONTP**

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

LD 1019 proposed to require a person who assaults a sports official to perform 100 hours of community service in addition to any other penalty imposed by the court.

LD 1030 **An Act to Strengthen the Sex Offender Laws** **ONTP**

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

LD 1030 proposed to classify all Maine Revised Statutes, Title 17-A, chapter 11 crimes as Class A, B or C crimes if the victim was less than 14 years of age at the time of the offense. The bill would have specified that these crimes must be charged and sentenced only as Class A, B or C crimes and that no part of any term of imprisonment that was ordered could be suspended. The bill would have added the crimes of solicitation of a child by computer to commit a prohibited act and sexual exploitation of a minor to the list of those crimes for which an offender must submit to a blood test for DNA testing, and the bill would have prohibited sex offenders from residing within one mile of a school or day-care center.

LD 1048 **An Act to Establish the Maine Firefighter Training Fund** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY GAGNON	OTP-AM	H-159 S-207 MCALEVEY

LD 1048 proposed to establish the Maine Firefighter Training Fund, which annually would provide \$100 per qualified firefighter for training. The bill proposed that the Maine Firefighter Training Fund be administered by the Office of the State Fire Marshal under rules adopted by the Maine Fire Protection Services Commission.

Committee Amendment "A" (H-159) proposed to allow, but not require, fire chiefs to submit rosters of names of qualified firefighters in order to receive funding under this bill. This amendment also proposed to add an allocation section to the bill to allow spending from the Maine Firefighter Training Fund established by this bill. This amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-207) proposed to add to Committee Amendment "A" an appropriation of \$1,220,000 in each fiscal year of the biennium to fund firefighter training and the necessary appropriation and allocation sections.

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LD 1048 as amended by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1050 **An Act to Allow Victims of Crimes More Access to Inmate Records** **PUBLIC 208**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-73
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LD 1050 proposed to require the Department of Corrections to provide information about an inmate's incarceration, such as information concerning offenses committed while incarcerated and release information, to a victim upon the victim's request.

Committee Amendment "A" (S-73) replaced the bill. Under this amendment a victim of a crime could obtain, upon request, the following information about the inmate who committed the crime: whether the inmate had been charged with committing any crime while incarcerated and, if so, the crime with which the inmate has been charged; and whether the inmate had been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken.

Enacted law summary

Public Law 2001, chapter 208 allows a victim of a crime to obtain, upon request, the following information about the inmate who committed the crime: whether the inmate has been charged with committing any crime while incarcerated and, if so, the crime with which the inmate has been charged; and whether the inmate has been disciplined while incarcerated and, if so, the offense for which the disciplinary action was taken and the type of disciplinary action taken.

LD 1060 **An Act to Relieve Counties from the Expense and Responsibility of Transporting Certain Prisoners Between Correctional Facilities and Courts** **PUBLIC 228**

<u>Sponsor(s)</u> SKOGLUND SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-352
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LD 1060 proposed to relieve the counties of the responsibility of transporting prisoners between a correctional facility and a court when the transportation is in connection with the prosecution of the prisoner for a crime committed within a correctional facility. The bill would have required the Department of Corrections to transport such prisoners.

Joint Standing Committee on Criminal Justice

Committee Amendment "A" (H-352) proposed to authorize the Department of Corrections to reimburse counties whose sheriffs undertake the responsibility of transporting prisoners between correctional facilities and courts in connection with the prosecution of a crime committed within the correctional facility.

Enacted law summary

Public Law 2001, chapter 228 relieves the counties of the responsibility of transporting prisoners between a correctional facility and a court when the transportation is in connection with the prosecution of the prisoner for a crime committed within a correctional facility. Public Law 2001, chapter 228 requires the Department of Corrections to transport such prisoners or authorizes the Department of Corrections to reimburse counties whose sheriffs undertake the responsibility of transporting prisoners between correctional facilities and courts in connection with the prosecution of a crime committed within the correctional facility.

LD 1069 **An Act to Amend the Laws Pertaining to Juvenile Offenders** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1069 proposed to do the following:

1. Include in the definition of "juvenile crime" a willful refusal to pay a fine imposed under the Maine Revised Statutes, Title 15, section 3314;
2. Allow a juvenile community corrections officer to impose different or additional conditions of release from those listed in Title 15, section 3203-A, subsection 4, paragraph B, if the officer determined the conditions were necessary to ensure the juvenile's appearance or to ensure the protection of the community; and
3. Specify that if a Juvenile Court made any disposition of a case as provided under Title 15, section 3314, the court could not decrease the period of commitment to a Department of Corrections juvenile correctional facility.

LD 1075 **An Act to Prohibit Plea Bargaining for Cases of Murder and Felony Sex Offenses Against Children** **ONTP**

<u>Sponsor(s)</u> O'BRIEN J MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1075 proposed to prohibit plea bargaining in cases involving murder or a Class A, B or C sex offense in which the victim was under 18 years of age.

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LD 1077 **An Act to Protect Maine's Elderly from Theft and Fraud** **ONTP**

<u>Sponsor(s)</u> DUNLAP KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1077 proposed to allow a court to order the forfeiture of a defendant's assets for a defendant who is convicted of theft or fraud against a person 60 years of age or older.

LD 1081 **An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole** **CARRIED OVER**

<u>Sponsor(s)</u> O'BRIEN J MCALEVEY	<u>Committee Report</u>	<u>Amendments Adopted</u> H-162 H-482 POVICH
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LD 1081 proposed to create the Interstate Compact for Adult Offender Supervision. The bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1084 **An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle** **PUBLIC 332**

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-242
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LD 1084 proposed to create a separate crime for a person who, while intoxicated, caused the death of another person and proposed to increase the offense to a Class B crime, punishable by at least one year in prison.

Committee Amendment "A" (S-242) was the majority report and replaced the bill. The amendment proposed to specify that in cases of criminal homicide or bodily injury caused by a person operating a motor vehicle while under the influence, the State must prove only that the defendant's operation caused the serious bodily injury or death. The amendment would have required the court to apply the standard of causation defined in the Maine Revised Statutes, Title 17-A, section 33 in such cases.

Enacted law summary

Public Law 2001, chapter 332 specifies that in cases of criminal homicide or bodily injury caused by a person operating a motor vehicle while under the influence, the State must prove only that the defendant's operation caused

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the serious bodily injury or death. The court shall apply the standard of causation defined in the Maine Revised Statutes, Title 17-A, section 33 in such cases.

LD 1087 **An Act to Create the Crime of Fleeing from a Motor Vehicle Stopped by Police** **ONTP**

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

LD 1087 proposed to create the Class E crime of fleeing a motor vehicle in order to prohibit a driver of a motor vehicle signaled to stop by a law enforcement officer from attempting to elude arrest by leaving the motor vehicle.

LD 1098 **An Act to Increase the Crime Classification of the Crime of Misuse of Identification** **ONTP**

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

LD 1098 proposed to increase the classification of the crime of misuse of identification from a Class D crime to a Class C crime.

LD 1099 **An Act Regarding the Care and Treatment of Persons with Mental Illness Who Are Incarcerated** **PUBLIC 458
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WHEELER E	OTP-AM	S-239 S-382 GOLDTHWAIT

LD 1099 sets out the criteria and procedures for involuntary medication of mentally ill persons and persons suffering from the effects of the use of drugs or other substances residing in Department of Corrections facilities. It conforms with the requirements set out by the United States Supreme Court in Washington v. Harper, 494 U.S. 210 (1990).

Committee Amendment "A" (S-239) replaced the bill and proposed to make statutory changes and create a commission. Part A of the amendment proposed to do the following.

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1. It directs the Commissioner of Corrections or the commissioner's designee to consider all relevant information, including available mental health information, prior to making a placement decision for a person committed or transferred to the custody of the Department of Corrections.
2. It requires all adult correctional facilities and juvenile facilities operated by the Department of Corrections to be accredited by a nationally recognized correctional accrediting body by January 1, 2005 and annually thereafter.
3. It clarifies that persons committed to the custody of the Department of Corrections have a right to adequate mental health treatment.

Part B of the amendment proposed to create the Commission to Study the Needs of Persons with Mental Illness Who Are Incarcerated. The commission would consist of the 13 members of the Joint Standing Committee on Criminal Justice who are directed to invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

1. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, Mental Retardation and Substance Abuse Services and involuntary medication of prisoners with mental illness;
2. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;
3. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and
4. Identify steps necessary for county jails to seek and achieve accreditation.

The commission would be required to submit its report, together with any necessary implementing legislation, to the Legislature no later than December 14, 2001. The amendment also proposed to add an appropriation and fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-382) proposed to remove Part B, relating to establishing a commission to study the needs of persons with mental illness who are incarcerated.

Enacted law summary

Public Law 2001, chapter 458 does the following.

1. It directs the Commissioner of Corrections or the commissioner's designee to consider all relevant information, including available mental health information, prior to making a placement decision for a person committed or transferred to the custody of the Department of Corrections.
2. It requires all adult correctional facilities and juvenile facilities operated by the Department of Corrections to be accredited by a nationally recognized correctional accrediting body by January 1, 2005 and annually thereafter.

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3. It clarifies that persons committed to the custody of the Department of Corrections have a right to adequate mental health treatment.

Public Law 2001, chapter 458 was enacted as an emergency measure effective June 28, 2001. (See HP 1383, a Joint Study Order that incorporated Part B of Committee Amendment "A" to LD 1099 and established the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated.)

LD 1119 **An Act to Limit Access to Firearms by Those Subject to Protection from Abuse Orders** **DIED ON CONCURRENCE**

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

LD 1119 proposed to give judges discretion to remove firearms from a person’s possession when the person was the subject of a temporary protection from abuse order. The bill also would have prohibited the issuance of a concealed firearms permit to a person who was the subject of a protective order and specified that the person could not apply to receive a concealed firearms permit until at least 2 years after the person was no longer the subject of the protective order. If a concealed firearms permit holder became the subject of a protective order, that person's permit would be revoked. That person could not reapply for a permit for at least 2 years after the person was no longer the subject of the protective order.

Committee Amendment "A" (H-469) replaced the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to give the court authority to prohibit a person who was the subject of a temporary protection from abuse order from possessing a firearm or other dangerous weapon for the duration of the order, if the court determined that the defendant had a history of violence. The amendment also proposed to add a fiscal note. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-243) proposed to give the court authority to prohibit a person who was the subject of a temporary protection from abuse order from possessing a firearm or other dangerous weapon for the duration of the order if the defendant had a record of violent behavior or had threatened to use a dangerous weapon against the plaintiff or a member of the plaintiff's household. This amendment was not adopted.

LD 1123 **An Act Concerning Runaways** **ONTP**

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

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LD 1123 proposed to change the time that a juvenile may be taken into interim care by a law enforcement officer to 18 hours. The bill was intended to more reasonably facilitate identification of the juvenile and reunification of the juvenile with the juvenile's family.

Committee Amendment "A" (H-271) proposed to change the time that a juvenile may be taken into interim care to 12 hours. This amendment was not adopted.

LD 1128 **Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees** **RESOLVE 62**

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

LD 1128 proposed to require that when the Department of Corrections develops its plan for building and administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presentence detainees held in county jails.

Enacted law summary

Resolve 2001, chapter 62 requires that when the Department of Corrections develops its plan for building and administering a long-term care or hospice facility for the treatment of prisoners, the department also shall include a break out in that plan of the resources and costs of providing long-term and hospice care to county jail inmates and presentence detainees held in county jails.

LD 1130 **An Act to Provide for a Minimum Sentence and Limit the Use of Plea Bargaining in the Death of a Child 6 Years of Age or Younger** **ONTP**

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

LD 1130 proposed to specify that for the crime of manslaughter, if the victim of the crime was a child who had not in fact attained 6 years of age at the time the crime was committed, the court would have had to impose a sentencing alternative involving a term of imprisonment of at least 25 years, none of which could have been suspended. Current law provides a minimum term of imprisonment of 25 years for a person convicted of murder. This bill proposed that a person convicted of manslaughter of a victim less than 6 years of age would have also received a term of imprisonment of at least 25 years.

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LD 1147

An Act Creating the New Crime of Aggravated Attempted Murder

PUBLIC 413

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-260

LD 1147 proposed to repeal the current special sentencing scheme for the Class A crime of attempted murder and create a new Class A crime of aggravated attempted murder, the authorized punishment for which would be imprisonment for life or for any term of years. Imposition of a life sentence for aggravated attempted murder would be governed by the law applicable to the imposition of a life sentence for murder under the Maine Revised Statutes, Title 17-A, section 1251. The existence of an aggravating circumstance allows the court to consider whether to impose a life sentence. Unlike the punishment authorized for murder, there is no mandatory minimum term of imprisonment if the court chooses to impose a definite period of years. Further, unlike murder under Title 17-A, section 1201, the person guilty of aggravated attempted murder is eligible for a sentence alternative that includes a period of probation.

By creating the new crime of aggravated attempted murder the bill proposed to return sentencing for the crime of attempted murder to that authorized for Class A crimes generally and to respond to the fact that the current special penalty provision for attempted murder allowing for the imposition of a life sentence "with proper findings" appears to be unconstitutional in light of Apprendi v. New Jersey, 120 S. Ct. 2348 (2000)(the aggravating circumstances not being alleged, submitted to a jury or proved beyond a reasonable doubt).

Committee Amendment "A" (H-260) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 413 repeals the current special sentencing scheme for the Class A crime of attempted murder and creates a new Class A crime of aggravated attempted murder, the authorized punishment for which is imprisonment for life or for any term of years. Imposition of a life sentence for aggravated attempted murder is governed by the law applicable to the imposition of a life sentence for murder under the Maine Revised Statutes, Title 17-A, section 1251. The existence of an aggravating circumstance allows the court to consider whether to impose a life sentence. Unlike the punishment authorized for murder, there is no mandatory minimum term of imprisonment if the court chooses to impose a definite period of years. Further, unlike murder under Title 17-A, section 1201, the person guilty of aggravated attempted murder is eligible for a sentence alternative that includes a period of probation.

The purpose of Public Law 2001, chapter 413 is to return sentencing for the crime of attempted murder to that authorized for Class A crimes generally and to respond to the fact that the current special penalty provision for attempted murder allowing for the imposition of a life sentence "with proper findings" appears to be unconstitutional in light of Apprendi v. New Jersey, 120 S. Ct. 2348 (2000)(the aggravating circumstances not being alleged, submitted to a jury or proved beyond a reasonable doubt). This law was proposed by the Criminal Law Advisory Commission.

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LD 1159 **An Act to Increase Effectiveness within the Department of Corrections when Serving Warrants of Arrest for Persons Charged with Probation and Parole Violations** **ONTP**

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1159 proposed to include General Fund appropriations totaling \$30,000 in fiscal year 2001-02 and \$40,000 in fiscal year 2002-03 for the Department of Corrections to lease one vehicle for each regional probation office to assist in transporting persons involved with probation violations.

LD 1168 **An Act Concerning the Sentencing of Persons to County Jails** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> MCALEVEY WATERHOUSE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-693 BLANCHETTE S-277
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LD 1168 proposed that a person who commits a Class D or Class E crime must be imprisoned in the county jail in the county where the crime was committed. A person who commits a Class A, Class B or Class C crime must be imprisoned in the county jail in the county where the crime was committed if that person's sentence is 9 months or less. It also proposed to require that a person whose suspended sentence has been revoked be sent back to prison based upon the original, underlying sentence for purposes of determining what corrections facility is appropriate.

Finally, this bill proposed to preclude the sentencing of a person to the county jail for consecutive sentences that exceed a total of 9 months. Currently, a person may be sentenced to serve consecutive 9-month sentences for a total of 18 months at the county jail. This bill would have required that a person sentenced to a term longer than 9 months be sentenced to the custody of the Department of Corrections.

Committee Amendment "A" (S-277) was the minority report of the Joint Standing Committee on Criminal Justice and replaced the bill. The amendment proposed to require that a person who is sentenced to serve a term of imprisonment in a county jail must serve that term in the jail in the county in which the crime was committed. If the county in which the crime was committed does not have a jail, the sheriff of that county would have to make arrangements for the imprisonment of that person in the jail of another county for the length of time ordered by the court having jurisdiction. The sending county would have to pay the receiving county for the costs of boarding that prisoner. The amendment also proposed to require that if a sentence to a term of imprisonment in a county jail was consecutive to or was to be followed by a sentence of a term of imprisonment in the custody of the Department of Corrections, the court imposing either sentence would have to order that both be served in the custody of the Department of Corrections. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-693) proposed to require the consent of both the sheriff of the county in which the crime was committed and the sheriff of the county where the term of

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imprisonment was to be served if a defendant was sentenced to be incarcerated in a jail in a county other than the county where the crime was committed.

LD 1168 as amended by Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1190 **An Act to Criminalize the Unauthorized Use of Food Stamp Devices** **ONTP**

<u>Sponsor(s)</u> COLWELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1190 proposed to create the crime of unlawful trafficking in food stamp devices that could be enforced by state and local enforcement agencies whenever a person intentionally or knowingly furnished food stamp access devices, coupons or authorization cards to an entity not approved by the United States Secretary of Agriculture.

LD 1221 **An Act to Prevent Theft of Motor Fuels** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> WINSOR FERGUSON		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1221 proposed to create a new Class E crime of theft of motor fuel in Title 29-A. The bill proposed that a person commits theft of motor fuel if that person puts motor fuel into the person's vehicle and then leaves the retail fuel outlet without paying for the fuel. In addition to the penalties imposed as a Class E crime, the court would have been required to suspend the person's driver's license for at least 30 days but not more than 180 days.

Committee Amendment "A" (H-272) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to give the court discretion to order a license suspension for a person convicted of theft of motor fuels, instead of making the suspension mandatory. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 1236 **An Act to Strengthen the Bail Laws for Repeat Offenders** **PUBLIC 252**

<u>Sponsor(s)</u> TOBIN J MITCHELL B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-405
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LD 1236 proposed to change the bail law by requiring a bail commissioner or a court to consider the possibility of the commission of new criminal conduct while on bail in deciding whether to release a defendant on personal

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recognizance or unsecured bail. Current law allows the judicial officer to only consider the possibility of a failure to appear or harm to a narrow list of persons; therefore, defendants with significant criminal history, including repeated criminal violations of past bail orders, are eligible for release on personal recognizance or unsecured bail without conditions, unless there is a demonstrated risk of nonappearance. The bill would have required the judicial officer to consider the defendant's history in making the initial decision to release the defendant on personal recognizance or unsecured bail. The defendant whose history demonstrates a likelihood of new criminal conduct while on bail generally would have been required to be released only with conditions set under the Maine Revised Statutes, Title 15, section 1026, subsection 3.

Committee Amendment "A" (H-405) replaced the bill and proposed to clarify that judges and bail commissioners must consider the factors in the Maine Revised Statutes, Title 15, section 1026, subsection 4 when determining whether to set preconviction bail.

Enacted law summary

Public Law 2001, chapter 252 clarifies that judges and bail commissioners must consider the factors in the Maine Revised Statutes, Title 15, section 1026, subsection 4 when determining whether to set preconviction bail.

LD 1254

An Act to Amend the Supervised Community Confinement Program

ONTP

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1254 proposed to amend the supervised community confinement program to do the following:

1. Exclude a prisoner who has been sentenced to life imprisonment from participation in the program;
2. Repeal the provision restricting participation in the program to a prisoner who has one year or less remaining on the term of imprisonment, thus allowing a prisoner who has served at least $\frac{2}{3}$ of the prisoner's sentence to be eligible for the program; and
3. Repeal the provision prohibiting a prisoner who has a security classification higher than minimum from participating in the program. Instead, if a prisoner has a classification higher than minimum, the prisoner could participate in the program if the Commissioner of Corrections evaluated the prisoner and determined that the prisoner was a suitable candidate for the program.

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LD 1265

An Act to Clarify the Criminal Extradition Laws

CARRIED OVER

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1265 proposed to amend the criminal extradition laws by requiring a judge to inform the person arrested of the person's right to waive extradition. The bill proposed to specify that once the person is arrested that the person must be taken before a judge in accordance with Maine Rules of Criminal Procedure, Rule 5. Rule 5 requires that once the person is arrested, the person must be brought before a judge within 48 hours after arrest.

LD 1265 was carried over to the Second Regular Session of the 120th Legislature.

LD 1283

An Act to Amend the Criminal Laws with Regard to Animal Welfare

PUBLIC 414

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-170
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LD 1283 proposed to amend the criminal terrorizing statutes to make it a Class D crime to unlawfully elicit fear in a person by threatening to abuse an animal, except if the person to whom the threat was communicated was a minor, in which case the crime would be a Class C crime. This bill also proposed to create the Class B or C crime of bestiality. In addition to the penalties authorized for Class B and C crimes, a person convicted of bestiality would have been ordered to pay a fine up to \$10,000, to seek counseling and to not own or work with animals for a specified time or permanently.

Committee Amendment "A" (S-170) replaced the bill. The amendment proposed to amend criminal animal cruelty laws to include the act of committing bestiality. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 414 amends criminal animal cruelty laws to include the act of committing bestiality.

LD 1288

An Act to Make Refusing a Blood-alcohol Test a Crime

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> DAVIS P DUNLAP		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1288 proposed to subject a person who fails to submit to mandatory testing to determine whether the person is under the influence of intoxicants to the same penalties as if the person were convicted of operating under the

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influence. This bill proposed to make a conviction for failure to submit to mandatory testing equivalent to a conviction for operating under the influence of intoxicants. This bill also proposed to remove the enhanced penalties for refusing to submit to testing since such refusal would now be a separate offense.

Committee Amendment "A" (S-147) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who has no previous OUI offenses and fails to submit to a test at the request of a law enforcement officer must be sentenced to at least 48 hours of incarceration, which is the same mandatory penalty that is imposed for a person convicted of a first OUI offense. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" (S-164) proposed to add a fiscal note to the bill.

LD 1288 was sent to a Committee of Conference that did not act upon the bill; therefore LD 1288 died on adjournment.

LD 1292 **An Act for Voluntary Testing for Hepatitis-C of Adult Prisoners in the Maine Correctional System** **P & S 17**

<u>Sponsor(s)</u> SHIELDS KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-164
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LD 1292 proposed to require the Department of Corrections to perform testing for hepatitis-C on high-risk adult clients of the department who volunteer to participate in the testing. The bill proposed to require that medical treatment for hepatitis-C, information on support groups, drug treatment services, immunization for hepatitis-A and hepatitis-B and case management services that connect clients with community resources upon discharge all be a part of the program.

Committee Amendment "A" (H-164) replaced the bill. This amendment proposed to require the Department of Corrections, to the extent federal funding is available, to undertake a hepatitis testing and treatment program.

Enacted law summary

Private and Special Law 2001, chapter 17 requires the Department of Corrections, to the extent federal funding is available, to undertake a hepatitis testing and treatment program.

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LD 1315 **An Act to Expand the Crime of Assault on a Law Enforcement Officer** **ONTP**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1315 proposed to require that all offenses of assault on a law enforcement officer for which the law enforcement officer requires medical treatment must be charged as the Class C crime of assault on an officer and may not be charged as a lesser offense.

LD 1330 **Resolve, Establishing the Commission to Examine the Maine Correctional Institute** **CARRIED OVER**

<u>Sponsor(s)</u> SKOGLUND MICHAUD MH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1330, a resolve, proposed to establish the Commission to Examine the Maine Correctional Institute. The resolve proposed that the Commission examine the reasons and periods for which prisoners have been assigned to the Supermax, conditions for prisoner release from the facility, and the efficiency of the Supermax in rehabilitating inmates.

LD 1330 was carried over to the Second Regular Session of the 120th Legislature.

LD 1343 **An Act to Increase the Penalties for Criminal Speeding and Operating After Suspension** **ONTP**

<u>Sponsor(s)</u> BAKER LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1343 proposed to specify that a person commits manslaughter if the person operated a motor vehicle 20 miles per hour or more above the speed limit and causes the death of another person. This bill also proposed to change the crime of criminal speeding to reduce the threshold to 20 miles per hour or more above the speed limit, instead of the current 30 miles per hour or more above the speed limit.

The bill also proposed to enact a new crime of reckless conduct with a motor vehicle, a Class D crime, if someone causes serious bodily injury to another while operating a motor vehicle at 20 miles per hour or more above the speed limit.

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Finally, this bill proposed to require that a person operating a motor vehicle after that person's license has been suspended or revoked, currently a Class E crime, must be sentenced to a minimum of 45 days in jail.

LD 1362

**An Act to Provide Funding for the Office of the State Fire Marshal
and to Increase Certain Fire Inspection Fees**

**PUBLIC 343
EMERGENCY**

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-241
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LD 1362 proposed to increase from 1.4% to 1.9% the fire investigation and prevention tax to support increased operations expenses in the Office of the State Fire Marshal within the Office of Public Safety and to fund the increased operational expenses to carry out the goals and objectives of the 1999 strategic plan of Maine Fire Training and Education Program within the Maine Technical College System. The bill proposed to remove provisions of law that establish the fees for certain inspections conducted by the Office of State Fire Marshal within the Department of Public Safety. The bill proposed to direct the Commissioner of Public Safety to set these fees by rulemaking and to designate the rules as routine technical rules. The bill proposed to prohibit the department from setting the fees higher than the actual cost of conducting the inspections.

Committee Amendment "A" (S-241) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to replace the bill. The amendment proposed to:

1. Change the title to reflect the content of the amendment;
2. Add an emergency preamble and emergency clause to the bill;
3. Establish a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment would be designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002;
4. Increase certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits; and
5. Add an allocation section and a fiscal note to the bill.

Senate Amendment "A" (S-272) proposed to:

1. Change the title to reflect the content of the amendment;
2. Add an emergency to the bill;
3. Establish a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment would be designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2001-02;

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4. Leave in place those portions of the bill that allow the State Fire Marshal to set certain inspection fees by rule to cover the actual cost of the inspections and insert a provision allowing the Fire Marshal to set the firework technician license fee by rule; and
5. Add an allocation section.

This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 343 establishes a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002. The law also increases certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits.

Public Law 2001, chapter 343 was enacted as an emergency measure effective June 1, 2001.

Public Law 2001, chapter 343 creates a new tax but originated incorrectly in the Senate as LD 1362. Public Law 2001, chapter 437, which was LD 1825, An Act Providing Funding for the Office of State Fire Marshal and to Increase Certain Fire Inspection Fees, repealed and replaced Public Law 2001, chapter 343.

LD 1368

An Act to Reduce the Risks Posed by Intoxicated Persons Under Arrest

ONTP

<u>Sponsor(s)</u> DUDLEY ABROMSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1368 proposed to allow a law enforcement officer who arrests a person for operating a motor vehicle while under the influence of alcohol or drugs to detain that operator for a period of time until the operator is no longer a danger to that operator or to others. The bill proposed that the operator could be released if there was a passenger in the vehicle who was licensed to drive and not intoxicated or if another person who was licensed to drive and not intoxicated picked the operator up from the jail.

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LD 1397 **An Act to Require the State to Post the Name, Picture and Location of an Individual who is Convicted of a Child Sex Crime** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1397 proposed to amend the Sex Offender Registration and Notification Act of 1999 by adding requirements to the public notification provisions. The bill would have required that the Department of Corrections post the name and addresses where a sex offender or sexually violent predator would reside and work upon release if the victim was under 18 years of age at the time of the offense.

LD 1423 **An Act to Amend the Law Regarding the Release of the Identity of Certain Juveniles Accused of Crimes** **ONTP**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1423 proposed to allow the release of the identity of 16-year-olds and 17-year-olds charged with juvenile crimes.

LD 1432 **An Act to Encourage Greater Acquisition, Deployment and Use of Automated External Defibrillators** **PUBLIC 364**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-569 S-294 MARTIN
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LD 1432 proposed to require certain training for designated uses of a defibrillator; to require notification of the use of a defibrillator to the emergency medical services system; to require activation of the emergency medical services system in an emergency situation where a defibrillator is used; and to provide immunity from liability for persons who use a defibrillator.

Committee Amendment "A" (H-569) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to replace the bill. This amendment proposed:

1. To prohibit a person other than a health care provider from using an automated external defibrillator without proper training;
2. To prohibit a person other than a health care provider from using an AED unless the person had called the appropriate emergency services number;

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3. To require a person who owns or leases an AED to consult with a licensed physician for technical assistance in the selection and storage location of an AED, training of potential operators, protocols for use and use review; notify the Department of Public Safety, Maine Emergency Medical Services of the existence, location and type of AED the person possesses and the clinical use made of the AED; and maintain and test the AED in accordance with the applicable standards of the manufacturer and any standards prescribed by the Department of Human Services;
4. To clarify that the current immunity provided for a person who renders emergency treatment to another person in need of assistance is not affected by the establishment of the new requirements for the use of an AED; and
5. To add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-282) proposed to strike the provision of Committee Amendment "A" that would have prohibited a person from using an automated external defibrillator, or AED, unless that person placed a call to the appropriate emergency services personnel. Instead, this amendment proposed to prohibit the use of an AED unless the person was able to communicate with emergency personnel and those emergency personnel were able to reach the scene of the emergency in a reasonable period of time. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-294) proposed to allow a person to use an automated external defibrillator, or AED, if the person was certified in the use of an AED and, if communication was possible, the person had attempted to contact emergency services personnel.

Enacted law summary

Public Law 2001, chapter 364 does the following.

1. It prohibits a person other than a health care provider from using an automated external defibrillator (AED) unless that person is certified in the use of an AED, and, if communication is possible, the person has attempted to contact emergency services personnel.
2. It requires a person who owns or leases an AED to consult with a licensed physician for technical assistance in the selection and storage location of an AED, training of potential operators, protocols for use and use review; to notify the Department of Public Safety, Maine Emergency Medical Services of the existence, location and type of AED the person possesses and the clinical use made of the AED; and to maintain and test the AED in accordance with the applicable standards of the manufacturer and any standards prescribed by the Department of Human Services.
3. It clarifies that the current immunity provided for a person who renders emergency treatment to another person in need of assistance is not affected by the establishment of the new requirements for the use of an AED.

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LD 1434 **An Act to Amend the Maine Criminal Code to Reduce the Incentive to Commit Theft** **PUBLIC 389**

<u>Sponsor(s)</u> MURPHY T		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-202
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LD 1434 proposed to lower the monetary threshold for the classification of theft crimes. This bill proposed to bring the monetary threshold in line with those of other New England states. This bill also would have treated theft and burglary thresholds in a more equal manner.

Committee Amendment "A" (H-202) replaced the bill. The amendment proposed to lower the monetary threshold for the classification of theft crimes to previous standards for Class C, D and E crimes. These standards were amended by the First Regular Session of the 117th Legislature. This amendment proposed to bring the monetary threshold in line with those of other New England states and to treat the theft and burglary thresholds in a more equal manner. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 389 lowers the monetary threshold for the classification of theft crimes to previous standards for Class C, D and E crimes. These standards were amended by the First Regular Session of the 117th Legislature. Public Law 2001, chapter 389 brings the monetary threshold in line with those of other New England states and treats the theft and burglary thresholds in a more equal manner.

LD 1443 **An Act to Make Adultery Illegal** **ONTP**

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1443 proposed to make adultery a Class D crime. Adultery is defined as engaging in a sexual act with a person not the actor's spouse when either the actor is married, or the actor is not married and knows the other person is married.

LD 1462 **Resolve, Establishing a Criminal Code Revision Commission** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> POVICH MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-261
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LD 1462 proposed to create the Criminal Code Revision Commission, the duties of which include reviewing all provisions of the Maine Criminal Code, Juvenile Code and Maine Bail Code and drafting proposed legislation that repeals or amends archaic language and repeals crimes that are redundant or covered by existing general provisions. The resolve proposed that the commission shall deliver its report and any proposed legislation to the First Regular Session of the 121st Legislature.

Committee Amendment "A" (H-261) proposed to add language specifying the authority of the commission chairs to manage the commission's budget. In addition, this amendment proposed to add an appropriation section and a fiscal note to the resolve.

LD 1462 as amended by Committee Amendment "A" was not removed by the Senate from the Special Appropriations Table and died on adjournment.

LD 1470 An Act to Enhance Enforcement and Prosecution of Computer-related Crimes ONTP

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

LD 1470 proposed to direct that 1/6 of the Government Operations Surcharge Fund, which consists of a surcharge added to every court-imposed fine, forfeiture or penalty in this State, be paid to the Attorney General for use by the Maine Computer Crimes Task Force.

Instead of enacting LD 1470 (or LD 1508, An Act to Place a 2% Surcharge on all Criminal and Traffic Fines to Fund the Efforts of the Maine Computer Crimes Task Force), the committee voted out a committee bill, LD 1800, An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force.

LD 1491 An Act to Protect Minors from Sexual Exploitation ONTP

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

LD 1491 proposed to increase to 18 years of age the threshold before which certain specified actions are crimes and impose mandatory minimum sentences of incarceration and probation. The bill also proposed to require a person convicted of: possession of sexually explicit materials; gross sexual assault; sexual abuse of a minor; unlawful sexual contact; visual sexual aggression against a child; sexual misconduct with a child under 14 years of age; and solicitation of a child by computer to commit a prohibited act to register under the Sex Offender Registration and Notification Act and pay restitution to the victim, if the victim could be determined. This bill also would have required the court to suspend the driver's license of a person who failed to make restitution and would have imposed

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a late fee penalty on that person. The person's license would be restored once the order for restitution had been complied with for 12 consecutive months.

LD 1492 **An Act to Improve Treatment of Persons with Mental Illness in
Maine's Jails and Prisons** **CARRIED OVER**

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

LD 1492 proposed to require that all law enforcement and corrections officers receive training in mental illness and substance abuse issues and requires psychiatric evaluation of all inmates incarcerated in county jails and state correctional facilities. The bill proposed to establish standards for the care, treatment and transfer of inmates with a psychiatric disorder. The bill also proposed to require that all county jails and state correctional facilities be nationally accredited by January 1, 2005 and annually thereafter.

LD 1492 was carried over to the Second Regular Session of the 120th Legislature.

LD 1493 **An Act to Reinstate the Death Penalty for the Murder of Children** **ONTP**

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

LD 1493 proposed to reinstate the death penalty for the murder of a child under 6 years of age subject to a referendum on whether the people of the State want to reinstate a death penalty for the murder of young children. The bill also would have eliminated the minimum term of 25 years of imprisonment for murder and required that all persons convicted of murder serve a life sentence if they are not sentenced to death.

Committee Amendment "A" (H-270) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 1508 **An Act to Place a 2% Surcharge on all Criminal and Traffic Fines
to Fund the Efforts of the Maine Computer Crimes Task Force** **ONTP**

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

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LD 1508 proposed to create the Maine Computer Crimes Task Force Surcharge Fund. The bill proposed that the fund be established by collecting an additional 2% surcharge on every fine, forfeiture and penalty imposed by any court in the State. As proposed, funds collected through the additional surcharge would have been paid to the Department of the Public Safety, Bureau of State Police to fund the Maine Computer Crimes Task Force.

Instead of enacting LD 1508 (or LD 1470, An Act to Enhance Enforcement and Prosecution of Computer-related Crimes), the committee voted out a committee bill, LD 1800, An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force.

LD 1521 **An Act to Broaden the Crime of Abuse of a Corpse** **ONTP**

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

LD 1521 proposed to amend the laws governing the crime of abuse of corpse. The bill proposed to criminalize conduct relative to a corpse that would outrage reasonable family sensibilities if the actor were aware that the actor's conduct would outrage any reasonable family member of the deceased. It also would have criminalized conduct relative to a corpse that would outrage reasonable community sensibilities if the actor were aware that the actor's conduct would outrage any reasonable community member despite the lack of a personal relationship with the deceased.

The bill also would have replaced the current defense provision with a more generalized provision for a person who is acting as authorized by law.

LD 1521 was proposed by the Criminal Law Advisory Commission.

LD 1528 **An Act to Improve the Delivery of Religious Services to Prisoners
in the Maine Correctional System** **ONTP**

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

LD 1528 proposed to create the position of director of religious services to oversee religious activities in the Department of Corrections and the position of chaplain at the Maine Correctional Center.

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LD 1561

An Act to Require Sprinkler Protection in all Secondary and Postsecondary Dormitories

ONTP

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-595
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LD 1561 proposed that all dormitories of public and private secondary and postsecondary educational institutions be equipped with automatic sprinkler systems within 5 years and established a fund to provide 10-year, low-interest loans to help the educational institutions meet this requirement.

Committee Amendment "A" (H-595) replaced the bill. This amendment proposed to:

1. Require public educational institutions to install automatic sprinkler systems in their dormitories;
2. Provide a 10-year phase-in schedule for installation of automatic sprinkler systems in existing dormitories in public educational institutions;
3. Authorize a \$10,000,000 bond to provide low interest loans, administered by the Finance Authority of Maine, to public and private educational institutions.
4. Make the previously described provisions conditional upon approval in a statewide referendum of the bond funding; and
5. Add a fiscal note to the bill.

LD 1561 was enacted as amended by Committee Amendment "A" but was not removed by the Senate from the Appropriations Table. This bill has been carried over to the Second Regular Session of the 120th Legislature by the Appropriations Committee.

LD 1565

An Act to Expand the Collection of DNA Samples from Convicted Offenders

PUBLIC 325

<u>Sponsor(s)</u> CARR MCALEVEY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-468
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LD 1565 proposed to expand the list of offenses that require DNA sample collection from a convicted offender for inclusion in the DNA database at the Maine State Police Crime Laboratory to include all Class A, B and C crimes beginning October 1, 2001.

Committee Amendment "A" (H-468) was the majority report of the Joint Standing Committee on Criminal Justice and proposed to add to the list of offenses that require DNA sample collection from a convicted offender for

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inclusion in the DNA database at the Maine State Police Crime Laboratory solicitation of a child by a computer to commit a prohibited act beginning October 1, 2001.

The amendment also proposed to repeal the provision that subjects a juvenile adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act from the testing requirements of that Act. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 325 expands the list of offenses that require DNA sample collection from a convicted offender for inclusion in the DNA database at the Maine State Police Crime Laboratory to include all Class A, B and C crimes and solicitation of a child by a computer to commit a prohibited act beginning October 1, 2001.

Public Law 2001, chapter 325 also repeals the provision that subjects a juvenile adjudicated of committing a juvenile crime that, if committed by an adult, would constitute an offense listed in the DNA Data Base and Data Bank Act from the testing requirements of that Act.

LD 1596 **An Act to Amend the Maine Emergency Medical Services Act of 1982** **PUBLIC 229**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-145
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LD 1596 proposed to amend the Maine Emergency Medical Services Act of 1982 to:

1. Provide that advanced medical treatment protocols established by the board apply in all regions of the state (removes authority for regional protocols to be more strict);
2. Amend the requirements governing ambulance transport to require that all patients must be accompanied either by a physician, a person licensed to provide emergency care or a specialized medical team approved by the Emergency Medical Services' Board;
3. Authorize the board to issue warnings, suspend licenses or impose conditions on probation and impose civil penalties up to \$1,500 for violations of the Maine Emergency Medical Services Act, board rules or license terms; it also allows the board to delegate this authority to a subcommittee or to staff and provides that a decision by a subcommittee or staff may be appealed to the board; a decision of the board may be appealed to the Superior Court (currently an appeal from the board must first be made to the commissioner of DPS and then to court);
4. Provide that investigative records of the board become public upon conclusion of the investigation (unless they are confidential by operation of other applicable law);
5. Allow investigative records to be disclosed to certain people under certain conditions; and

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6. Provide that reports, information and records provided to an EMS quality assurance committee are confidential and exempt from discovery.

Committee Amendment "A" (S-145) proposed to make a variety of technical changes to the bill. The amendment proposed to add a new section clarifying that the Emergency Medical Services' Board, its committees or staff may issue letters of guidance or concern to applicants or licensees. The amendment also proposed to clarify provisions relating to confidentiality, release and discoverability of certain information and records and to provide that all reports, information and records provided to an emergency medical services quality assurance committee approved by the board are confidential and may not be obtained by discovery from the committee, the board or its staff.

Enacted law summary

Public Law 2001, chapter 229 amends the Maine Emergency Medical Services Act of 1982 to:

1. Allow the Emergency Medical Services Board to issue warnings, suspend licenses and impose civil penalties for violations of the Maine Emergency Medical Services Act of 1982;
2. Allow a decision of the board to be appealed to the Superior Court;
3. Clarify that the board, its committees or staff may issue letters of guidance or concern to applicants or licensees; and
4. Provide that all reports, information and records provided to an emergency medical services quality assurance committee approved by the board are confidential and may not be obtained by discovery from the committee, the board or its staff.

LD 1620

An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants

CARRIED OVER

Sponsor(s)
MUSE C

Committee Report

Amendments Adopted

LD 1620 proposed to create the offenses of criminal possession of a firearm and criminal use of a firearm, both of which are Class C crimes that carry mandatory minimum 5-year sentences. The bill proposed that a person is guilty of criminal possession of a firearm if the person has been convicted of a crime of violence and is in possession of a firearm and that a person is guilty of criminal use of a firearm if the person uses or carries a firearm while committing a crime of violence or a Class A, B or C drug offense. This bill also proposed to require the Commissioner of Public Safety to implement a public awareness and community support program that builds support for and warns potential violators of the provisions of the new law. The purpose of these proposed changes is to make the state eligible for firearms sentencing incentive grants.

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LD 1620 was carried over to the Second Regular Session of the 120th Legislature.

LD 1623 **An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center** **PUBLIC 290**

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-389
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LD 1623 proposed to amend the Central Maine Regional Public Safety Communication Center by designating the center as a governmental entity. The bill also proposed to direct the board of directors to nominate one candidate to serve as executive director who must be approved and appointed by the Commissioner of Public Safety. The bill also proposed to change the effective date of the original Act.

Committee Amendment "A" (H-389) This amendment proposed to repeal Private and Special Law 1999, Chapter 85 that enables the establishment of the Central Maine Regional Public Safety Communication Center and to place that enabling language in a new chapter of the Maine Revised Statutes, Title 25, permitting the establishment of the center within the Department of Public Safety. Creation of the center is contingent upon participation by the Maine State Police. This amendment proposed to make the director of the center subject to appointment and dismissal by the Commissioner of Public Safety. The amendment proposed to provide that the enabling chapter is effective only if the Maine State Police and at least one eligible local government agree to participate.

Enacted law summary

Public Law 2001, chapter 290 repeals Private and Special Law 1999, Chapter 85 that enables the establishment of the Central Maine Regional Public Safety Communication Center and places that enabling language in a new chapter of the Maine Revised Statutes, Title 25, permitting the establishment of the center within the Department of Public Safety. Creation of the center is contingent upon participation by the Maine State Police. The director of the center is subject to appointment and dismissal by the Commissioner of Public Safety. The enabling chapter is effective only if the Maine State Police and at least one eligible local government agree to participate.

LD 1657 **An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel** **CARRIED OVER**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1657 proposed to repeal the requirement that, prior to being licensed as an emergency medical services person, a person must be sponsored by a Maine licensed ambulance service or nontransporting emergency medical service.

LD 1657 was carried over to the Second Regular Session of the 120th Legislature.

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LD 1662 **Resolve, to Study the Emergency Medical Services System** **ONTP**

<u>Sponsor(s)</u> BULL MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1662 proposed to establish the Commission to Study the Emergency Medical Services System.

LD 1691 **An Act Adopting and Implementing the National Crime Prevention and Privacy Compact** **PUBLIC 372**

<u>Sponsor(s)</u> MCALEVEY POVICH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> H-649 POVICH
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LD 1691 proposed to allow the Maine State Police to enter into a compact with the Federal Bureau of Investigation and other party states for the purpose of organizing an electronic information sharing system among the Federal Government and the states to exchange criminal history records for noncriminal justice purposes for dissemination as authorized by federal and state laws.

House Amendment "A" (H-649) proposed to direct the commanding officer to ensure that fingerprints and information obtained for conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system are not retained and are used solely for the purpose of providing a response to the record check. House Amendment "A" proposed to require the commanding officer to report any retention or dissemination of the fingerprints and information to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to direct that committee to consider renunciation of the compact.

The amendment would have clarified that the submission of fingerprints and descriptive information for criminal history record checks for noncriminal justice purposes would not constitute a criminal history record or the administration of criminal justice.

The amendment proposed to remove the emergency preamble and clause.

Enacted law summary

Public Law 2001, chapter 372 allows the Maine State Police to enter into a compact with the Federal Bureau of Investigation and other party states for the purpose of organizing an electronic information sharing system among the Federal Government and the states to exchange criminal history records for noncriminal justice purposes for dissemination as authorized by federal and state laws.

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Public Law 2001, chapter 372 directs the commanding officer to ensure that fingerprints and information obtained for conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system are not retained and are used solely for the purpose of providing a response to the record check. It requires the commanding officer to report any retention or dissemination of the fingerprints and information to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and directs that committee to consider renunciation of the compact.

Public Law 2001, chapter 372 clarifies that the submission of fingerprints and descriptive information for criminal history record checks for noncriminal justice purposes does not constitute a criminal history record or the administration of criminal justice.

LD 1698

An Act to Amend the Laws Governing DNA Testing

PUBLIC 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND DAGGETT	OTP-AM	H-647

LD 1698 proposed to permit persons who are convicted of crimes but are not required to submit to having a DNA sample drawn or persons charged with criminal offenses but not yet tried to request that a DNA sample be drawn. The bill proposed to allow persons who are incarcerated to request that a DNA sample be drawn at any time during incarceration. The bill would have permitted those persons requesting DNA samples to be given access to their records relating to the samples. The bill also proposed to require prosecutors to use all DNA evidence available in a case, regardless of what the evidence indicates. Finally, the bill proposed to specify that if a person has been sentenced and after sentencing has a DNA test that indicates that the person did not commit the offense, the prosecutor must reopen the case.

Committee Amendment "A" (H-647) replaced the bill. The amendment proposed to create a new chapter that sets up the process for postjudgment of conviction DNA analysis. A person convicted of a crime under the laws of this State that carries the potential punishment of imprisonment of at least 20 years and for which the person is currently in actual execution of a sentence of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding, moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 469 creates a new chapter that sets up the process for postjudgment of conviction DNA analysis. A person convicted of a crime under the laws of this State that carries the potential punishment of imprisonment of at least 20 years and for which the person is currently in actual execution of a sentence of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding,

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moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis.

LD 1701 **An Act to Clarify Parental Rights and Responsibilities When Children are Placed in the Custody of the Department of Human Services as a Result of Court Proceedings Governed by the Maine Juvenile Code** **ONTP**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1701 proposed to allow the court to order parents to participate in services when a child has come into Department of Human Services custody as a result of court proceedings governed by the Juvenile Code. The bill also proposed to bring the department into compliance with federal law, so that it could draw down federal funds for children who have come into DHS custody through the Juvenile Court. Current law exists to allow the state to access federal funds for children who come into the care of DHS through Title 22 actions.

LD 1725 **An Act to Prevent Interstate and International Smuggling of Illegal Drugs Into the State by Creating the Crime of Illegal Importation of Scheduled Drugs** **PUBLIC 428**

<u>Sponsor(s)</u> SHOREY POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-146
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LD 1725 proposed to create a new crime of "illegal importation of scheduled drugs" with penalties that are the same as those for unlawfully furnishing scheduled drugs under the Maine Revised Statutes, Title 17-A, section 1106. Marijuana was not included under the new crime. The bill would not have applied to any person with a lawful prescription for the drug.

Committee Amendment "A" (S-146) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 428 creates a new crime of "illegal importation of scheduled drugs" with penalties that are the same as for unlawfully furnishing scheduled drugs under the Maine Revised Statutes, Title 17-A, section 1106. Marijuana is not included under the new crime. The law does not apply to any person with a lawful prescription for the drug.

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LD 1727

An Act to Control the Abuse of Designer Club Drugs by Adding Certain Drugs to the List of Schedule W and Schedule X Drugs

ONTP

<u>Sponsor(s)</u> SCHNEIDER MCALEVEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1727 proposed to:

1. Add the newly popular hallucinogenic "club" or "rave" drug ecstasy, 3, 4 - methylenedioxyamphetamine, MDMA, and its close chemical relatives for the purposes of criminal enforcement: 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS; 3, 4 - methylenedioxy-N-ethylamphetamine, MDE; paramethoxymethamphetamine, PMMA; paramethoxyamphetamine, PMA; and paramethoxyethylamphetamine, PME A to the list of schedule W drugs. None of these drugs have been previously scheduled in the State, but all are schedule I drugs under the federal Controlled Substances Act;
2. Move other close chemical relatives of MDMA, which have been listed as schedule X drugs under state law since 1989, to schedule W, whereby increasing potential penalties for trafficking or furnishing the drugs;
3. Add 3 other newly popular drugs to the list of schedule X drugs: gamma hydroxybutyrate, GHB; Ketamine; and alpha-ethyltryptamine, AET;
4. Set the number of pills containing MDMA and related drugs that results in a permissible inference at trial of intent to furnish and traffick;
5. Create a charge of aggravated trafficking and furnishing MDMA and similar drugs based on trafficking or furnishing 300 or more pills;
6. Result in possession of MDMA, GHB or Ketamine is a Class D crime; trafficking in MDMA being a Class B crime; trafficking in GHB or Ketamine being a Class C crime; aggravated furnishing MDMA being a Class B felony crime with a mandatory minimum 2-year sentence; and aggravated trafficking in MDMA being a Class A felony with a mandatory minimum 4-year sentence.

LD 1727 was not passed but was incorporated into LD 1728, An Act to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs.

LD 1728

An Act to Control the Illegal Diversion and Abuse of Prescription Narcotic Drugs and Abuse of Designer Club Drugs

PUBLIC 419

<u>Sponsor(s)</u> POVICH MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-353
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LD 1728 proposed to:

1. Clarify the definition of "narcotic drugs" under the Maine Revised Statutes, Title 17-A, chapter 45 by specifically listing the most commonly encountered prescription narcotic drugs by chemical name;
2. Remove archaic references to drug preparations that are inaccurately described or no longer commonly encountered in modern medical treatment;
3. Set the number of illicit prescription pills or other units that would result in a presumption of trafficking or furnishing at trial: 90 pills or units for trafficking, and 45 for furnishing. Oxycodone, Oxycontin, and hydromorphone, Dilaudid, were singled out for separate treatment based on the aggregate amount of the drug in milligrams due to their availability in very powerful single pill dosage formulations;
4. Create a charge of aggravated trafficking and furnishing based on trafficking and furnishing 300 or more pills or other units of narcotic drugs other than heroin. Again, the compounds contained in Oxycontin and Dilaudid were singled out for special treatment based on aggregate amounts of the drugs in milligrams. A charge of aggravated trafficking or furnishing would be a Class A felony, with a mandatory minimum sentence of 4 years in prison;
5. Prevent the use of altered, forged or counterfeit prescriptions by having the Department of Public Safety, after consultation with the Board of Osteopathic Licensure, the Board of Licensure in Medicine and the Board of Pharmacy, adopt rules establishing security requirements for written prescriptions for schedule II drugs, primarily through requiring the use of tamper-proof prescription forms;
6. Amend the crime of acquiring drugs by deception to clarify that failure to disclose recent narcotic prescriptions from other doctors, or use of a false name or address, is within the definition of "deception." It also proposed to address the issue of having to prove causation between obtaining drugs and the deceptive act if the patient deceived the physician in these ways;
7. Increase the penalties for stealing schedule W, X or Y drugs by making it a Class C felony offense. Stealing schedule Z drugs would remain a Class D crime. This would equalize the penalties for the crimes of acquiring drugs by deception and stealing drugs;
8. Clarify that a medical drug prescription form is a "written instrument" for purposes of the forgery law; and
9. Clarify that the analysis of a scheduled drug could be by a method designed to accurately determine the composition of the drug, and could include a visual examination. This was intended to approve the already common practice of proving the composition of a commercially manufactured pharmaceutical drug by visual observation of the unique markings on the pill by a chemist or pharmacist.

Committee Amendment "A" (H-353) proposed to incorporate the text of LD 1727, "An Act to Control the Abuse of Designer Club Drugs by Adding Certain Drugs to the List of Schedule W and Schedule X Drugs," which proposed to do the following:

1. Add the newly popular hallucinogenic "club" or "rave" drug ecstasy, 3, 4 - methylenedioxymethamphetamine, MDMA, and its close chemical relatives for the purposes of criminal enforcement: 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS; 3, 4 - methylenedioxy-N-ethylamphetamine, MDE;

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paramethoxymethamphetamine, PMMA; paramethoxyamphetamine, PMA; and paramethoxythylamphetamine, PMEA to the list of schedule W drugs. None of these drugs have been previously scheduled in the State, but all are schedule I drugs under the federal Controlled Substances Act;

2. Move other close chemical relatives of MDMA that have been listed as schedule X drugs under the state law since 1989, to schedule W, increasing potential penalties for trafficking or furnishing the drugs;
3. Add 3 other newly popular drugs to the list of schedule X drugs: gamma hydroxybutyrate, GHB; Ketamine; and alpha-ethyltryptamine, AET;
4. Set the number of pills containing MDMA and related drugs that results in a permissible inference at trial of intent to furnish and traffick;
5. Create a charge of aggravated trafficking and furnishing MDMA and similar drugs based on trafficking or furnishing 300 or more pills;
6. Result in possession of MDMA, GHB or Ketamine being a Class D crime; trafficking in MDMA would be a Class B crime; trafficking in GHB or Ketamine would be a Class C crime; aggravated furnishing MDMA would be a Class B crime with a mandatory minimum 2-year sentence; and aggravated trafficking in MDMA would be a Class A crime with a mandatory minimum 4-year sentence.

The amendment also proposed to change the rule-making provisions to require major substantive rules, instead of routine technical rules, for establishing security requirements for written prescriptions for narcotics. This change was made to ensure that the rulemaking results from the cooperation of the Department of Public Safety and the medical profession. The amendment proposed to require the Department of Public Safety to bring its proposed rules before the Joint Standing Committee on Criminal Justice in the Second Regular Session of the 120th Legislature.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 419 does the following.

1. It clarifies the definition of "narcotic drugs" under the Maine Revised Statutes, Title 17-A, chapter 45 by specifically listing the most commonly encountered prescription narcotic drugs by chemical name.
2. It removes archaic references to drug preparations that are inaccurately described or no longer commonly encountered in modern medical treatment.
3. It sets the number of illicit prescription pills or other units that would result in a presumption of trafficking or furnishing at trial: 90 pills or units for trafficking, and 45 for furnishing. Oxycodone, Oxycontin, and hydromorphone, Dilaudid, are singled out for separate treatment based on the aggregate amount of the drug in milligram due to the availability in very powerful single pill dosage formulations.

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4. It creates a charge of aggravated trafficking and furnishing based on trafficking and furnishing 300 or more pills or other units of narcotic drugs other than heroin. The compounds contained in Oxycontin and Dilaudid are singled out for special treatment based on aggregate amounts of the drugs in milligrams. A charge of aggravated trafficking or furnishing is a Class A felony, with a mandatory minimum sentence of 4 years of prison.
5. It prevents the use of altered, forged or counterfeit prescriptions by having the Department of Public Safety, after consultation with the Board of Osteopathic Licensure, the Board of Licensure in Medicine and the Board of Pharmacy, adopt major substantive rules establishing security requirements for written prescriptions for narcotics. The Department of Public Safety shall bring its proposed rules before the Criminal Justice Committee in the Second Regular Session of the 120th Legislature.
6. It amends the crime of acquiring drugs by deception to clarify that failure to disclose recent narcotic prescriptions from other doctors, or use of a false name or address, is within the definition of "deception." It also addresses the issue of having to prove causation between obtaining drugs and the deceptive act if the patient deceives the physician in these ways.
7. It increases the penalties for stealing schedule W, X or Y drugs by making these crimes Class C offenses. Stealing schedule Z drugs remains a Class D crime. This equalizes the penalties for the crimes of acquiring drugs by deception and stealing drugs.
8. It clarifies that a medical drug prescription form is a "written instrument" for purposes of the forgery law.
9. It clarifies that the analysis of a scheduled drug may be by a method designed to accurately determine the composition of the drug, and may include a visual examination. This is intended to approve the practice of proving the composition of a commercially manufactured pharmaceutical drug by visual observation of the unique markings on the pill by a chemist or pharmacist.
10. It adds the newly popular hallucinogenic "club" or "rave" drug ecstasy, 3, 4 -methylenedioxymethamphetamine, MDMA, and its close chemical relatives for the purposes of criminal enforcement: 4 – bromo – 2, 5 – dimethoxyphenethylamine, NEXUS; 3, 4 – methylenedioxy-N-ethylamphetamine, MDE; paramethoxymethamphetamine, PMMA; paramethoxyamphetamine, PMA; and paramethoxythylamphetamine, PMEA to the list of schedule W drugs. None of these drugs have been previously schedule in the State, but all are schedule I drugs under the federal Controlled Substances Act.
11. It moves other close chemical relatives of MDMA that have been listed as schedule X drugs under the state law since 1989, to schedule W, increasing potential penalties for trafficking or furnishing the drugs.
12. It adds 3 other newly popular drugs to the list of schedule X drugs: gamma hydroxybutyrate, GHB; Ketamine; and alpha-ethyltryptamine, AET.
13. It sets the number of pills containing MDMA and related drugs that results in a permissible inference at trial of intent to furnish and traffick.
14. It creates a charge of aggravated trafficking and furnishing MDMA and similar drugs based on trafficking or furnishing 300 or more pills.

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15. It results in possession of MDMA, GHB or Ketamine being a Class D crime; trafficking in MDMA being a Class B crime; trafficking in GHB or Ketamine being a Class C crime; aggravated furnishing MDMA being a Class B crime with a mandatory minimum 2-year sentence; and aggravated trafficking in MDMA being a Class A crime with a mandatory minimum 4-year sentence.

LD 1739 **Resolve, to Implement Additional Recommendations of the** **RESOLVE 45**
MCJUSTIS Board

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1739

This resolve proposed to amend the reporting requirements for the MCJUSTIS Board to clarify that the board must submit its final report and proposed legislation amending the Maine Revised Statutes, Title 17-A by January 31, 2001. This resolve also proposed to amend the board's reporting requirements to specify that the board submit proposed legislation amending other civil and criminal violations to make them compatible with computerized databases by December 15, 2001 and December 15, 2002.

Enacted law summary

Resolve 2001, chapter 45 amends the reporting requirements for the MCJUSTIS Board to clarify that the board submits its final report and proposed legislation amending the Maine Revised Statutes, Title 17-A by January 31, 2001. Resolve 2001, chapter 45 also amends the board's reporting requirements to specify that the board submit proposed legislation amending other civil and criminal violations to make them compatible with computerized databases by December 15, 2001 and December 15, 2002. The retroactivity section makes these changes retroactive to January 31, 2001.

LD 1740 **An Act to Implement Recommendations of the MCJUSTIS Board** **PUBLIC 383**
Pursuant to the Study Required by Resolve 1997, Chapter 105

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-596
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LD 1740 was the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 1997, chapter 105, as amended by Public Law 1999, chapter 451, section 5 and Public Law 1999, chapter 790, Part D, section 12.

MCJUSTIS is an information clearinghouse, the purpose of which is to provide access to shared uniform information on criminal defendants and crime data. In order for the information to be uniform and accurate, it must be entered and accessed by all participants in the same way. To ensure that crimes are entered accurately, the statutes defining each crime must be precise and narrow enough to ensure that citing to the specific statutory unit

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will be the same as describing the elements and class of that exact crime. There must be a one-to-one relationship between each crime and the statutory unit that defines it. This bill proposed to revise the Maine Criminal Code to establish that one-to-one relationship for each crime and its unique statutory cite.

The original resolve directed the MCJUSTIS policy board to propose only those substantive changes to the laws that are necessary to result in a unique statutory cite for each crime. In working through each crime in the Maine Criminal Code, the MCJUSTIS policy board, as advised by the Criminal Law Advisory Commission, identified one category of substantive changes that are necessary and several others that it recommends; all are included in this bill.

The category of substantive changes that are necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. The statute currently does not require that such "enhancers" be proved beyond a reasonable doubt by the prosecution. The Law Court has required, however, that the prosecution must prove such facts beyond a reasonable doubt if the facts are to be used to make the underlying crime a higher class than it would otherwise be or would require a specific punishment. This bill proposed to incorporate each enhancer into the elements of the crime that it enhances. This would result in the statutory requirement that the enhancer be proved beyond a reasonable doubt in order to secure a conviction for that crime at that class.

For example, assault is usually a Class D crime. If the victim was under 6 years of age, however, the assault would be a Class C crime. This bill proposed to revise assault to require the prosecutor to prove beyond a reasonable doubt that the victim was under 6 years of age in order to secure the Class C conviction. It proposed changes to the Maine Criminal Code that are substantive and that are proposed to improve the Maine Criminal Code for consistency or clarity.

In addition to formatting changes, this bill proposed to make the following changes to the Maine Criminal Code:

1. Rewrite as an element of a crime any fact regarding the crime that is used to establish the class for the crime or the appropriate sentence is rewritten as an element of the crime. This was a substantive change, although it will make little difference in how cases are currently prosecuted;
2. Revise language, including "presumption," "presumed" and "prima facie" to reflect Supreme Judicial Court rulings and Rule 303 of the Maine Rules of Evidence. The revised language instead would refer to "permissible inference" to ensure that the jury knows how to use certain proven evidence. This does not reflect a change in practice, but clarifies the law;
3. Provide a definition of being related within the "2nd degree of consanguinity." The term is used in defining both gross sexual assault and incest;
4. Establish standard language for referring to prior convictions and using prior convictions to affect one class of a newly committed crime. The Maine Revised Statutes, Title 17-A, section 9-A is would be amended to provide general rules for using prior convictions to enhance a new crime. These general rules would be consistent with most existing provisions concerning the use of prior convictions, but do represent a substantive change in a few cases.

The general rules included here would require considering specific convictions secured within the last 10 years. This was a substantive change for Title 17-A, sections 506-A and 556.

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The period for prior convictions was not changed for prostitution crimes, which remain at 2 years, and certain drug crimes, which do not limit how far back a prior conviction can be used to enhance the current crime.

The general rules propose to provide consistent language dealing with multiple crimes committed within 2 or 3 days. This probably would result in a substantive change in a limited number of crimes in order to treat them consistently;

5. Insert the language declaring the class in the same statutory unit that defines the way to commit the crime. When the statute defines more than one way of committing a crime, and those different ways are identified as different classes, the exception to this is in the statutes dealing with gross sexual assault, unlawful sexual contact and theft, where if certain circumstances exist, the classification will go up a class. Because each way of committing these crimes could be increased if the particular circumstance exists, an enhancer provision was drafted at the end of each crime to specify that the classification will increase if the circumstances are proved;
6. Rewrite permissible inference language regarding a person accused of theft to include Title 17-A, section 405, burglary. This change would expand the presumption that by permitting an inference to be made under the Maine Rules of Evidence, Rule 303, a person in exclusive possession of property recently taken was guilty of the burglary.
7. Amend the drug laws dealing with unlawful trafficking, unlawful furnishing and unlawful possession to clarify that a person was guilty of trafficking, furnishing or possessing a scheduled drug if the person intentionally or knowingly trafficked, furnished or possessed what the person knew or believed to be a scheduled drug, which was in fact a scheduled drug and the drug was a type of scheduled drug.
8. Include language to make the statutes gender neutral and to correct and update grammar. In addition, the following language changes were proposed for consistency and were not intended to be substantive.
 - A. When referring to the age of the perpetrator or victim, the term as used was "__ years of age." For example, if current law says "under 14" or "has not reached his 14th birthday," this bill would revise it to "less than 14 years of age."
 - B. "Exceeds" was changed to "more than," "under" was changed to "less than."
 - C. The perpetrator of the crime was usually referred to in the definition as "the person." Exceptions occur when the crime definition involved other people and the "the person" becomes confusing. In these situations, "actor" was used instead. "Defendant" was often used in procedural and sentencing provisions.
9. Add an effective date of January 31, 2003.

Committee Amendment "A" (H-596) proposed to:

1. Make a technical change to the criminal trespass provisions;
2. Correct an additional cross-reference in the drug statutes required by the bill;
3. Reorder the crime of unlawful possession of scheduled drugs to provide for the highest class being listed first;

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4. Repeal a subsection in the drug statutes that the bill makes unnecessary;
5. Delete a duplicative section of the bill;
6. Reorganize the firearm forfeiture provisions to clarify that section of law;
7. Correct the crime of aggravated cultivating of marijuana to correctly list the Class D and Class E crimes.

LD 1740 proposed to make changes to the Maine Criminal Code with regard to sentence enhancers. To clarify what was stated in the bill, the category of substantive changes that were necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. Facts that function to give the underlying crime a higher class than it would otherwise carry were termed "sentence enhancers" and are the functional equivalent of elements of the resulting in higher class crimes. Legally indistinguishable from an element, a sentence enhancer, in order to meet state and federal constitutional requirements, other than the fact of convictions, must be alleged in the charging instrument, submitted to the jury and proved by the prosecution beyond a reasonable doubt. Although in many instances these specific procedural safeguards currently expressly accompany the sentence enhancer, such is not always the case. The bill as amended proposed to incorporate each sentence enhancer into the elements of the crime that it enhances. This results in the statutory requirement that the enhancers be pleaded and proved beyond a reasonable doubt in order for the prosecution to secure a conviction for that crime at that class. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 383 is the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 1997, chapter 105, as amended by Public Law 1999, chapter 451, section 5 and Public Law 1999, chapter 790, Part D, section 12.

MCJUSTIS is an information clearinghouse, the purpose of which is to provide access to shared uniform information on criminal defendants and crime data. In order for the information to be uniform and accurate, it must be entered and accessed by all participants in the same way. To ensure that crimes are entered accurately, the statutes defining each crime must be precise and narrow enough to ensure that citing to the specific statutory unit will be the same as describing the elements and class of that exact crime. There must be a one-to-one relationship between each crime and the statutory unit that defines it. Public Law 2001, chapter 383 revises the Maine Criminal Code to establish that one-to-one relationship for each crime and its unique statutory cite.

The original resolve directed the MCJUSTIS policy board to propose only those substantive changes to the laws that are necessary to result in a unique statutory cite for each crime. In working through each crime in the Maine Criminal Code, the MCJUSTIS policy board, as advised by the Criminal Law Advisory Commission, identified one category of substantive changes that are necessary and several others that it recommends; all are included in Public Law 2001, chapter 383.

The category of substantive changes that are necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. The statute currently does not require that such "enhancers" be proved beyond a reasonable doubt by the prosecution. The Law

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Court has required, however, that the prosecution must prove such facts beyond a reasonable doubt if the facts are to be used to make the underlying crime a higher class than it would otherwise be or would require a specific punishment. Public Law 2001, chapter 383 incorporates each enhancer into the elements of the crime that it enhances. This results in the statutory requirement that the enhancer be proved beyond a reasonable doubt in order to secure a conviction for that crime at that class.

For example, assault is usually a Class D crime. If the victim is under 6 years of age, however, the assault is a Class C crime. This bill revises assault to require the prosecutor to prove beyond a reasonable doubt that the victim is under 6 years of age in order to secure the Class C conviction.

Public Law 2001, chapter 383 contains changes to the Maine Criminal Code that are substantive and that are proposed to improve the Maine Criminal Code for consistency or clarity.

In addition to formatting changes, Public Law 2001, chapter 383 makes the following changes to the Maine Criminal Code.

1. It rewrites as an element of a crime any fact regarding the crime that is used to establish the class for the crime or the appropriate sentence is rewritten as an element of the crime. This is a substantive change, although it will make little difference in how cases are currently prosecuted.
2. It revises language, including "presumption," "presumed" and "prima facie" to reflect Supreme Judicial Court rulings and Rule 303 of the Maine Rules of Evidence. The revised language instead refers to "permissible inference" to ensure that the jury knows how to use certain proven evidence. This does not reflect a change in practice, but clarifies the law.
3. It provides a definition of being related within the "2nd degree of consanguinity." The term is used in defining both gross sexual assault and incest.
4. It establishes standard language for referring to prior convictions and using prior convictions to affect one class of a newly committed crime. The Maine Revised Statutes, Title 17-A, section 9-A is amended to provide general rules for using prior convictions to enhance a new crime. These general rules are consistent with most existing provisions concerning the use of prior convictions, but do represent a substantive change in a few cases.

The general rules included here require considering specific convictions secured within the last 10 years. This is a substantive change for Title 17-A, sections 506-A and 556.

The period for prior convictions is not changed for prostitution crimes, which remain at 2 years, and certain drug crimes, which do not limit how far back a prior conviction can be used to enhance the current crime.

The general rules provide consistent language dealing with multiple crimes committed within 2 or 3 days. This may result in a substantive change in a limited number of crimes in order to treat them consistently.

5. It inserts the language declaring the class in the same statutory unit that defines the way to commit the crime. When the statute defines more than one way of committing a crime, and those different ways are identified as different classes, the exception to this is in the statutes dealing with gross sexual assault, unlawful sexual contact and theft, where if certain circumstances exist, the classification will go up a class. Because each way

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of committing these crimes could be increased if the particular circumstance exists, an enhancer provision was drafted at the end of each crime to specify that the classification will increase if the circumstances are proved.

The category of substantive changes that are necessary relates to how to handle facts about a crime that are not technically elements but are currently used for determining the class of crime for sentencing purposes. Facts that function to give the underlying crime a higher class than it would otherwise carry are termed "sentence enhancers" and are the functional equivalent of elements of the resulting higher class crimes. Legally indistinguishable from an element, a sentence enhancer, in order to meet state and federal constitutional requirements, other than the fact of convictions, must be alleged in the charging instrument, submitted to the jury and proved by the prosecution beyond a reasonable doubt. Although in many instances these specific procedural safeguards currently expressly accompany the sentence enhancer, such is not always the case. Public Law 2001, chapter 383 incorporates each sentence enhancer into the elements of the crime that it enhances. This results in the statutory requirement that the enhancers be pleaded and proved beyond a reasonable doubt in order for the prosecution to secure a conviction for that crime at that class

6. It rewrites permissible inference language regarding a person accused of theft to include Title 17-A, section 405, burglary. This change expands the presumption that by permitting an inference to be made under the Maine Rules of Evidence, Rule 303, a person in exclusive possession of property recently taken is guilty of the burglary.
7. It amends the drug laws dealing with unlawful trafficking, unlawful furnishing and unlawful possession to clarify that a person is guilty of trafficking, furnishing or possessing a scheduled drug if the person intentionally or knowingly trafficks, furnishes or possesses what the person knows or believes to be a scheduled drug and the drug is a type of scheduled drug.
8. It makes a technical change to the criminal trespass provisions.
9. It corrects an additional cross-reference in the drug statutes required by the bill.
10. It reorders the crime of unlawful possession of scheduled drugs to provide for the highest class being listed first.
11. It reorganizes the firearm forfeiture provisions to clarify that section of law.
12. It corrects the crime of aggravated cultivating of marijuana to correctly list the Class D and Class E crimes.
13. It includes language to make the statutes gender neutral and to correct and update grammar. In addition, the following language changes are made for consistency and are not intended to be substantive.
 - A. When referring to the age of the perpetrator or victim, the term used is "years of age." For example, if current law says "under 14" or "has not reached his 14th birthday," this bill revises it to "less than 14 years of age."
 - B. "Exceeds" is changed to "more than," "under" is changed to "less than."
 - C. The perpetrator of the crime is usually referred to in the definition as "the person." Exceptions occur when the crime definition involves other people and the "the person" becomes confusing. In these

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situations, "actor" is used instead. "Defendant" is often used in procedural and sentencing provisions.

14. It adds an effective date of January 31, 2003.

LD 1743

An Act to Establish a Cold Case Homicide Squad

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1743 proposed to establish a cold case homicide squad within the Department of Public Safety. The bill proposed to terminate the squad on October 30, 2004 unless the squad is continued by the Legislature. The bill proposed to require the Department of Public Safety to provide a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2004 evaluating the success of the cold case homicide squad and making recommendations on continuation of the squad. The bill also proposed to include an appropriation and an allocation to fund 3 state police detective positions for the cold case homicide squad.

LD 1743 was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 439 (Part 2 budget) enacted part of LD 1743 that establishes the squad and appropriates funds for one additional State Police Detective position. (See Part XXXX.)

LD 1750

**An Act to Authorize the Surrender of Concealed Firearms Permits
of Persons Who are the Subjects of Permanent Protection Orders**

ONTP

Sponsor(s)
KILKELLY
COLWELL

Committee Report
ONTP

Amendments Adopted

LD 1750 proposed to allow the court to order the surrender of a person's concealed firearms permit if the person is subject to a permanent protection order under the Maine Revised Statutes, Title 19-A, section 4007. The bill proposed that the surrender would be for the duration of the order only, and that the permit would be returned, at the person's request, within 10 days after the expiration of the order. It also proposed to require that the Department of Public Safety, Bureau of State Police apply to the Federal Government for approval to establish state-issued concealed firearms permits as qualifying permits for purposes of bypassing federal background check requirements for firearms transactions.

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LD 1758

An Act to Amend the Laws Pertaining to the Department of Corrections

PUBLIC 386

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY	OTP-AM MAJ OTP-AM MIN	S-280

LD 1758 proposed to do the following:

1. Establish the authority for the Department of Corrections to transport prisoners across state lines for medical care;
2. Authorize the department to pay for cremation as an option and to clarify reimbursement for funeral expenses;
3. Allow deathbed visits by prisoners to step-relatives;
4. Exempt corrections officers at juvenile facilities from the Criminal Justice Academy's training and certification requirements;
5. Create the Correctional Medical Services Fund;
6. Amend the confidentiality statutes to make screening and assessment tools confidential;
7. Add tobacco trafficking to the prison contraband law;
8. Repeal the temporary certification requirement for batterers' intervention programs;
9. Remove Assistant to the Commissioner of Corrections from positions that serve at the pleasure of the commissioner;
10. Add Correctional Trade Instructor to the definition of corrections officer;
11. Allow polygraph testing of sex offenders in court-ordered treatment;
12. Clarify use of force relating to corrections personnel; and
13. Clarify termination of probation provisions for those who complete batterers' intervention programs.

Committee Amendment "A" (S-280) was the majority report of the Joint Standing Committee on Criminal Justice. Committee Amendment "A" proposed to do the following:

1. Remove that portion of the bill that would have repealed and replaced the law governing the use of force, including deadly force, by corrections personnel;

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2. Remove that portion of the bill that would have exempted corrections officers in juvenile facilities from Maine Criminal Justice Academy training and required the Department of Corrections to provide separate training for these officers;
3. Remove that portion of the bill that would have allowed the Department of Corrections to use money in a prisoner's account to pay for the cost of burial in those cases where the prisoner was buried at public expense;
4. Replace that portion of the bill that proposed to make tobacco trafficking in prison a Class C crime; under the amendment, tobacco trafficking in an adult correctional facility would be a class E crime;
5. Make a technical correction to correct a reference;
6. Replace that portion of the bill that would have added Correctional Trade Instructor to the definition of "corrections officer" under the laws relating to the Maine Criminal Justice Academy training requirements; under this amendment, the instructors would have been required to meet the same training requirements, but were not defined as "corrections officers" for purposes of the Maine Criminal Justice Academy law. Nothing in this amendment was intended to affect the salary classification of the instructors;
7. Make technical corrections to ensure that the Correctional Program Improvement Fund was repealed and replaced by the new Correctional Medical Services Fund;
8. Replace that portion of the bill that would have made certain screening and assessment tools used by the Department of Corrections confidential; the amendment proposed to provide that such documents are not public records but that they must be supplied on request to other agencies and to any committee or study commission established by the Legislature with authority to examine issues related to mental health;
9. Amend the bill to allow prisoners, with the approval of the Department of Corrections, to visit the deathbed and attend the funeral of natural, adoptive or foster relatives; and
10. Add a fiscal note to the bill.

Committee Amendment "B" (S-281) was the minority report of the Joint Standing Committee on Criminal Justice. Committee Amendment "B" proposed to do the following:

1. Remove that portion of the bill that would have repealed and replaced the law governing the use of force, including deadly force, by corrections personnel;
2. Remove that portion of the bill that would have exempted corrections officers in juvenile facilities from Maine Criminal Justice Academy training and required the Department of Corrections to provide separate training for these officers;
3. Remove that portion of the bill that would have allowed the Department of Corrections to use money in a prisoner's account to pay for the cost of burial in those cases where the prisoner was buried at public expense;
4. Replace that portion of the bill that proposed to make tobacco trafficking in prison a Class C crime; under the amendment, tobacco trafficking in an adult correctional facility would be a class E crime;

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5. Make a technical correction to correct a reference;
6. Replace that portion of the bill that would have added Correctional Trade Instructor to the definition of "corrections officer" under the laws relating to the Maine Criminal Justice Academy training requirements; under this amendment, the instructors would have been required to meet the same training requirements, but were not defined as "corrections officers" for purpose of the Maine Criminal Justice Academy law. Nothing in this amendment was intended to affect the salary classifications of the instructors;
7. Remove that portion of the bill that would have struck the assistant to the commissioner position from the list of positions that serve at the pleasure of the Commissioner of Corrections;
8. Make technical corrections to ensure that the Correctional Program Improvement Fund was repealed and replaced by the new Correctional Medical Services Fund;
9. Replace that portion of the bill that would have made certain screening and assessment tools used by the Department of Corrections confidential; the amendment proposed to provide that such documents are not public records but that they must be supplied on request to other agencies and to any committee or study commission established by the Legislature with authority to examine issues related to mental health;
10. Amend the bill to allow prisoners, with the approval of the Department of Corrections, to visit the deathbed and attend the funeral of natural, adoptive or foster relatives; and
11. Add a fiscal note to the bill.

Committee Amendment "B" was not adopted.

Enacted law summary

Public Law 2001, chapter 386 does the following.

1. It establishes the authority for the Department of Corrections to transport prisoners across state lines for medical care.
2. It authorizes the department to pay for cremation in cases where it assumes responsibility for burial of prisoners at public expense.
3. It allows deathbed visits by prisoners to natural, adopted, foster or step relatives.
4. It amends the confidentiality statutes to make screening and assessment tools confidential.
5. It adds the Class E crime of tobacco trafficking to the prison contraband law.
6. It repeals the temporary certification requirement for batterers' intervention programs.
7. It removes Assistant to the Commissioner of Corrections from positions that serve at the pleasure of the commissioner.

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8. It requires Correctional Trade Instructors to meet the same training requirements as corrections officers.
9. It allows polygraph testing of sex offenders in court-ordered treatment.
10. It makes technical corrections to ensure that the Correctional Program Improvement Fund is repealed and replaced by the new Correctional Medical Services Fund.
11. It provides that certain screening and assessment tools used by the Department of Corrections are confidential and are not public records, but that they must be supplied on request to other agencies and to any committee or study commission established by the Legislature with authority to examine issues related to mental health.

LD 1764

An Act to Amend the Crime of Endangering the Welfare of a Child

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY POVICH	OTP-AM	S-203

LD 1764 proposed to create the crime of aggravated endangering the welfare of a child, which is committed when a parent, foster parent, guardian or person responsible for the care and custody of the child knows that the child has been subject to serious bodily injury by another and fails to protect the child from further injury. Current law punishes this conduct by a maximum of less than one year in jail.

Committee Amendment "A" (S-203) replaced the bill and proposed to amend the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 429 amends the current endangering the welfare of a child law to include the Class C crime of failing to take measures to protect a child from further bodily injury when such injury has been committed by another person and the person responsible for the long-term general care of the child knows of the prior injury.

LD 1800

An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1800 proposed to establish the Maine Computer Crimes Task Force, which is a collaborative partnership under the auspices of the Department of Public Safety, Bureau of State Police and includes the Department of Attorney General and local law enforcement agencies. The bill proposed that the purpose of the task force is to investigate and assist those law enforcement agencies in the State that investigate crimes involving computers. The task force would have been funded by a General Fund appropriation.

LD 1800 was not removed by the Senate from the Special Appropriations Table and died on adjournment. However, Public Law 2001, chapter 439 (Part 2 budget) enacted part of LD 1800 that establishes the task force and appropriates funds for one State Police Sergeant position and operating costs. (See Part QQQQ.)

LD 1815 **An Act Regarding the Training Requirements for Certain** **INDEF PP**
Employees of the Department of Public Safety

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1815 proposed to exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement. The bill also proposed to exempt from the full-time law enforcement officer training requirements the Department of Public Safety's director of capitol security or security officers who are hired on or before May 1, 2001. A director or security officer hired after May 1, 2001 would not have been exempt from the training requirements. A director or security officer hired on or before May 1, 2001 could choose to attend the full-time law enforcement officer training course before July 15, 2005. The bill proposed that the Department of Public Safety shall pay for that training. This bill also proposed to include an appropriation section.

House Amendment "A" (H-754) replaced the bill. The amendment proposed to exempt from the full-time law enforcement officer training requirements the State Fire Marshal and the Department of Public Safety's Chief of the Bureau of Liquor Enforcement. The amendment also proposed to exempt from the full-time law enforcement officer training requirements capitol security officers who are hired before July 15, 2003 and the Director of Capitol Security employed in that position on June 1, 2001. A director or security officer hired before July 15, 2003 could choose to attend the full-time law enforcement officer training course before July 15, 2005. The amendment proposed that the Department of Public Safety shall pay for that training. The amendment proposed to change the penalty for a violation of any rules adopted by the Commissioner of Public Safety from \$50 to not more than \$250 and to conform the language to drafting standards.

This amendment also proposed to require the Department of Public Safety to implement the requirements within existing resources.

House Amendment "A" was not adopted.

Senate Amendment "A" (S-388) proposed to exempt the State Fire Marshal, the Director of the Bureau of Liquor Enforcement and the security officers of the Bureau of Capitol Security with limited law enforcement powers, from the full-time law enforcement officer training requirements.

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Senate Amendment "A" was not adopted.

LD 1825

**An Act Providing Funding for the Office of the State Fire Marshal
and to Increase Certain Fire Inspection Fees**

**PUBLIC 437
EMERGENCY**

<u>Sponsor(s)</u> POVICH MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-743
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LD 1825

This emergency bill proposed to do the following:

1. Increase certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits;
2. Establish a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment was designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002;
3. Allocate funds to cover increased operating costs in the Office of the State Fire Marshal; and
4. Repeal Public Law 2001, chapter 343 retroactively.

House Amendment "A" (H-707) proposed to revise the bill by specifying that a fire insurance company or association that collects a special assessment shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. The amendment proposed that the notification accompany the premium notice and be made in a manner determined by each fire insurance company or association. This amendment was not adopted.

Senate Amendment "A" (S-331) proposed to remove the requirement that the special assessment be separately identified on all premium notices. This amendment was not adopted.

Committee Amendment "A" (H-743) proposed to revise the bill by specifying that a fire insurance company or association that collects a special assessment shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. The amendment proposed that the notification accompany the premium notice and be made in a manner determined by each fire insurance company or association. Committee Amendment "A" was adopted after LD 1825 was recommitted to the Criminal Justice Committee.

Enacted law summary

Public Law 2001, chapter 437 does the following.

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1. It increases certain inspection and permit fees collected by the Office of the State Fire Marshal to more accurately reflect the costs associated with those inspections and permits.
2. It establishes a one-year special assessment to be collected from policyholders of insured fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal for fiscal year 2002.
3. It specifies that a fire insurance company or association that collects a special assessment shall notify each policyholder that the premium includes a special assessment to provide funding for the State Fire Marshal. The notification has to accompany the premium notice and may be made in a manner to be determined by each fire insurance company or association.
4. It repeals Public Law 2001, chapter 343 retroactively.

Public Law 2001, chapter 437 was enacted as an emergency measure effective on June 20, 2001.

HP 1245 **Joint Study – Relative to the Joint Select Committee to Find a Sustainable Source of Funding for Gun Safety Classes** **ONTP**

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

Enacted law summary

Joint Study Order HP 1245 proposed to establish the Joint Select Committee to Find a Sustainable Source of Funding for Gun Safety Classes.

HP 1383 **Joint Order – Relative to the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated** **READ AND PASSED**

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

Enacted law summary

Joint Study Order HP 1383 proposed to establish the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated. As proposed the committee consists of the 13 members of the Joint Standing Committee on

Joint Standing Committee on Criminal Justice

Criminal Justice who are directed to invite the participation of experts and interested parties, gather information and request necessary data from public and private entities in order to:

1. Evaluate the availability and appropriateness of current mental health services for persons incarcerated in Department of Corrections facilities and in county jails, including but not limited to: access to forensic beds for prisoners in need of that level of mental health intervention; the provision of mental health services within the institutions provided by or in partnership with the Department of Mental Health, mental Retardation and Substance Abuse Services and involuntary medication of prisoners with mental illness;
2. Identify what additional mental health services are needed for incarcerated persons and how those services may best be implemented, provided and funded;
3. Identify what mental health training is required for law enforcement and corrections officers who work in corrections facilities and jails and how that training may best be implemented, provided and funded; and
4. Identify steps necessary for county jails to seek and achieve accreditation.

The joint study order proposed that the committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than December 5, 2001.

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LD 1 **An Act to Phase Out Community Income Considerations from the School Funding Formula** **CARRIED OVER**

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

LD 1 proposes to phase out over a 3-year period the consideration of local median household income and proposes to increase by an equal percentage the reliance on property values in determining the local contribution portion of the school funding formula. The bill has been carried over to the Second Regular Session.

LD 3 **An Act to Establish Guidelines for High School Sports** **ONTP**

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

LD 3 proposed to require all school administrative units to allow student athletes and coaches to participate in sports-related activities at any time throughout the year. The bill also proposed to prohibit school administrative units from requiring student athletes to participate in sports outside the regular season in order to participate during the regular season.

LD 21 **An Act to Allow the Awarding of High School Diplomas to Veterans of World War II and the Korean Conflict** **PUBLIC 85
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MARTIN	OTP-AM	H-124

LD 21 proposed to allow a local school board the option of granting a diploma to a veteran of World War II who was honorably discharged even though the veteran does not meet the graduation requirements of this Title.

Committee Amendment "A" (H-124) proposed to replace the bill while maintaining the original intent and incorporates issues included in 2 other similar bills, LD 182 and LD 282.

This amendment proposed to give secondary schools the authority to issue high school diplomas to veterans of World War II and the Korean Conflict who did not receive their diplomas because of service in the armed forces. The decision of whether to issue diplomas would be within the discretion of the secondary schools.

This amendment proposed to establish requirements for qualifying for a diploma. The person would be required to meet all the following requirements.

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1. Either the veteran or the veteran's family must apply for the diploma. Diplomas may be awarded after the veteran has died.
2. The secondary school that receives the application may award the diploma only if the veteran attended that school, attended a secondary school in the geographic area now served by that secondary school or currently resides in the geographic area served by that secondary school no matter where the veteran attended secondary school.
3. The veteran must have left secondary school to serve in the Armed Forces of the United States during World War II or the Korean Conflict. This amendment defines "Armed Forces" to include the Army, Navy, Air Force, Marine Corps and Coast Guard. It also includes the Merchant Marines, but only for the dates for which members of the Merchant Marines are considered "veterans" by the Federal Government.
4. The veteran did not receive a diploma because of service in the armed forces.
5. The veteran must have received an honorable discharge or a certificate of honorable service from the armed forces.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 85 gives secondary schools the authority to issue high school diplomas to veterans of World War II and the Korean Conflict who did not receive their diplomas because of service in the armed forces. The law establishes requirements for qualifying for a diploma. The decision of whether to issue diplomas is within the discretion of the secondary schools.

Public Law 2001, chapter 85 was enacted as an emergency measure effective May 8, 2001.

LD 22

Resolve, Regarding Legislative Review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a Major Substantive Rule of the Department of Education

**RESOLVE 9
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-125

LD 22, a resolve, proposed to provide for legislative review of Chapter 125.17D: Regulations Governing Timeout Rooms, Therapeutic Restraints and Aversives in Public Schools and Approved Private Schools, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-125) proposed to make certain specific changes in the rule concerning the use of time-out rooms, therapeutic restraints and aversives provisionally adopted by the Department of Education.

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1. The rule must be amended to provide that the local policy must be reviewed at least annually. The provisionally adopted rule requires the local policy to be reviewed at least quarterly.
2. The rule must be amended to require the documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days. The provisionally adopted rule requires the documentation to be completed within 24 hours.
3. The rule must be amended to delete from the definition of "aversive therapy or treatment" the terms "loud noises" and "humiliating practices." The provisionally adopted rule provides that aversive therapy or treatment is prohibited. The terms that must be deleted are too subjective to provide sufficient guidance. The definition must also be amended to delete the unnecessary "etc." that is at the end of the examples of prohibited aversive therapy or treatment.

Enacted law summary

Resolve 2001, chapter 9 authorizes final adoption of regulations concerning the use of time-out rooms, therapeutic restraints and aversives, a provisionally-adopted, major substantive rule of the Department of Education. The rule requires that documentation of a time-out room or therapeutic restraint be provided to the program administrator within 2 school days; and also requires that the local policy concerning the use of time-out rooms, therapeutic restraints and aversives must be reviewed at least annually.

Resolve 2001, chapter 9 was finally passed as an emergency measure effective May 8, 2001.

LD 111

An Act to Appropriate Funds for the Bath Higher Education Center

ONTP

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

LD 111 proposed to provide a General Fund appropriation of \$1,400,000 in fiscal year 2001-02 to renovate and equip classroom space at the Bath Higher Education Center of the Maine Technical College System.

Similar provisions to those contained in the bill, contingent upon passage of a \$1,000,000 General Fund bond to develop, renovate and equip the proposed Bath Higher Education Center, were included in P&SL 2001, c. 37. Other bills proposed to support an operating budget for the proposed Bath Higher Education Center (see LD 532 and LD 1378).

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LD 147

**An Act to Protect the Academic Integrity of Maine's Public
Institutions of Higher Education**

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS DAVIS P	OTP-AM	H-129

LD 147 proposed to prohibit the Maine State Commission for Higher Education Facilities from accepting funds from any source that would place conditions or restrictions on the use of funds in such a way as to interfere with or otherwise restrict the academic freedoms of state colleges and universities.

Committee Amendment "A" (H-129) proposed to strike and replace the bill and proposed to amend the bill title. Under this amendment, the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System would each adopt a policy and a review process that ensures that each public system, its respective campus and any foundation related to each public system or campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to faculty members of higher educational institutions in teaching, research and expression of opinions.

Enacted law summary

Public Law 2001, chapter 86 provides that the Board of Trustees of the Maine Maritime Academy, the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System shall each adopt a policy and a review process that ensures that each public system, its respective campus and any foundation related to each public system or campus is prohibited from accepting funds from any source that would interfere with or otherwise restrict the academic freedoms typically accorded to faculty members of higher educational institutions in teaching, research and expression of opinions.

LD 150

**An Act to Provide Equal Access for Meeting the Needs of Students
at Public Institutions of Higher Education**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON O'GARA	ONTP	

LD 150 proposed to require public postsecondary institutions, other than the Maine Maritime Academy, to provide to private bookstores the same information and services that the postsecondary institution provides to campus bookstores operated by or on behalf of the institution.

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LD 182

An Act to Award High School Degrees to Certain Members of the Armed Services

ONTP

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

LD 182 proposed to permit a secondary school to award a diploma to a veteran whose secondary school education was interrupted by service in the Armed Forces of the United States during World War II.

The substance of this bill was also addressed by other bills referred to the Education Committee (see LD 21, which was enacted as P.L. 2001, c. 85, and LD 282).

LD 215

An Act Regarding Out-of-district Placement

ONTP

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

LD 215 proposed to require the State to reimburse a school administrative unit for 100% of the unit's special education tuition and costs for an out-of-district placement approved by the Commissioner of Education. Under this bill, the Department of Education would have been required to appropriate funds for out-of-district special education placements to those school administrative units that have submitted supporting evaluative data justifying the placement of an exceptional student in an approved regional program.

LD 269

An Act to Implement the Recommendations Relating to Education Made by the Joint Study Committee to Study Bomb Threats in Maine Schools

**PUBLIC 67
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-94

LD 269 proposed to implement certain recommendations contained in the report of the Joint Study Committee to Study Bomb Threats in Maine Schools. The bill proposed to require the Department of Education to develop prototypical guidelines, policies and protocols for school administrative units to use in developing local responses to school bomb threats. The bill also proposed to require school boards to report bomb threats to the Commissioner of Education; to develop school bomb threat policies and protocols; and to include specific information addressing school bomb threat policies in their student handbooks.

Enacted law summary

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Public Law 2001, chapter 67 implements several recommendations of the Joint Study Committee to Study Bomb Threats in Maine Schools. The law requires the Department of Education to consult with certain state and local officials in developing prototypical guidelines, policies and protocols for school administrative units to use in developing local responses to school bomb threats. The law also requires school boards to report bomb threats to the Commissioner of Education; to develop school bomb threat policies and protocols consistent with the prototypical policy guidelines; and to include specific information addressing school bomb threat policies in their student handbooks.

Public Law 2001, chapter 67 was enacted as an emergency measure effective May 2, 2001.

LD 282 **An Act to Award High School Diplomas to World War II Veterans** **ONTP**

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

LD 282 proposed to permit a secondary school to award a diploma to a person who started secondary school between 1937 and 1946, left secondary school to serve in the Armed Forces of the United States, did not receive a diploma as a consequence of this service and received an honorable discharge.

The substance of this bill was also addressed by other bills referred to the Education Committee (see LD 21, which was enacted as P.L. 2001, c. 85, and LD 182).

LD 291 **An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools** **PUBLIC 403**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING CATHCART	OTP-AM	H-666

LD 291 proposed to require that Maine Native American history and culture be taught in all elementary and secondary schools and requires the Department of Education to include Maine Native American history and culture in the system of learning results. This bill proposed to establish a commission to investigate and recommend how the Department of Education will accomplish this task.

Committee Amendment "A" (H-666) proposed to require that Maine Native American history and culture be taught in all elementary and secondary schools. The amendment also proposed to establish a study commission to identify and explore available materials and resources for Maine educators to use in implementing these instructional areas. The amendment proposed to authorize the Maine Indian Tribal-State Commission to carry out the study commission.

The amendment further proposed to require the study commission recommendations to include a plan to assist the Department of Education in helping school administrative units implement instruction in Maine Native American

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studies. The plan for assistance must be established by July 30, 2004 and implemented during the 2004-2005 school year. Finally, the amendment proposed to allow a school administrative unit to delay implementation of instruction in Maine Native American studies if implementation of the component topics can not be achieved within existing local resources and requires the Department of Education to develop a reporting mechanism that permits a school administrative unit to report such a delay to the department at no cost to the unit.

The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 403 requires that Maine Native American history and culture be taught in all elementary and secondary schools and establishes a study commission to identify and explore available materials and resources for Maine educators to use in implementing these instructional areas. The law authorizes the Maine Indian Tribal-State Commission to carry out the study commission and requires the study commission recommendations to include a plan to assist the Department of Education in helping school administrative units implement instruction in Maine Native American studies. The plan for assistance must be established by July 30, 2004 and implemented during the 2004-2005 school year. Finally, the law allows a school administrative unit to delay implementation of instruction in Maine Native American studies if implementation of the component topics can not be achieved within existing local resources and requires the Department of Education to develop a reporting mechanism that permits a school administrative unit to report such a delay to the department at no cost to the unit.

LD 329 **An Act to Increase the Number of Teachers** **ONTP**

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

LD 329 proposed to require the Department of Education, the State Board of Education and the University of Maine System to create a program to encourage retired military personnel to seek teacher certification and to teach in the State.

LD 334 **An Act to Provide Incentives to Families Who Save for College** **ONTP**

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

LD 334 was re-referred from the Taxation Committee. The bill proposed to provide an income tax deduction for 10%, up to an aggregate maximum of \$2,000, of the amount contributed to a college savings account established under the Maine College Savings Program administered by the Treasurer of State and the Finance Authority of Maine. The bill also proposed to require the authority to provide information to the Department of Administrative and Financial Services, Bureau of Revenue Services for purposes of verifying eligibility for the deduction. The bill further proposed to make technical changes to resolve a conflict in the law.

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LD 337

**Resolve, to Create a Study Commission on the Problems Created
By Inadequate Funding for Special Education Services**

ONTP

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

LD 337, a concept draft pursuant to Joint Rule 208, proposed to create a study commission to examine the impact that inadequate funding levels for special education services, at both the state and federal levels, have on students, families and communities. Under the proposed resolve, the commission would have reported the results of its study and would have made appropriate recommendations to address its findings to the Second Regular Session of the 120th Legislature.

LD 339

An Act to Address Violence in Schools

PUBLIC 189

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

LD 339 proposed to include "engages in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member" in the crime of disturbing schools. The bill also proposed to indicate that if a person damages or destroys a school house or building the person commits a civil offense and damages are doubled. The bill also proposed to replace "reasonable time" with 45 working days for the time that a parent has to make good when a student loses or damages school property. After that time the municipality would collect the replacement costs, and the money collected would go to the municipality.

This bill proposed to strengthen the recourse to the authority who must deal with those who disrupt and vandalize the schools in our State.

Enacted law summary

Public Law 2001, chapter 189 expands laws regarding the crime of disturbing schools to include engaging in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member if the offense is committed on school property. The law further provides that if a person damages or destroys a school house or building the person commits a civil offense and damages are doubled. The law also clarifies that a parent of a public school student has 45 working days to provide compensation for or to replace lost or damaged school books or appliances that were furnished to the student. After that time, the municipality shall collect the replacement costs of the lost or damaged property and the money collected must go to the municipality.

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LD 405 **An Act to Account for Homeschooled Children Under the School Funding Formula and to Require the Maine Educational Assessment for Homeschooled Children** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 405 proposed to require that all home-schooled students participate in the Maine Educational Assessment. The bill also proposed that home-schooled students be included in the pupil count of the local school administrative units where they reside for the purposes of receiving state subsidy under the school funding formula.

LD 422 **Resolve, to Require the Department of Education to Propose Guidelines for Students Who Have Been Convicted of Violent Crimes** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 422 proposed to require the Department of Education to develop guidelines for a school administrative unit to follow when providing public education to a student who has been indicted for or convicted of a violent crime.

LD 466 **An Act to Remove Liability from School Units When Releasing Information on School Employees Accused of Crimes** **CARRIED OVER**

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 466 proposes to allow a school administrative unit to release confidential information about an employee or former employee to another school administrative unit for the purpose of a reference for employment. The bill has been carried over to the Second Regular Session and a committee letter sent to the Maine Education Association and the Maine School Management Association requesting that they mutually engage in further study of this proposed legislation.

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LD 475

**An Act to Govern Fees Assessed by the Bureau of General Services CARRIED OVER
that Apply to School Construction Projects**

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

LD 475 proposes to specify that the fee assessed a school administrative unit by the Department of Administrative and Financial Services, Bureau of General Services for services associated with a school construction project may not exceed \$15,000. The bill also proposes to require the Bureau of General Services to furnish reports to the project unit school board and the State Board of Education concerning the services provided on school construction projects. The bill has been carried over to the Second Regular Session.

LD 532

**An Act to Appropriate Funds to the Maine Technical College
System for the Programs and Operation of the Bath Higher
Education Center**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMALL	OTP-AM	H-128

LD 532 proposed to provide a General Fund appropriation of \$396,000 in fiscal year 2002-03 to support an operating budget for the proposed Bath Higher Education Center.

Committee Amendment "A" (H-128) proposed to change the title of the bill and to reduce the General Fund appropriation for the operation of the Bath Higher Education Center from \$396,000 to \$300,000. The amendment also proposed to provide that, prior to the appropriation to the Board of Trustees of the Maine Technical College System for program and operating expenses of the proposed Bath Higher Education Center on the site of the former Mid Coast Hospital campus in Bath, the City of Bath must secure the necessary funds to develop, renovate and equip the proposed Bath Higher Education Center from private sector and public sector entities. The amendment further proposed to permit the City of Bath to use any unexpended and unobligated funds to support the program and operational budget of the Bath Higher Education Center. It also proposed to add a fiscal note to the bill. (Not adopted)

The provisions of the bill as amended by Committee Amendment "A" and contingent upon passage of a \$1,000,000 General Fund bond to develop, renovate and equip the proposed Bath Higher Education Center, were included in the Part II budget, P.L. 2001, c. 439, Part HHH. Other bills addressed the necessary funds to develop, renovate and equip the proposed Bath Higher Education Center (see LD 111 and LD 1378).

Joint Standing Committee on Education and Cultural Affairs

LD 535

An Act to Expand Educational Opportunities

CARRIED OVER

<u>Sponsor(s)</u> DUNLAP NUTTING J		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 535 proposes to provide annual General Fund appropriations of \$600,000 in fiscal year 2001-02 and fiscal year 2002-03 for the University of Maine to expand doctorate-level education opportunities. The bill has been carried over to the Second Regular Session.

LD 567

An Act to Financially Reward Maine Teachers Who Earn Certification from the National Board for Professional Teaching Standards

ONTP

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 567 proposed to provide General Fund appropriations of \$250,000 annually in fiscal years 2001-02 and 2002-03 to provide \$5,000 to a teacher who earns certification from the National Board for Professional Teaching Standards.

LD 604

An Act to Improve Education Service for Children with Disabilities

ONTP

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 604 proposed to specifically authorize the protection and advocacy agency designated by the Governor, charged with protecting and advocating for the rights of individuals with disabilities, with the responsibility and authority for providing advice and representation to parents going through the special education process. The bill further proposed that any state funding made available for that purpose be appropriated to this agency.

Through the school funding formula, the State currently reimburses school districts for legal advice and representation in the special education process. Parents of children with special needs do not receive any state assistance in seeking their rights under federal and state special education laws.

LD 605

An Act to Improve Opportunities for Recruitment of Teachers

ONTP

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 605 proposed to create a state fund to provide a subsidy of up to \$2,000 per district to help schools hire teachers for hard-to-fill positions. The bill proposed to set a minimum teacher salary of 1.5 times the federal poverty level for a family of 3 with an additional \$2,000 differential for teachers with master's degrees. The bill also proposed to establish the Maine Teachers Student Loan Forgiveness Program as an additional incentive for teachers to teach in schools in this State.

LD 621 **An Act to Protect a Child's Right to Bike and Walk to School** **ONTP**

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

LD 621 proposed to prohibit school boards from banning students from bicycling or walking to school. The bill also proposed to require school construction projects to provide bicycle and pedestrian access to buildings, as well as adequate, secure and convenient bicycle parking.

LD 622 **An Act to Eliminate the Use of Tobacco in Maine Schools and on School Grounds** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-123
GAGNON	ONTP MIN	

LD 622 proposed to prohibit smoking in schools and on the grounds of any elementary or secondary school, including a recreational playing field or athletic facility.

Committee Amendment "A" (H-123) proposed to correct an error in the title and clarify that the prohibition on the use of tobacco would apply to buildings owned or leased or contracted for by an elementary or secondary school.

LD 627 **An Act to Expand the Definition of School Construction to Include Renovation and Expansion of Existing Facilities** **ONTP**

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

LD 627 proposed to expand the definition of school construction projects to include renovations or expansions to existing schools.

Joint Standing Committee on Education and Cultural Affairs

LD 659 **Resolve, to Promote the Blueberry Industry** **ONTP**

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

LD 659 proposed to direct the University of Maine Cooperative Extension to develop a plan to create a blueberry museum in Jonesport.

LD 660 **An Act to Amend the Laws Governing a Conflict of Interest for a School Board Member** **ONTP**

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

LD 660 proposed to amend the conflict of interest law for school board members to allow a member's spouse to be employed on a temporary, seasonal, part-time or substitute basis at a school within the jurisdiction of the school board of which the person's spouse is a member.

Committee Amendment "A" (S-310) proposed to replace the bill and was the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to create an exception in the school employment laws that allows a spouse of a school board member or school union representative to serve as a part-time, seasonal, temporary or substitute employee in a public school or contract high school or academy where that person's spouse serves as a school board member or school union representative. The amendment proposed to require notice of a spouse's application for employment to the school board or school union committee, policies for prescribing the terms and conditions under which a school board or school union committee may hire a spouse of a school board member or school union committee member and the requirement that a school board member must be excused from any discussions of salary or other personnel matters directly affecting that member's spouse. The amendment proposed to add an emergency preamble and an emergency clause to the bill. This amendment was not adopted.

LD 690 **Resolve, to Study the Special Education Teacher Shortage** **ONTP**

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

LD 690, a concept draft pursuant to Joint Rule 208, proposed to establish a commission to study and report on the structure and operation of the special education system in Maine schools for the purpose of alleviating the shortage of teachers in the special education field.

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LD 715

An Act to Change the Truancy Laws

INDEF PP

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

LD 715 proposed to amend the truancy laws to allow law enforcement officers to summons the parent or guardian of a truant student to appear in court. The court may order the student to attend school, hold the parent or guardian in contempt of court and suspend any state license issued to the parent or guardian for failing to comply with the court's orders related to the student's attendance at school.

Committee Amendment "A" (H-211) was the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to change the provision of the bill that proposed to require the District Court to order injunctive relief against a person who has control or is responsible for a habitual truant by reverting to existing law that provides the District Court with the discretion of ordering injunctive relief in such cases. The amendment was not adopted.

Committee Amendment "B" (H-614) was the majority report of the Joint Standing Committee on Education and Cultural Affairs (following the recommittal of the bill to the committee). The amendment accomplishes the following.

1. It strikes the provision of the bill that proposed to allow the court to suspend any state license issued to the parent or guardian of a student who is habitually truant for failing to comply with the court's orders related to the student's attendance at school.
2. It authorizes the court to suspend the driver's license, recreational license or work permit issued to a student who is habitually truant and repeals this authority on July 1, 2003.
3. It directs the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to collect data on any penalties imposed by the court on habitual truants and to include recommendations concerning the need for extending authorization for these penalties in its annual report to be presented by February 1, 2003 to the Commissioner of Education and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.
4. It changes the provision of the bill that proposed to require the court to order injunctive relief against a person who has control of or is responsible for a habitual truant by reverting to existing law that provides the court with the discretion of ordering injunctive relief in such cases.
5. It retains the provision of the bill that allows the court to order the student to attend school.

The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-653) proposed to strike those provisions of the bill and Committee Amendment "B" that apply culpability for the truancy of the student to the parent or guardian, including:

1. Allowing a law enforcement officer to summons the parent or guardian to appear in court; and

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2. Providing a civil violation for a parent or guardian who has control or primary responsibility for a habitually truant student.

The amendment also proposed to make changes to clarify that the injunctive relief ordered by the court applies only to the truant student. The amendment was not adopted.

LD 720 **An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000** **P & S 27**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER YOUNGBLOOD	OTP-AM	H-522

LD 720 proposed to increase the debt limit of the City of Brewer High School District from \$2,500,000 to \$5,000,000 subject to approval at referendum by the voters of the City of Brewer.

Committee Amendment "A" (H-522) proposed to make revisions to the bill to provide more permissive language to the bill to permit the trustees of the City of Brewer High School District to submit a referendum to the legal voters of the City of Brewer no later than December 31, 2001. The proposed referendum must only seek to increase the bonding limit of the school district from \$2,500,000 to \$5,000,000.

Enacted law summary

Private and Special Law 2001, chapter 27 permits the trustees of the City of Brewer High School District to submit a referendum to the legal voters of the City of Brewer no later than December 31, 2001 for the purpose of seeking to increase the bonding limit of the school district from \$2,500,000 to \$5,000,000.

LD 731 **An Act to Require Gun Safety Education** **ONTP**

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

LD 731 proposed to require gun safety education to be included in the curriculum of elementary schools.

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LD 732

**An Act to Encourage Maine's Best and Brightest Students to
Continue their Education in the State of Maine**

**DIED IN
CONCURRENCE**

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

LD 732 proposed to mandate that any Maine high school student who graduates with a grade point average of 3.0 or higher on a scale of 4.0 is automatically admitted to any state postsecondary educational institution.

LD 750

Resolve, to Promote Ethnic Diversity and Maine's French Heritage

ONTP

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

LD 750 proposed to require the Department of Education to conduct a pilot project to promote ethnic diversity and Maine's French heritage, including the teaching of French, in kindergartens in communities with strong French ties and history.

LD 754

**Resolve, to Study the Feasibility of a 4-year Vocational Educational
Program**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS	OTP-AM	H-191
DAVIS P		

LD 754 proposed to require that vocational centers and regions provide a 4-year vocational education program for high school students and adults.

Committee Amendment "A" (H-191) proposed to change the bill to a resolve, changes its title and replaces the bill.

The amendment would have created a commission to study the feasibility of establishing a 4-year vocational education program that would have been composed of 3 members of the House of Representatives and 3 members of the Senate. The duties of the commission were to review any applicable studies on this subject previously conducted in the State, review and assess 4-year vocational education programs in other states, determine the need for such a program in Maine in each of the trade groups and review issues related to the start-up of such a program including issues of access, choices of curricula, scheduling, consistency with goals of the statewide system of learning results, questions of capacity and coordination and any other issues considered relevant by the commission.

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The amendment also proposed to direct the commission to establish a stakeholder group to assist and advise the commission during its study and directs the commission to report its findings to the Legislature by December 6, 2001.

LD 766

Resolve, to Improve Child Development Services

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ	H-662
MITCHELL B	OTP-AM MIN	

LD 766, which was jointly referred to the Education and Cultural Affairs Committee and Health and Human Services Committee, proposed to transfer responsibility for administering the Child Development Services System from the Department of Education to the Department of Human Services, effective July 1, 2002.

In the House the bill was finally passed as amended by Committee Amendment A; and the Senate initially engrossed it with the same amendment. Later the Senate indefinitely postponed the bill and it died between the houses on adjournment. At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee next session with appropriate recommendation for the improvement of early intervention and special education services for children up to age 6, including changes in CDS System structure and funding.

Committee Amendment "A" (H-662), the majority report of the committees, proposed to replace the bill and convert it to a resolve. The amendment proposed that the Commissioner of Education review the current delivery of services and develop a plan for reorganization of the provision of child development services required under federal law to children from birth to under 6 years of age throughout the State. The plan would have provided for centralized administration of the system for. In the process of developing the plan, the department was directed to consult with the Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. To provide required services in a timely manner, the plan would have established regional sites.

A 6-member legislative subcommittee was proposed to advise the Commissioner of Education in developing the plan. The subcommittee would have consisted of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The commissioner and subcommittee were directed to use the services of outside consultants from national organizations in reviewing the current system and developing the reorganization plan.

The commissioner was to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2002. The report would have included the proposed reorganization plan, provisions for implementation by July 1, 2002, including transition issues and proposed implementing legislation. The joint standing committees were authorized to introduce legislation to the Second Regular Session of the 120th Legislature to implement the plan.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

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Committee Amendment "B" (H-663), the minority report of the committees, also proposed to replace the bill and convert it a resolve. It proposed that the Commissioner of Education's provider-director workgroup and the Maine Advisory Council on the Education of Children with Disabilities collaborate in the review of delivery of services to children with disabilities from birth to under 6 years of age and report to the Commissioner of Education with a preliminary report by October 10, 2001 and with a final report by January 10, 2002. The report was to address improved quality and consistency of services, professional development needs and ways to improve interagency coordination and collaboration.

The amendment also proposed that the Commissioner of Education in collaboration with the National Conference of State Legislatures, appropriate state and legislative agencies and other qualified entities conduct a survey of the families receiving services under the Child Development Services System and of the contract providers under that system. The survey was to address all aspects of the system and would have resulted in identification of information necessary to develop recommendations concerning whether and how the system needs to be revised.

The amendment proposed to direct the commissioner to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services in January 2002 on the results of the collaboration of the provider-director workgroup and the Maine Advisory Council on the Education of Children with Disabilities and the survey. The committees would have been authorized to introduce legislation next session.

The amendment also proposed to add a fiscal note to the bill.

LD 770 Resolve, to Encourage Entrepreneurship Education and Outreach ONTP

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

LD 770 proposed to direct the Department of Education to consider recommendations from the Department of Economic and Community Development and from other interested parties on entrepreneurship to encourage entrepreneurship education in kindergarten to grade 12 and in postsecondary education systems and to improve outreach of entrepreneurship education to rural areas of the State.

LD 811 An Act to Retain Engineering Expertise in the State ONTP

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

LD 811 proposed to establish the Maine Engineers Recruitment and Retention Program to provide financial assistance and incentives to any graduate of a college of engineering within the University of Maine System to become an employee in an engineering position in the State. The program also proposed to provide loan repayment to up to 10 eligible engineers working in Maine businesses. Under the proposed bill, the employers who applied for the loan repayment funds would have matched all funds received by their employees. The program would have

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been administered by the Finance Authority of Maine with assistance in determining recipients from an advisory committee.

LD 842 **An Act to Allow Senior Citizens to Take One Course per Semester at the University of Maine System without Charge** **ONTP**

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

LD 842 proposed to allow a person 65 years of age or older to take one course per year free of charge in any University of Maine System institution if there is available space in the class.

LD 859 **An Act to Fund Technology Advancements for Maine's Libraries** **ONTP**

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

LD 859, a concept draft pursuant to Joint Rule 208, proposed to fund technology advancements for Maine's libraries.

LD 860 **Resolve, Requiring the Department of Audit to Review Procedures, Goals and Actual Expenditures of General Purpose Aid Disbursements through the School Funding Formula** **ONTP**

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

LD 860 proposed to direct the Department of Audit to examine disbursements of general purpose aid for education and to report its findings to the Joint Standing Committee on Education and Cultural Affairs.

LD 873 **An Act to Require Cardiopulmonary Resuscitation Certification Prior to Graduation from High School** **ONTP**

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

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LD 873 proposed to add certification in cardiopulmonary resuscitation to the high school diploma curriculum requirements.

LD 878 **An Act to Extend Options for Obtaining a General Educational Diploma** **ONTP**

<u>Sponsor(s)</u> SULLIVAN MICHAUD MH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 878 proposed to allow the University of Maine System to offer an on-line program to allow individuals the opportunity to obtain their general educational diploma.

LD 888 **An Act Concerning the Benefits and Privileges of Tuition Students at Receiving Public and Private Schools** **ONTP**

<u>Sponsor(s)</u> WINSOR FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 888 proposed to provide tuition students from the unorganized territory with the same privileges and benefits as other students in the public or private school to which the tuition student attends. This bill also proposed to broaden the law to apply to all tuition students, regardless of whether the tuition student resides in a municipality or an unorganized territory.

LD 889 **An Act to Establish a Mandated Minimum for Teachers' Salaries** **CARRIED OVER**

<u>Sponsor(s)</u> BAKER MICHAUD MH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 889 proposes to establish a mandatory minimum salary of \$25,000 for certified teachers and to provide a block grant of \$800 per teacher to each school administrative unit for teachers' salaries. The bill has been carried over to the Second Regular Session.

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LD 945

Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

**RESOLVE 50
EMERGENCY**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-631
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LD 945, a concept draft pursuant to Joint Rule 208, proposed to revise and create air quality standards for renovations and construction of schools. This bill also proposed to increase the number of personnel in the Department of Environmental Protection, Bureau of Air Quality for the purpose of implementing and enforcing the new air quality standards.

Committee Amendment "A" (H-631) proposed to change the bill to a resolve and establish the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools to examine the advisability of establishing and implementing indoor air quality standards for school facilities. The task force would report to the Joint Standing Committee on Education and Cultural Affairs and the Legislative Council by November 15, 2001.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 50 establishes the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools to examine the advisability of establishing and implementing indoor air quality standards for school facilities. The task force is to submit its report, including findings and recommendations, to the Joint Standing Committee on Education and Cultural Affairs and the Legislative Council by November 15, 2001. The law also authorizes the committee to report out a bill to the Second Regular Session of the 120th Legislature.

Resolve 2001, chapter 50 was finally passed as an emergency measure effective June 8, 2001.

LD 963

An Act to Protect Occupants from Diesel Exhaust Emitted by School Buses

ONTP

<u>Sponsor(s)</u> CHICK		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 963 proposed to require a school board to consider the amount of pollution emitted by a school bus when purchasing a school bus.

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LD 967

An Act to Waive Immunization Requirements for Students Participating in Distance Programs

PUBLIC 87

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-192

LD 967 proposed to provide an exemption to the immunization laws for students who enroll in distance education programs offered by colleges, universities, technical colleges and schools for the health professions. This exemption would apply only in cases in which the student does not attend any classes or programs at a campus in the State.

Committee Amendment "A" (H-192) proposed to strike and replace the bill to clarify that the exemption to the immunization requirements for postsecondary education students applies only to students who are enrolled in a distance education program at a postsecondary educational institution in the State and who do not physically attend any classes or programs at an institution facility, including a campus, center or site affiliated with that institution or any other postsecondary educational institution in the State.

Enacted law summary

Public Law 2001, chapter 87 provides an exemption to the immunization requirements for postsecondary education students for those students who are enrolled in a distance education program at a postsecondary educational institution in the State and who do not physically attend any classes or programs at an institution facility, including a campus, center or site affiliated with that institution or any other postsecondary educational institution in the State.

LD 977

An Act to Reduce Tuition at Postsecondary Education Institutions of the State for Students Who Maintain a 3.0 Grade Point Average in High School

ONTP

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

LD 977 proposed to allow secondary school students who graduate with at least a 3.0 grade point average to receive reduced tuition at the University of Maine System or the Maine Technical College System.

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LD 991 **An Act to Expand the Maine Mathematics, Science and Engineering Talent Search Venture** **DIED BETWEEN BODIES**

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

LD 991 proposed to provide funding to the University of Maine System to fund the Maine Mathematics, Science and Engineering Talent Search, a pilot project joint venture between the University of Maine System and the Maine Mathematics and Science Alliance. The venture is a correspondence program for children in grades 6 to 12 to encourage and assist the development of problem-solving skills by mailing participating students problems 8 times per year, scoring the students' answers and recognizing the top scorer in each grade through awards and, for high school juniors and seniors, possible scholarships to the University of Maine System.

Committee Amendment "A" (S-94) was the majority report of the Joint Standing Committee on Education and Cultural Affairs and proposed to strike and replace the bill. The amendment proposed to reduce the General Fund appropriation for the Maine Mathematics, Science and Engineering Talent Search from \$97,000 to \$94,265 in fiscal year 2001-02 and eliminate the proposed General Fund appropriation for fiscal year 2002-03. The amendment also proposed to provide that the appropriation will be made to the Maine Mathematics and Science Alliance to support the administrative and operating costs of the Maine Mathematics, Science and Engineering Talent Search program. The amendment also proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 994 **Resolve, to Provide a Process for Amending the Cost-sharing Method Used in School Administrative District No. 33** **RESOLVE 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-285

LD 994 proposed to establish a so-called "circuit breaker" provision to limit the disparity of member municipalities' shared costs per pupil within a school administrative district. The bill proposed to provide that a school administrative district is required to adjust the method of sharing local costs of operating the district when the difference between the per pupil costs of 2 or more municipalities within the district is greater than 25%.

Committee Amendment "A" (S-285) proposed to strike and replace the bill with a resolve. The amendment proposed to provide for a process of so-called "final offer arbitration" as a means to revising the method of sharing costs between the municipalities of St. Agatha and Frenchville in the 2-member district of School Administrative District No. 33. The amendment proposed to require that, notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1301, subsection 3, the Commissioner of Education appoint an arbitrator to assist the representatives of School Administrative District No. 33 in the settlement of a dispute related to amending the cost-sharing formula between the 2 parties.

The amendment also proposed to add a fiscal note to the resolve.

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Enacted law summary

Resolve 2001, chapter 55 provides for a process of so-called "final offer arbitration" as a means to revising the method of sharing costs between the municipalities of St. Agatha and Frenchville in the 2-member district of School Administrative District No. 33. The law provides that, notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, section 1301, subsection 3, the Commissioner of Education may appoint an arbitrator to assist the representatives of School Administrative District No. 33 in the settlement of a dispute related to amending the cost-sharing formula between the 2 parties. The law also directs the State Board of Education to review the effectiveness of this alternative dispute resolution process, to evaluate the potential for alternative dispute resolution processes in encouraging 2-member districts to resolve disputes in reconsidering the method of sharing district costs and to report its findings and any recommendations to the Joint Standing Committee on Education and Cultural Affairs by April 15, 2002. The law further authorizes the committee to report out legislation regarding the alternative dispute resolution process to the Second Regular Session of the 120th Legislature.

LD 999 **An Act to Provide First Responder Teams For Schools to Assist with Violent and Chronically Disruptive Students** **ONTP**

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

LD 999 proposed to direct each school board to adopt a policy to implement a first responder team at each school within a school administrative unit and provide state funding to train members of the first responder teams.

LD 1011 **An Act to Modify the Maine Student Incentive Scholarship Program** **PUBLIC 70
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL RICHARD	OTP-AM	S-39

LD 1011 proposed to amend the provisions of the student incentive scholarship program by renaming the program and by redefining the maximum length of the grant to a period equal to 150% of the total amount of time the institution that the student is attending publishes as the ordinary length of the program in which the student is enrolled. The bill also proposed to clarify language that restricted the use of grant funds from replacing institutional or other grant aid.

Enacted law summary

Public Law 2001, chapter 70 amends certain provisions of the student incentive scholarship program by renaming the program and by redefining the maximum length of the grant to a period equal to 150% of the total amount of time the institution that the student is attending publishes as the ordinary length of the program in which the student is enrolled. The law also clarifies the existing statutory provision that restricts the use of grant funds from

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replacing institutional or other grant aid; and provides for a sunset review of this provision by requiring the Finance Authority of Maine to provide recommendations to the Governor and the Legislature concerning the need for extending or repealing authorization for this provision in its annual report to the Legislature for fiscal year 2002-03.

Public Law 2001, chapter 70 was enacted as an emergency measure effective May 2, 2001.

LD 1020

**Resolve, to Assess the Condition of Historical Records in Maine
Historical Records Repositories**

**RESOLVE 10
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP GAGNON	OTP-AM	H-126

LD 1020, a resolve, proposed to require the Secretary of State and the University of Maine System to develop a plan for designating regional depositories for rare books, manuscripts and vital records.

Committee Amendment "A" (H-126) proposed to replace the resolve, make the resolve an emergency and change the title of the resolve.

This amendment would have required the Secretary of State and the University of Maine System to plan for assessing the condition of historical records in Maine, the threats to the integrity of those records and accessibility of those records. The plan proposed to include an educational component that provides assistance to historical records repositories in protecting, preserving and providing access to those materials.

The amendment proposed that the Secretary of State and the University of Maine System report back to the Joint Standing Committee on Education and Cultural Affairs on that plan by February 1, 2002.

Enacted law summary

Resolve 2001, chapter 10 requires the Secretary of State and the University of Maine System to plan for assessing the condition of historical records in Maine, the threats to the integrity of those records and accessibility of those records. The plan must include an educational component that provides assistance to historical records repositories in protecting, preserving and providing access to those materials. The law also directs the Secretary of State and the University of Maine System to report back to the Joint Standing Committee on Education and Cultural Affairs on that plan by February 1, 2002.

Resolve 2001, chapter 10 was finally passed as an emergency measure effective May 8, 2001.

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LD 1032 **An Act to Allow Unexpended Balances in Funds Appropriated for a School Breakfast Incentive Grants Program to Carry Forward into Subsequent Years to be Used for School Breakfast Grants to Schools** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-293
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LD 1032 proposed to increase the state subsidy for public school food service programs per pupil to 3¢ with 1.5¢ dedicated to breakfast programs, and to require the Department of Education to examine food service program delivery to increase student participation rates. The bill also proposed to direct the department to establish a school breakfast program and to develop a pilot universal school lunch program.

Committee Amendment "A" (H-293) proposed to replace the bill. The amendment proposed to retroactively amend an appropriation for a school breakfast incentive grant program included in a 1999 supplemental budget to allow unexpended balances in that account to carry forward from year to year to be used for school breakfast incentive grants. Without this retroactive amendment, those unexpended balances would lapse to the General Fund. This amendment did not propose to appropriate any new money for that program.

LD 1043 **An Act to Increase Access to Higher Education** **P & S 40**

<u>Sponsor(s)</u> SAXL CATHCART		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-656 S-401 DAGGETT
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LD 1043 proposed to establish the Maine Education Foundation and the Maine Education Endowment Fund to provide eligible Maine residents with the financial resources to access postsecondary education opportunities and achieve higher levels of educational attainment. The bill proposed to accomplish the following.

1. It establishes an 11-member board of directors to advise the Chief Executive Officer of the Maine Education Foundation on the operation of the foundation programs and investment of the endowment fund.
2. It provides that endowment funds be allocated to qualified institutions of higher education in the State and qualifying nonprofit corporations for the purpose of implementing a supplemental incentive grant program that targets these funds to a student's unmet need or supplemental education loan balance. These funds may not supplant scholarships, grants or other nonloan sources of financial assistance, but must be applied to an eligible student's unmet need or supplemental education loan balance.
3. It establishes an internship program for postsecondary education students with public and private sector organizations and institutions throughout the State. Students who participate in a qualified internship may be eligible for forgiveness of all or part of their student loans.
4. It authorizes the foundation to establish a clearinghouse for postsecondary education programs and student financial assistance, and to foster the leadership capacity of public and private sector agencies and

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organizations and the capacity of institutions of higher education in the State to accomplish the postsecondary education enrollment, educational attainment and economic development goals of the State.

5. It authorizes the foundation to establish a request for proposal process for administering student financial assistance programs with proceeds from the endowment fund, including researching and tracking the outcomes of the student financial assistance programs.

Committee Amendment "A" (H-656) proposed to strike and replace the bill. The amendment proposed to establish the Maine Scholarship Foundation and the Maine Scholarship Endowment Fund to provide eligible Maine residents with the financial resources to access postsecondary education opportunities and attain higher levels of education. The amendment proposed to accomplish the following.

1. It establishes a 9-member board of directors of the Maine Scholarship Foundation to direct the operation of the foundation programs and investment of the endowment fund.
2. It provides that endowment funds be allocated to public institutions of higher education in the State and to qualifying nonprofit corporations for the purpose of establishing scholarship programs that provide endowment funds and funds from matching gifts to reduce the unmet financial need of Maine residents enrolled in public and private institutions of higher education in the State.
3. It provides that the Finance Authority of Maine shall provide staffing assistance to the board of directors of the foundation; and further directs the foundation to integrate information regarding the scholarship programs funded by the foundation with the clearinghouse established by the Finance Authority of Maine on postsecondary education programs and student financial assistance resources in the State; and
4. It authorizes the foundation to establish a request for proposal process for administering student financial assistance programs with proceeds from the endowment fund, including researching and tracking the outcomes of the student financial assistance programs.

It proposed to add a fiscal note to the bill.

Senate Amendment "B" to Committee Amendment "A" (S-401) proposed to provide a General Fund appropriation to the Senator George J. Mitchell Scholarship Research Institute to benefit Maine residents attending institutions of higher education.

Enacted law summary

Private and Special Law 2001, chapter 40 provides a General Fund appropriation of \$1,500,000 as a grant to the Senator George J. Mitchell Scholarship Research Institute to provide scholarship funds to benefit Maine residents attending institutions of higher education.

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LD 1047

An Act Concerning Teacher Certification for Targeted Need Areas

ONTP

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

LD 1047 proposed to add guidelines to the provision enacted in the 119th Legislature providing for a targeted need area teaching certificate. The bill proposed to require the Commissioner of Education to annually determine teacher shortage areas and identify the use of targeted need area certificates. The bill also proposed to limit the certificates to a period of one year and clarify the hierarchy of all types of certificates.

LD 1089

An Act to Improve Taxpayer Equity in School Funding

CARRIED OVER

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

LD 1089 proposes to increase the weight of the income factor in the school funding formula from 15% to 25%. It also proposes to use the cost-of-living factor to adjust a municipality's property values. This bill also proposes to require the State to use a school unit's weighted relative fiscal capacity to calculate a unit's local share of program costs. The bill has been carried over to the Second Regular Session.

LD 1090

An Act to Repeal the Requirement that School Employees be Fingerprinted

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	PURSUANT TO	
WATERHOUSE	JOINT ORDER	

LD 1090 proposed to repeal the law requiring background checks and fingerprinting of school employees. This bill also proposed to correct cross-references to the repealed provisions.

House Amendment "A" (H-701) proposed to require the Commissioner of Education to reinstate the certification of educational personnel who were denied certification solely because they refused to comply with the requirement that they be fingerprinted. It also proposed to provide that the Commissioner of Education must determine, after a hearing, whether to grant certification to a person who was fingerprinted and who was denied certification on the basis of the laws that required fingerprinting of educational personnel. The amendment was not adopted.

House Amendment "B" (H-711) proposed to restrict application of the fingerprinting and background check requirements to newly hired educational personnel. This amendment proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal

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history record checks of educational personnel. It also proposed to add an appropriation section to the bill. The amendment was not adopted.

While the Education Committee initially voted to carry over this bill to the Second Regular Session, the bill was returned to the Senate pursuant to a joint order (see SP 647).

LD 1100 **An Act to Allow Municipal Officers to Negotiate Employment Contracts with School Employees** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1100 proposed to authorize the officers of a municipality, by a majority vote, to elect to negotiate employment contracts with employees of a municipal school unit.

LD 1133 **Resolve, Requiring the Maine Arts Commission to Review the Feasibility of Establishing a Performing Artist Subsidy Program for Fairs** **RESOLVE 16**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-143
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LD 1133 proposed that the Maine Arts Commission establish the Arts at Maine Fairs Subsidy Program to encourage fairs to feature Maine performing artists.

Committee Amendment "A" (H-143) proposed to change the bill to a resolve, change its title and replace the bill.

The amendment proposed to direct the Maine Arts Commission to review the feasibility of establishing a program to provide grants to fairs to assist in paying the fees charged by artists who perform at fairs. The commission would have been required to consult with the Department of Agriculture, Food and Rural Resources, the Maine Association of Agricultural Fairs, the Maine Performing Arts Network and other interested individuals or groups when conducting this feasibility review. The proposed goals of the program were to assist fairs to pay for performing artists, to provide an incentive for fairs to choose local performing artists and to assist local artists to become more widely known through advertising and promotional events. Payments to fairs were proposed to not exceed 50% of the performing artists' fees and must be capped at a fixed amount per fair for any calendar year.

The amendment also proposed to direct the commission to report its findings by February 1, 2002 to the Joint Standing Committee on Education and Cultural Affairs and to authorize that committee to report out legislation on that subject to the Second Regular Session of the 120th Legislature.

Enacted law summary

Joint Standing Committee on Education and Cultural Affairs

Resolve 2001, chapter 16 directs the Maine Arts Commission to consult with the Department of Agriculture, Food and Rural Resources, the Maine Association of Agricultural Fairs, the Maine Performing Arts Network and other interested parties to review the feasibility of establishing a program to provide grants to fairs to assist in paying the fees charged by artists who perform at fairs. The goals of the program are to assist fairs to pay for performing artists, to provide an incentive for fairs to choose local performing artists and to assist local artists to become more widely known through advertising and promotional events. The law directs the commission to report its findings by February 1, 2002 to the Joint Standing Committee on Education and Cultural Affairs and authorizes that committee to report out legislation on that subject to the Second Regular Session of the 120th Legislature.

LD 1134 **An Act to Create Equity Among all Children in Need of Special Education or Supportive Services** **ONTP**

<u>Sponsor(s)</u> RICHARDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1134 proposed to require the Department of Education to amend its rules to provide equivalent special education and supportive services to all students whether they are in a public school, private school or home school. It also proposed to correct a reference to the former Protection and Advocacy Agency for the Developmentally Disabled in Maine and correct a cross-reference.

LD 1163 **An Act to Accelerate the Construction of New Schools** **ONTP**

<u>Sponsor(s)</u> TURNER FOSTER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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1163 proposed to establish specific time frames and a time line for the State Board of Education, the Department of Education and school administrative units in the State to review and approve the necessary requirements under the Maine Revised Statutes, Title 20-A, chapter 609 so that school administrative units may begin construction for certain state-supported school construction projects. The bill proposed to accomplish the following.

1. Require that state agencies responsible for approving plans and specifications review the required plans and specifications in a school construction application and approve or disapprove the application within 60 days of receiving it.
2. Provide that the state board, the department, school administrative units and school boards make every reasonable effort to complete the review, local vote, approval and any other requirements necessary so that construction may begin within 12 months of the Legislature's action approving maximum debt service limits.

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LD 1183 **Resolve, to Establish a Political Education Program** **ONTP**

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

LD 1183 proposed to direct the Department of Education to develop a political education program, based upon the education programs sponsored by the National Assembly of Quebec, to introduce the political system of the State to students and the general public and to enhance their understanding of how State Government works and affects our surroundings.

LD 1184 **An Act to Guarantee Hot Lunches for Maine Students** **ONTP**

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

LD 1184 proposed to require all public secondary schools to participate in the National School Lunch Program. This bill also proposed to correct a cross-reference.

LD 1214 **An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs** **PUBLIC 447**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
KILKELLY		ONTP MAJ		S-174 KILKELLY
VOLENIK		OTP-AM MIN		S-391 GOLDTHWAIT

LD 1214 proposed to provide a one dollar state match for every three dollars spent by a school administrative unit on local produce for that unit's food service programs.

Committee Amendment "A" (S-134) proposed to add a \$37,200 appropriation to the bill to fund the state match.

Senate Amendment "A" (S-391) proposed to specify that the type of foods eligible for state match is produce or minimally processed foods purchased directly from a farmer or farmers' cooperative in the State.

Enacted law summary

Public Law 2001, chapter 447 provides a one dollar match for every 3 dollars a school administrative unit spends on produce or minimally processed foods purchased directly from a farmer or farmers' cooperative in the State. The term "minimally processed" is defined to mean only the washing, cleaning, trimming, drying, sorting and packaging of food items or a combination of those activities. This law establishes an Other Special Revenue account and provides that authorization for use of matching funds is contingent on the receipt of revenue from public or private sources by the Department of Education for this purpose. The law also allocates \$500 in fiscal

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year 2002-03 to the Local Produce Fund to allow reimbursement of locally grown produce contingent on the receipt of additional funds by the Department of Education.

LD 1223 **An Act to Allow a School Board to Suspend a Student for Rest of Term for Violent Behavior** **ONTP**

<u>Sponsor(s)</u> DAVIS G DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1223 proposed to increase the number of days the school board may authorize the principal to suspend a student for the balance of the semester, trimester or quarter, whichever is used in the school.

Current law allows a school board to authorize a principal to suspend a student who behaves in a violent manner for a maximum of 10 days.

LD 1234 **An Act to Strengthen the State's Truancy Law** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1234 proposed to require the superintendent to convene a formal hearing if the superintendent is unable to resolve a truancy informally. Under the proposed bill, referral of a truancy to the school board would have been eliminated. In addition, the bill proposed that if a parent of a student determined to be habitually truant after a hearing failed to correct the truancy, the parent would have committed a Class E crime for which a minimum fine of \$50 would be assessed.

Current law requires the principal of a truant student to inform the superintendent of the school administrative unit or school union when the principal determines that the student is truant. If the problem can not be resolved informally, the matter is referred to the school board for a formal hearing. A parent of a truant student commits a civil violation if that parent is primarily responsible for the truancy.

LD 1239 **Resolve, to Direct the Department of Education to Synchronize Secondary School Calendars with the Vocational Schools** **ONTP**

<u>Sponsor(s)</u> THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1239 proposed to direct the Department of Education to review secondary and vocational education school calendars to ensure that schools have the same student instructional days.

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LD 1261 **An Act to Promote Abstinence in Sex Education and through Public Education** **ONTP**

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

LD 1261 proposed to suggest curriculum and materials emphasizing abstinence for sex education and human sexuality instruction given by school administrative units. The bill also proposed to create the Maine Abstinence Oversight Council, Maine Abstinence Program and Maine Abstinence Fund to reduce through public education the number of children in the State born to unwed mothers.

LD 1263 **An Act to Increase the Number of Students Eligible for Free Tuition in the University of Maine System** **ONTP**

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

LD 1263 proposed to require an institution under the jurisdiction of the University of Maine System that offers free tuition to the top 2 graduates of a secondary school in the State to offer the tuition to the next highest graduate if one of the top 2 graduates declines the free tuition until 2 students accept the free tuition or the free tuition is offered to the top 10 graduates of the secondary school.

LD 1264 **Resolve, to Establish a Task Force to Refine the Governance and Funding of the Education Research Institute** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND MITCHELL B	OTP-AM	H-487

LD 1264, a concept draft pursuant to Joint Rule 208, proposed to clarify the governance structure and the funding mechanism of the Education Research Institute. The bill proposed to accomplish the following:

1. Clearly define the responsibility of the institute in collecting and analyzing education information and performing targeted education research for the Legislature;
2. Provide predictable, sustainable and adequate funding to support the purposes of the institute; and
3. Define the roles and responsibilities of the Joint Standing Committee on Education and Cultural Affairs and the institute's steering committee in developing the work plan of the institute.

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LD 1301

An Act to Implement Changes in Cost-sharing Agreements in School Districts

PUBLIC 375

<u>Sponsor(s)</u> RICHARD MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-628
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LD 1301 proposed to implement recommendations of a study of methods of changing cost-sharing formulas in school administrative districts and community school districts conducted by the State Board of Education. The bill proposed to accomplish the following:

1. Provide an option for municipal members of a school district to design a cost-sharing formula that fits local needs without requiring legislative approval;
3. Require the locally developed cost-sharing option to be approved by majority referendum vote in each municipality in the district, rather than by majority vote at a district-wide meeting;
4. Provide the assistance of outside professional facilitation services if local officials are unable to agree on cost-sharing changes; and
5. Require the Department of Education to provide comprehensive, unbiased cost-sharing information and other assistance to districts and municipalities considering cost-sharing changes.

Committee Amendment "A" (H-628) proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 375 implements recommendations of a study of methods of changing cost-sharing formulas in school administrative districts and community school districts conducted by the State Board of Education. The law:

1. Provides an option for municipal members of a school district to design a cost-sharing formula that fits local needs without requiring legislative approval;
2. Requires the locally developed cost-sharing option to be approved by majority referendum vote in each municipality in the district, rather than by majority vote at a district-wide meeting;
3. Provides the assistance of outside professional facilitation services if local officials are unable to agree on cost-sharing changes; and
4. Requires the Department of Education to provide comprehensive, unbiased cost-sharing information and other assistance to districts and municipalities considering cost-sharing changes.

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LD 1306

**An Act to Implement the Recommendations of the Task Force on
Educational Programming at Juvenile Correctional Facilities**

PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-667 S-384 GOLDTHWAIT

LD 1306 proposed to implement certain recommendations of the task force on educational programming at juvenile correctional facilities. The bill proposed to accomplish the following:

1. Provide that criminal justice agency officials must provide notice to the superintendent of the school to which a juvenile who has been charged in a juvenile petition that alleged the use or threatened use of physical force against a person or who was adjudicated as having committed one or more juvenile crimes seeks admission of the availability of information concerning that juvenile;
2. Provide that, upon request of a superintendent of the school in which a juvenile seeks admission, a juvenile community corrections officer must provide the superintendent with certain information related to the current status of a juvenile's compliance with any informal adjustment alternative program, supervised work or service program, restitution program, juvenile drug treatment court program or conditions of probation as determined by a juvenile community corrections officer or ordered by the court;
3. Require the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from juvenile corrections facilities and seeking admission into schools in the State;
4. Require school superintendents to provide planning for reintegration teams, including training for school personnel involved in reintegration planning and with access to confidential records of juveniles;
5. Require compliance with reintegration planning provisions as part of basic school approval for public and private schools approved for tuition purposes;
6. Amend the scope and duties of the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to include reintegration planning for a juvenile released or discharged from a juvenile corrections facility and seeking admission into a school in the State;
7. Require that school superintendents report annually on planning efforts for reintegrating juveniles into the school environment to the Commissioner of Education's advisory committee on truancy, dropouts and alternative education; and
8. Require the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees to present an annual report to the Council on Children and Families and the Children's Cabinet on the progress of implementation efforts regarding the juvenile correctional educational programs, the integration of behavioral health, mental health and substance abuse programming and release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

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Committee Amendment “A” (H-667) proposed to replace section 1 of the bill with changes to existing law in both the Maine Juvenile Code and the laws governing the Department of Corrections. These proposed changes recognize a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the department and others to share information, which may otherwise be confidential, with the school for purposes of reintegration. This amendment also proposed to require the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The superintendent may then request information about the juvenile for use by a reintegration team, which must be provided as long as it falls under the requirements guarding the release of confidential information pertaining to juveniles in the juvenile justice system. The superintendent must establish a reintegration team to plan for the juvenile's transition into the school.

The amendment further proposed to amend Section 3 of the bill to correct a cross-reference to delete the provision concerning parents, custodians and guardians consenting in writing to the release of additional information because even if such consent is given, there may be information that is not appropriate or may be unlawful to share. The Maine Revised Statutes, Title 15 and Title 34-A already take account of this and allow for sharing of appropriate information by consent.

This amendment also proposed to clarify that a juvenile is not "transferred" from a juvenile correction facility to a school, but is enrolled.

This amendment further proposed to clarify that current confidentiality laws, as amended to include reintegration, are sufficient to inform a school about a juvenile's compliance with relevant conditions. Only if those conditions are not complied with should a school be able to deny admission to a juvenile.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment “A” (S-384) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 452 implements certain recommendations of the task force on educational programming at juvenile correctional facilities. The law amends existing statutes governing the Maine Juvenile Code, the Department of Corrections, the Department of Education and local school administrative units in recognizing a school's interest in having information to ensure a successful reintegration of a juvenile offender and clarify the current ability for the Department of Corrections and others to share information, which may otherwise be confidential, with the school for purposes of reintegration.

The law accomplishes the following:

1. It requires the Department of Corrections to notify the superintendent of a school about the availability of information when a juvenile in the custody of the Department of Corrections is seeking admission to that school after release from a juvenile correctional facility. The superintendent may then request information about the juvenile for use by a reintegration team, which must be provided as long as it falls under the requirements guarding the release of confidential information pertaining to juveniles in the juvenile justice system. The superintendent must establish a reintegration team to plan for the juvenile's transition into the school;

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2. It requires the Commissioner of Education to establish standards and to provide technical assistance regarding reintegration teams for juveniles released or discharged from juvenile corrections facilities and seeking admission into schools in the State;
3. It requires school superintendents to provide planning for reintegration teams, including training for school personnel involved in reintegration planning and with access to confidential records of juveniles;
4. It requires compliance with reintegration planning provisions as part of basic school approval for public and private schools approved for tuition purposes;
5. It expands the scope and duties of the Commissioner of Education's advisory committee on truancy, dropouts and alternative education to include reintegration planning for a juvenile released or discharged from a juvenile correctional facility and seeking admission into a school in the State;
6. It requires that school superintendents report annually on planning efforts for reintegrating juveniles into the school environment to the Commissioner of Education's advisory committee on truancy, dropouts and alternative education;
7. It clarifies that current confidentiality laws, as amended to include reintegration, are sufficient to inform a school about a juvenile's compliance with relevant conditions. Only if those conditions are not complied with should a school be able to deny admission to a juvenile; and
8. It requires the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services and the chair of the policy review council established under the Maine Revised Statutes, Title 34-A, section 3002-A or their designees to present an annual report to the Council on Children and Families and the Children's Cabinet on the progress of implementation efforts regarding the juvenile correctional educational programs, the integration of behavioral health, mental health and substance abuse programming and release and discharge planning, transition services, aftercare services and reintegration planning provided to youths discharged from juvenile correctional facilities.

LD 1312

An Act to Eliminate the \$1,000,000 Cap Eligibility Requirement for the School Revolving Renovation Fund

ONTP

Sponsor(s)
MITCHELL B
LEDWIN

Committee Report
ONTP

Amendments Adopted

LD 1312 proposed to prohibit placing a limit on the amount of money that may be disbursed from the School Revolving Renovation Fund to a school administrative unit, school building or project.

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LD 1318

An Act to Improve the Academic Climate in Schools

ONTP

<u>Sponsor(s)</u> MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1318 proposed to change the compulsory school attendance requirement from 7 years of age or older and under 17 years of age to 6 years of age or older and under 16 years of age.

This bill also proposed to improve the academic focus of schools by requiring earlier entry to school. It further proposed to remove the negativity associated with the truancy issues of older teens who often detract from the academic atmosphere of the school.

LD 1341

An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts

ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1341 proposed to provide for a direct initiative and people's veto process for school policies and rules, except those that pertain to staffing or salary matters, any other personnel matters or any budgetary matters, to be exercised by the voters of any school administrative unit. As proposed, the processes established would have been similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State.

LD 1359

An Act to Ensure Safe and Healthy Schools

ONTP

<u>Sponsor(s)</u> TREAT COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1359 proposed to provide several measures to address urgent health and safety issues in school facilities in the State. The bill proposed to accomplish the following.

1. Raise the maximum limit for debt service costs in fiscal year 2005 from \$84,000,000 to \$88,000,000, and for fiscal years 2006 and 2007, establish the maximum limit for debt service costs at \$92,000,000 and \$96,000,000, respectively.
2. Require the State Board of Education to hold harmless school administrative units for those school construction projects that were rated as a priority under a major capital improvement program, but did not receive state board approval due to the debt service limits for school construction projects. Under the proposed bill, school administrative units that received revolving renovation funds to remediate a first priority status health, safety

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and compliance problem that was part of the school construction project that was rated a priority would be held harmless in the following rating cycle for a major capital improvement program.

3. Provide that the Commissioner of Education may request transfers from the Maine Rainy Day Fund for school facility emergencies that became known after the priority rating list and funding approval decisions have been made for the current period of the major capital improvement program.

LD 1360 **Resolve, to Establish a Task Force to Study Improving Economic Opportunities for Maine People Through Higher Education Attainment** **ONTP**

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1360 proposed to establish a task force to examine the continuing education levels and training required for people in the current work force to assist them in obtaining high-skill, high-wage jobs in the State.

LD 1377 **An Act to Credit a Town for Payment from Local Funds for School Construction** **ONTP**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1377 proposed to require that a school administrative unit that was authorized to issue securities for a nonstate-funded school construction project receive credit for the sum total of principal and interest costs paid from local funds without state participation at such time as the unit's project is approved for funding by the State Board of Education. Under this proposed bill, the school administrative unit would have been authorized to include principal and interest costs paid from local funds in the unit's debt service costs for state subsidy purposes. The bill also proposed to authorize the State Board of Education to adopt rules to carry out this purpose.

LD 1383 **An Act to Provide Additional Funding for the Geographic Isolation Adjustment** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> WOODCOCK MENDROS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-195
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LD 1383 proposed to provide funding to fully fund the geographic isolation adjustment to the school funding formula and proposed to establish the Task Force to Study the Geographic Isolation Adjustment of the School Funding Formula and Other Geographic Isolation Issues to study and report on issues, especially in the area of school funding, for those geographically isolated island and inland communities.

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Committee Amendment "A" (S-195) was the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to strike and replace the bill with an appropriation to the General Purpose Aid for Local Schools program in the Department of Education so that additional funding could be allocated to the geographic isolation adjustment to the school funding formula above and beyond the funds already included in the current services budget for fiscal year 2001-02 and fiscal year 2002-03. The amendment also proposed to replace the emergency preamble and the emergency clause and further proposed to add a fiscal note to the bill. (Not adopted)

The substance of this bill and the committee amendment were addressed in the Part II budget (see P.L. 2001, c. 439, Part DDDD). Additional General Fund appropriations of \$75,000 for fiscal year 2001-02 and \$100,000 for fiscal year 2002-03 were included as supplemental allocations for the geographic isolation adjustment to the school funding formula.

LD 1390 **An Act to Reinstate the Cost-of-living Factor in the School Funding Formula** **ONTP**

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

LD 1390 proposed to reinstate the use of a cost-of-living factor in the school funding formula.

LD 1393 **An Act to Enhance the Professional Skills of Maine's Educational Technicians** **PUBLIC 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM	H-190

LD 1393 proposed to require that the rules used in defining the qualifications of educational technicians must recognize work experience credits earned through completion of apprenticeship programs offered by the Department of Labor.

Committee Amendment "A" (H-190) proposed to require that the Commissioner of Education recognize applicable work experience credits earned through work apprenticeship programs offered by the Department of Labor when certifying educational technicians.

Enacted law summary

Public Law 2001, chapter 98 requires that the rules used in defining the qualifications of educational technicians must recognize applicable work experience credits earned through completion of apprenticeship programs offered by the Department of Labor.

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LD 1403 **Resolve, to Establish the Task Force on School Governance** **ONTP**

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

LD 1403 proposed to create a task force to review the structure of school governance in the State through the roles of the school board, superintendent, principals, teachers and the broader school community.

LD 1474 **An Act to Provide Students Tuition Grants Based on Performance on the Maine Educational Assessment** **ONTP**

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

LD 1474 proposed to establish the Maine Educational Assessment Scholarship Fund to provide a \$500 tuition grant at a public or private postsecondary educational institution in this State or outside of the State to any student in the 11th grade who performs at the distinguished level on the educational assessment test or any student in the 11th grade who performs at one or more performance levels higher than that student performed in the 8th grade on the educational assessment test. The bill further proposed to provide that the Commissioner of Education annually identify eligible students and notify the Finance Authority of Maine of the names of those students who are eligible to receive a tuition grant. Eligible students would have been awarded the tuition grants upon the successful completion of one semester during which the eligible students made satisfactory academic progress.

LD 1481 **An Act to Permit the Ten Commandments to be Posted in Public Schools** **ONTP**

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

LD 1481 proposed a referendum question to the general voters to allow the prominent display of the Ten Commandments of the Bible in public schools, which by definition of the Maine Revised Statutes, Title 20-A, section 1, subsection 24 means a school governed by a school board of a school administrative unit and funded primarily with public funds.

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LD 1486 **An Act to Create the Child Development Services Advisory Committee** **CARRIED OVER**

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

LD 1486 proposes to establish a Child Development Services Advisory Committee to provide advice to the Department of Education concerning a comprehensive and collaborative early intervention system of services. The bill has been carried over to the Second Regular Session.

LD 1487 **Resolve, to Establish the Blue Ribbon Commission to Review Special Education Laws** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL SMALL	OTP-AM	H-127

LD 1487 proposed to establish a Blue Ribbon Commission to Review Special Education Laws to report back to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-127) proposed to change the membership of the Blue Ribbon Commission to Review Special Education Laws by removing 2 Legislators and to add in their place a person who is a home school educator and a person who is a director of a special education program.

LD 1502 **An Act Regarding Contracts for Energy Conservation and Air Quality Improvements in School Buildings** **PUBLIC 376 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM	H-618 RICHARD S-225

LD 1502 proposed to codify the past policy and practice of the State Government and bond counsel with regard to performance contracts for energy conservation or air quality improvements at school administrative unit facilities. This bill proposed to clarify that a performance contract for energy conservation or air quality improvements at school administrative unit facilities is not subject to the specific statutory competitive bidding requirements if the contract meets certain criteria.

Committee Amendment "A" (S-225) proposed to rewrite the current law governing agreements by school units for energy conservation improvements with maintenance and performance guaranties to include combined energy conservation and air quality improvements. School units could select contractors by means of a request for qualifications or a request for proposals. The proposed selection process must be publicly advertised and at least 3

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firms must be interviewed unless a smaller number responds. The Department of Administrative and Financial Services, Bureau of General Services must approve the performance criteria that are proposed as the basis of the contractor's performance guaranty. It also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-618) proposed to add additional standards for request for qualifications and proposals for energy conservation and air quality improvements in school buildings intended to prevent bias or favoritism toward particular service providers.

Enacted law summary

Public Law 2001, chapter 376 codifies the past policy and practice of the State Government and bond counsel with regard to performance contracts for energy conservation or air quality improvements at school administrative unit facilities. The law clarifies that a performance contract for energy conservation, air quality improvements or combined energy conservation and air quality improvements at school administrative unit facilities is not subject to the specific statutory competitive bidding requirements if the contract meets certain criteria. The law also provides that school units may select contractors by means of a request for qualifications or a request for proposals; and further provides that the selection process must be publicly advertised, that at least 3 firms must be interviewed unless a smaller number responds and that a request for qualifications or proposals must meet certain standards intended to prevent bias or favoritism toward particular service providers. Finally, the law provides that the Department of Administrative and Financial Services, Bureau of General Services, must approve the performance criteria that are the basis of the contractor's performance guaranty.

Public Law 2001, chapter 376 was enacted as an emergency measure effective June 8, 2001.

LD 1531

An Act to Enable Formation of Public Charter Schools

**DIED BETWEEN
BODIES**

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

LD 1531 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.

Committee Amendment "A" (H-654), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to replace the bill and allow existing public schools to incorporate as public charter schools if the State Board of Education determined that the organization and operation of the school comply with the requirements for a charter school under federal law. The amendment would have allowed those schools to incorporate as a charter school and to apply to the United States Secretary of Education for federal grants to charter schools in the manner provided by federal law.

The amendment also proposed to require the State Board of Education to adopt major substantive rules establishing a process for the formation of public charter schools that are not affiliated with existing public schools for submission to the Legislature for consideration no later than February 15, 2002.

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LD 1548

An Act to Amend the School Funding Formula by Adding a Hold-harmless Provision

ONTP

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

LD 1548 proposed to provide an ongoing hold-harmless provision for the general purpose aid for local schools program. The bill proposed to require that, beginning in fiscal year 2001-02 and for each fiscal year thereafter, the Legislature provide each school administrative unit with at least the same share of state subsidy that it received for fiscal year 2000-01 for operating costs, program costs, excluding the state share of bus purchases, and minimum subsidy.

LD 1553

An Act to Provide Funding for Education

ONTP

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

LD 1553 proposed to accomplish the following.

1. Establish a postsecondary enrollment grant program to be administered by the Finance Authority of Maine. Under this program, a Maine high school graduate enrolled in an associate degree program at a public or private institution of higher education in the State would receive a grant of \$2,000 per year and a Maine high school graduate enrolled in a baccalaureate degree program at a public or private institution of higher education in the State would receive a grant of \$4,000 per year.
2. Provide a supplemental appropriation of \$139,656,122 to the general purpose aid to local schools program in fiscal year 2000-01 to fully fund the 55% state share of the total allocation for costs incurred by school administrative units, defined as the total of the foundation allocation and the debt service allocation.
3. Eliminate the so-called "percentage reduction method" from the School Finance Act of 1985. Under this bill, the state share of school funding would have returned to 55% of the cost of the total allocation.
4. Direct the Legislature to review the plan proposed by the State Board of Education for implementing a new school funding formula based on the Essential Programs and Services model developed by the board's Essential Programs and Services Committee, require the Joint Standing Committee on Education and Cultural Affairs to review the Essential Programs and Services plan and authorize the committee to introduce legislation during the Second Regular Session of the 120th Legislature to replace the existing school funding formula with a new school funding formula based on the Essential Programs and Services model.

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LD 1556

An Act to Protect Children from Internet Pornography

ONTP

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

LD 1556 proposed to forbid an elementary or secondary school or school, state, institutional or public library from allowing a person under 18 years of age from accessing obscene or pornographic materials through the use of the school's or library's computer. The bill proposed to direct the Department of Education and the Maine State Library to collaborate in adopting rules to implement this bill.

LD 1557

An Act to Exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from Lease Limitations on Educational Structures CARRIED OVER

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

LD 1557 proposes to exempt the City of Waterville, the Town of Winslow and School Administrative District 47 and School Administrative District 49 from the limitations on including the lease of portable, temporary space or the lease or lease-purchase of temporary or permanent nonadministrative instructional space as eligible debt service costs for state subsidy. The proposed exemption would be provided solely for the purpose of establishing a regional alternative education program. The bill has been carried over to the Second Regular Session.

LD 1563

An Act to Amend School Immunizations Requirements

PUBLIC 326

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING R MITCHELL B	OTP-AM MAJ OTP-AM MIN	H-446

LD 1563 proposed to make technical changes to the laws pertaining to immunization requirements for school children and to allow specific disease and vaccine requirements to be adopted by rule rather than prescribed in statute.

Committee Amendment "A" (H-446), which was the majority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to repeal provisions that specify in statute the diseases for which an immunization certificate is required for enrollment in public or private elementary or secondary school and allow the Commissioner of Education and the Bureau of Health to specify those diseases in major substantive rules adopted jointly by those agencies. The amendment also proposed to repeal provisions that allow exemptions from immunization requirements for moral or other personal reasons, while leaving in the exemptions for medical, religious or philosophical reasons.

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Committee Amendment "B" (H-447), which was the minority report of the Joint Standing Committee on Education and Cultural Affairs, proposed to list varicella, commonly known as "chicken pox," among the other diseases listed in statute for which an immunization certificate is required for enrollment in public or private elementary or secondary school. The amendment also proposed to make a technical correction by making the 2 definitions of "disease" consistent within the laws pertaining to immunization requirements for school enrollment and to repeal provisions that allow exemptions from immunization requirements for moral or other personal reasons while leaving in the exemptions for medical, religious or philosophical reasons.

Enacted law summary

Public Law 2001, chapter 326 repeals provisions that specify in statute the diseases for which an immunization certificate is required for enrollment in public or private elementary or secondary school and allows the Commissioner of Education and the Bureau of Health to specify those diseases in major substantive rules adopted jointly by those agencies. The law also repeals provisions that allow exemptions from immunization requirements for moral or other personal reasons, while leaving in the exemptions for medical, religious or philosophical reasons.

LD 1576 **Resolve, Directing the Department of Education to Revise its Rules Relating to School Lunch Program** **ONTP**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1576 proposed to direct the Department of Education to revise its school lunch program as it pertains to the items on an a la carte menu.

LD 1580 **An Act to Fund the Implementation of Student Achievement Standards by Fulfilling the State Commitment to Fund 55% of Public Education Costs for Kindergarten to Grade 12** **CARRIED OVER**

<u>Sponsor(s)</u> KILKELLY ESTES		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1580 proposes to provide that the Legislature shall provide at least 55% of the cost of the total allocation from General Fund revenue sources by fiscal year 2006-07. Under this bill, the Legislature would be required to annually establish a minimum contribution level to achieve the 55% minimum contribution level. The bill proposes to establish a minimum contribution level of 45% for fiscal year 2001-02 and a minimum contribution level of 47% for fiscal year 2002-03. The bill further proposes to establish minimum contribution level targets over the next 4 fiscal years to achieve the 55% minimum contribution level by fiscal year 2006-07.

The bill also proposes to provide that the State must appropriate the necessary General Fund revenue to meet the minimum contribution levels established in order for the academic year 2002-03 deadline imposed on school

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administrative units to achieve the system of learning results to remain in effect. If the minimum contribution levels are not achieved, then this deadline would become voluntary and the timeline for full implementation of the system of learning results is established at the discretion of school boards. The bill has been carried over to the Second Regular Session.

LD 1592 **An Act to Offer Businesses and the Technical Colleges Incentives
for Providing Workforce Health Care Training** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ OTP-AM MIN	S-312

LD 1592 proposed to direct the establishment of the Health Careers Incentive Program to encourage students to pursue a career in the field of health care. The program proposed to award scholarships to students at Maine's technical colleges in return for working in communities in need of health care workers.

The bill proposed to direct the establishment of the Health Workforce Retraining Program to make grants available to eligible health care businesses and organizations to provide training and retraining of health care employees to address changes in the health care workforce.

The bill also proposed to establish the Health Care Training Fund to be used for the purposes of the Health Careers Incentive Program and the Health Work Force Retraining Program.

Committee Amendment "A" (S-312) was the majority report of the committee. The amendment proposed to eliminate the Health Careers Incentive Program and proposed to change the Health Workforce Retraining Program from a grant program available to eligible health care businesses and organizations to a matching grant program that establishes education and training programs for eligible health care businesses and organizations that provide dollar-for-dollar matching funds and meet eligibility criteria established by rules of the Maine Technical College System. The amendment also proposed to provide a one-time appropriation of \$100,000 in fiscal year 2001-02 to establish the Health Workforce Retraining Program.

This amendment also proposed to add a fiscal note to the bill.

While this bill as amended died on adjournment, the substance of the bill, in the form of a one-time General Fund appropriation of \$80,000 in fiscal year 2001-02 to establish the Health Workforce Retraining Program, was included in the Part II budget bill (see P.L. 2001, c. 439, Part HHHH).

LD 1595 **An Act to Increase the Number of Licensed Speech-Language
Pathologists to Serve Maine Schools** **DIED ON
ADJOURNMENT**

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

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LD 1595 proposed to establish a loan forgiveness program for Maine residents who are licensed speech-language pathologists who have outstanding Stafford loans incurred while obtaining a master's degree in speech-language pathology and who agree to practice in public schools in the State. A licensed speech-language pathologist who agrees to practice for one academic year in a public school is entitled to forgiveness of a maximum amount of \$10,000 in outstanding Stafford loans for each year the speech-language pathologist continues to practice in that position up to a maximum of 2 years. It also proposed to remove speech pathologists from inclusion in the Educators for Maine Program.

Committee Amendment "A" (S-284) proposed to limit the maximum loan repayment amount available to each participant in the program to \$5,000 per year and also proposed to limit the number of eligible persons who can receive such loan repayments to 10 new students per year in each year. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1606 **An Act to Limit Funding for Special Education** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1606 proposed to limit state aid for special education students to the maximum percentage of subsidizable special education students established annually by the Commissioner of Education for each school administrative unit. Under the proposed bill, the maximum limits established by the commissioner would have been calculated based on the pupil counts determined for school administrative units for calculating operating costs in the school funding formula.

LD 1635 **An Act to Increase the Debt Limit of the Calais School District Trustees** **P & S 30**

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-250
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LD 1635 proposed to revise and increase the debt limit of the charter of the Calais School District.

Committee Amendment "A" (S-250) proposed to make revisions to the charter of the Calais School District to make the charter consistent with recent changes in federal and state laws, including provisions of the federal Internal Revenue Code and the Maine Municipal Bond Bank. The amendment further proposed to correct the name of the school district.

Enacted law summary

Private and Special Law 2001, chapter 30 increases the debt limit established in the charter of the Calais School District from \$3,550,000 to \$6,000,000. The law also makes revisions to the school district charter to make the

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charter consistent with recent changes in federal and state laws, including provisions of the federal Internal Revenue Code and the Maine Municipal Bond Bank.

LD 1636 **An Act to Increase Funding Alternatives for Small School Construction Projects** **ONTP**

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

LD 1636 proposed to rename and expand the scope of the School Revolving Renovation Fund to include small construction projects of 10,000 or fewer square feet to existing schools. The bill also proposed to provide an additional \$30,000,000 to the fund for fiscal year 2001-02.

LD 1644 **An Act to Amend and Improve Education Laws** **PUBLIC 344**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MITCHELL B	OTP-AM	H-523

LD 1644 proposed to delete language contained in the School Finance Act of 1985 relating to superintendents' salaries and subsidy. After the enactment of the School Finance Act of 1995, this language has no longer had any impact on subsidy calculations. This proposed change is a technical change in the School Finance Act of 1985 to reflect the change in subsidy calculations provided for in the School Finance Act of 1995. It also proposed to clarify the audit requirements and to modify the reporting requirements in the Maine Revised Statutes, Title 20-A, section 6051. Proposed changes include: (1) correction of section 1, paragraph E to include applicable provisions of the School Finance Act of 1995; (2) clarification of the requirement that the annual financial report be reconciled with the annual audit report; and (3) modification of the reporting requirements. These proposed clarifications should improve the quality of audits of school administrative units by ensuring appropriate use of funds and providing more flexible reporting requirements that will meet the needs of both the Department of Education and school administrative units. It also should improve the ability of the Department of Education to forecast the cost of school bus fleet replacement, improve the overall condition and safety of the publicly owned school bus fleet and reduce annual fleet maintenance costs. Local school administrative units could benefit by receiving subsidy for school bus lease-purchases under the same rules that govern cash and note purchases.

Committee Amendment "A" (H-523) proposed to remove the position of Federal and State Education Program Coordinator, an unclassified major policy influencing position, from the Maine Revised Statutes, Title 5 and Title 20-A since this position has been reclassified as an Education Team Leader and Policy Director, a classified, confidential position.

Enacted law summary

Public Law 2001, chapter 344 makes certain changes to clarify and improve existing education laws. The law:

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1. Makes a technical change to clarify language in the school funding formula laws relating to superintendents' salaries and state subsidy calculations;
2. Modifies requirements relating to the obligations that school administrative units provide an annual audit report and an annual financial report to the Commissioner of Education;
3. Provides greater flexibility in the procurement of school buses by permitting school administrative units with the option of lease-purchasing school buses and by excluding lease-purchase payments for school buses from statutory limits on annual expenditures for school bus purchases; and
4. Reclassifies the position of Federal and State Education Program Coordinator, an unclassified major policy influencing position, as an Education Team Leader and Policy Director, a classified, confidential position.

LD 1647

An Act to Allow Averaging of Unallocated Balances Over 3% for School Budgets

PUBLIC 127

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

LD 1647 proposed to permit school boards to carry forward general operating fund balances at the end of a school administrative unit's fiscal year to meet the needs of the school administrative unit for up to 3 years. Under this bill, school boards would have the discretion of carrying forward unallocated balances in excess of 3% of the previous year's school budget for up to 3 years to reduce the state and local allocations for the purpose of computing state subsidy.

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Enacted law summary

Public Law 2001, chapter 127 permits school boards to carry forward general operating fund balances at the end of a school administrative unit's fiscal year to meet the needs of the school administrative unit for up to 3 years. Under this law, school boards have the discretion of carrying forward unallocated balances in excess of 3% of the previous year's school budget for up to 3 years to reduce the state and local allocations for the purpose of computing state subsidy.

LD 1648

**An Act to Expand Higher Educational Opportunities in
Underserved Rural Areas**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-224
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LD 1648 proposed to make the following appropriations:

1. A one-time General Fund appropriation of \$2,100,000 in fiscal year 2001-02 to renovate and equip classroom space at the University of Maine System's Western Maine University Center, which would be established in partnership with the Maine Technical College System;
2. Funding for operations of the Western Maine University Center in fiscal year 2002-03;
3. A one-time General Fund appropriation of \$150,000 in fiscal year 2001-02 to renovate and equip classroom space at the University of Maine at Machias; and
4. A one-time General Fund appropriation of \$200,000 in fiscal year 2001-02 to renovate and equip classroom space at the Maine Technical College System's Katahdin Area K-Tech Center.

Committee Amendment "A" (S-224) proposed to replace the bill. The amendment proposed to clarify the appropriations for the Western Maine University and Technical College Center and for other programs at the University of Maine System and the Maine Technical College System. The amendment proposed to make the following appropriations:

1. A one-time General Fund appropriation of \$2,100,000 to the University of Maine System for renovation of the Western Maine University and Technical College Center;
2. A one-time General Fund appropriation of \$150,000 in fiscal year 2001-02 to the University of Maine System for the University of Maine at Machias to renovate and equip classroom space;
3. A General Fund appropriation of \$90,000 in fiscal year 2002-03 to the University of Maine System for Western Maine University and Technical College Center operations;
4. A one-time General Fund appropriation of \$200,000 in fiscal year 2001-02 to the Katahdin Area K-Tech Center to construct a child care center to meet the needs of working students;

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5. A General Fund appropriation of \$60,000 in fiscal year 2002-03 to the Maine Technical College System for Western Maine University and Technical College Center operations; and
6. It also proposed to add a fiscal note to the bill.

While this bill as amended died on adjournment, the substance of certain provisions of the bill as amended by the committee amendment, was included in the Part II budget bill (see P.L. 2001, c. 439, Part JJJJ). The supplemental budget bill included appropriations for the following purposes:

1. A one-time General Fund appropriation of \$120,000 in fiscal year 2001-02 for architectural work and an appropriation of \$90,000 in ongoing funds in fiscal year 2002-03 for operations of the Western Maine University and Technical College Center to the University of Maine System;
2. An ongoing General Fund appropriation of \$60,000 in fiscal year 2002-03 to the Maine Technical College System for Western Maine University and Technical College Center operations; and
3. An ongoing General Fund appropriation of \$50,000 in fiscal year 2001-02 and fiscal year 2002-03 for operating costs of the at the Katahdin Area K-Tech Center.

Similar provisions to those contained in the bill were also contained in LD 1378, which was enacted as P&SL 2001, c. 37. Contingent upon passage of a \$36,700,000 General Fund bond, bond fund proceeds would be allocated for the following purposes:

1. Funds totaling \$1,800,000 to the University of Maine System to renovate and equip classroom space at the Western Maine University Center;
2. Funds totaling \$200,000 to the Maine Technical College System to renovate and equip classroom space at the Katahdin Area K-Tech Center; and
3. Funds totaling \$100,000 to the University of Maine System to renovate and equip classroom space at the Calais Center.

LD 1656

An Act to Simplify and Reform the School Funding Formula

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1656 proposed to divide general purpose aid into its 4 component parts: operating costs, program costs, debt service and direct state costs, formerly called adjustments. The bill proposed to require that all 4 components receive separate default appropriations to take effect if the Legislature failed to appropriate new funds prior to March 31st of each year. The bill would have been effective for the fiscal year that begins July 1, 2002.

The bill contained transition cushions to buffer the change from the Maine Revised Statutes, Title 20-A, chapter 606-A to chapter 607-A over a period of 2 fiscal years. For those school units who would lose subsidy under the law, only 1/2 the loss would be recognized in the first year with the remainder picked up in the 2nd.

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Under the proposed bill, beginning July 2, 2004, a permanent cushion system would go into effect. Any unit that depended on state subsidies to fund 30% or more to its base year operating costs would be protected against losing any more than 5% in combined operating and program cost from one fiscal year to the next. The cushions would be funded by a mechanism that clips off excess subsidies that would otherwise be given to those units whose gains exceed a maximum percentage, which is annually calculated by the Commissioner of Education at the rate necessary to pay the cushion subsidies.

LD 1659 **Resolve, Establishing a Task Force to Study Alternative Secondary Education and the Unique Needs of Disenfranchised Students** **ONTP**

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

LD 1659 proposed to establish the Task Force to Study Alternative Secondary Education and the Unique Needs of Disenfranchised Students.

LD 1675 **Resolve, to Facilitate Attracting and Retaining a High Quality Work Force at the University of Maine System** **ONTP**

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

LD 1675 proposed to establish the Commission to Examine Health Insurance Benefits Provided to University of Maine System Employees. The commission would have examined providing health insurance benefits to University of Maine System employees under the same group health plan that is available to state employees and would have reported back to the Second Regular Session of the 120th Legislature.

LD 1684 **An Act to Ensure Adequate Funding for School Construction Costs** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN WOODCOCK	OTP-AM	H-193 H-258 RICHARD

LD 1684 proposed to require the Commissioner of Education to pay as a supplement to the regular student tuition for unorganized territory students attending school in School Administrative District No. 58 a debt service factor to help fund school construction costs of the school district. The amount of the debt service factor is proposed to equal to 10% of the tuition rate for unorganized territory students attending school in School Administrative District No. 58. The commissioner would be required to pay the debt service factor annually for 10 years or until

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the debt associated with the school addition project at Kingfield Elementary School is retired, whichever occurs first.

Committee Amendment "A" (H-193) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-258) proposed to amend the committee amendment to reflect revised information regarding the costs associated with the bill.

While this bill as amended died on adjournment, the substance of certain provisions of the bill as amended by the amendments, was included in the Part II budget bill (see P.L. 2001, c. 439, Part MMMM). The supplemental budget bill included a General Fund appropriation of \$66,355 in fiscal year 2001-02 and fiscal year 2002-03 for the first 2 of 10 years of debt service in School Administrative District No. 58.

LD 1712

An Act to Implement the Recommendations of the Task Force on the Maine Learning Technology Endowment

INDEF PP

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

LD 1712 was introduced by the Joint Standing Committee on Education and Cultural Affairs and proposed to implement the recommendations of the Task Force on the Maine Learning Technology Endowment as authorized pursuant to Public Law 1999, chapter 731, Part FFF, section 2. The bill proposed to amend the governance and investment provisions of current law related to the Maine Learning Technology Endowment by providing for the establishment of the Advisory Board of the Maine Learning Technology Endowment and by clarifying the roles and responsibilities of the Commissioner of Education and the Commissioner of Administrative and Financial Services with respect to the Maine Learning Technology Endowment. The bill also proposed to provide a set of guiding principles for the Maine Learning Technology Endowment and proposed to provide that the components of the learning technology plan that were recommended by the task force may be recommended by the Commissioner of Education and the Advisory Board of the Maine Learning Technology Endowment to the Legislature, as appropriate, for implementation of the proposed learning technology plan using proceeds from the endowment beginning in the 2002-03 school year.

Committee Amendment "A" (H-671) was the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment proposed to add an emergency preamble and emergency clause to the bill and proposed to accomplish the following.

1. It clarifies references to the Board of Trustees of the Maine State Retirement System, which may be the entity selected by the Commissioner of Administrative and Financial Services to manage the investment of the endowment fund.
2. It transfers \$20,000,000 of the original amount appropriated to the Maine Learning Technology Endowment fund, plus the interest income earned from the investment of the \$50,000,000 in the endowment fund on August 1, 2001, to the unexpended General Fund appropriations account.

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3. It requires the State to raise a minimum of \$15,000,000 in contributions from nonstate sources by January 8, 2003. Failure of the State to raise these contributions from nonstate sources by this date will result in the removal of the limitation on the use of the endowment principal in implementing the learning technology plan in fiscal year 2002-03 through fiscal year 2005-06.
4. It stipulates that the principal and income of the endowment may not be used to implement the fundraising plan. It allows limited use of the initial principal to ensure timely start-up and implementation of Phase I of the task force plan for grades 7 and 8.
5. It establishes a mechanism to allow donors to redirect their contributions to the endowment if the State fails to raise sufficient contributions by January 8, 2003.
6. It also proposed to add a fiscal note to the bill.

While this amendment was not adopted and the bill was indefinitely postponed, the substance of certain provisions of the bill as amended by the majority report of the committee, was included in the Part 1 budget bill (see P.L. 2001, c. 358 Part II).

LD 1741 **An Act to Guarantee Girls Equal Access to Sports Teams** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>				
MICHAEL	<table style="margin: auto; border: none;"> <tr> <td style="padding: 0 10px;">ONTP</td> <td style="padding: 0 10px;">MAJ</td> </tr> <tr> <td style="padding: 0 10px;">OTP-AM</td> <td style="padding: 0 10px;">MIN</td> </tr> </table>	ONTP	MAJ	OTP-AM	MIN	
ONTP	MAJ					
OTP-AM	MIN					

LD 1741 proposed to require all school administrative units to allow female student athletes in a secondary school to try out for and participate on any baseball, basketball, football, hockey, soccer or wrestling team affiliated with the school.

Committee Amendment "A" (H-623) proposed to clarify that girls must be allowed to try out for a sports team affiliated with a public secondary school but are not required to be admitted to the team unless they make the team. It proposed to give the Department of Education the authority to determine the best way to ensure that talented Maine girls are not prevented from trying out for their school's best teams.

LD 1747 **An Act Regarding School Funding Based on Essential Programs and Services** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MITCHELL B	OTP-AM	H-457

LD 1747 proposed to establish a timeline for a transition to a new school funding approach, based on essential programs and services, in order to provide all children with an equitable opportunity to access the resources

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necessary to achieve the high standards of Maine's system of learning results. The bill proposed to define the core components of essential programs and services, including those elements to be funded on a per-pupil basis, resources for specialized student populations, major cost components to be determined on other than a per-pupil basis and targeted grants. The bill proposed to provide that funding essential programs and services is a state-local partnership, and that local school administrative units retain the authority to determine how to expend funds once they are received from the State, with the exception of the targeted grants. The bill proposed to provide for a report from the State Board of Education and the Commissioner of Education on a comprehensive transition plan, including revisions to the school finance laws, to be submitted in January 2002.

Committee Amendment "A" (H-457) proposed to add a fiscal note to the bill.

While this bill as amended died on adjournment, the Part II budget bill included a General Fund appropriation of \$150,000 in fiscal year 2001-02 (contingent on availability of unappropriated surplus funds at the end of fiscal year 2000-01) to the State Board of Education to continue the implementation of essential programs and services model (see P.L. 2001, c. 439, Part EE, Sec. EE-2, subsection 18).

LD 1757

An Act to Encourage Savings for Higher Education

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON SAXL	OTP	S-298 SMALL

LD 1757 proposed to make the following changes to the laws governing the Maine College Savings Program.

1. It clarifies that money in the Maine College Savings Program Fund may be used by the Finance Authority of Maine to provide refunds of administrative fees paid by program participants to any class of participants, to provide matching grants to encourage savings for higher education to any class of participants and to provide scholarship funds for individuals attending institutions of higher education in the State.
2. It clarifies that, if an account is opened by an entity that is not required by the Internal Revenue Code to designate a beneficiary, that participant is not required to designate a beneficiary when opening an account.
3. It clarifies that an individual participant may designate a successor participant to become owner of the account on the death or disability of the current participant.

Senate Amendment "A" (S-298) proposed to make clear that the beneficiary of a program account under the Maine College Savings Program need not attend a Maine-based institution of higher education.

Enacted law summary

Public Law 2001, chapter 380 makes the following changes to the laws governing the Maine College Savings Program.

1. It clarifies that money in the Maine College Savings Program Fund may be used by the Finance Authority of Maine to provide refunds of administrative fees paid by program participants to any class of participants, to provide matching grants to encourage savings for higher education to any class of participants and to provide

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needs-based scholarship funds for the beneficiary of a program account whether or not the beneficiary attends an institution of higher education in the State.

2. It clarifies that, if an account is opened by an entity that is not required by the Internal Revenue Code to designate a beneficiary, that participant is not required to designate a beneficiary when opening an account.
3. It clarifies that an individual participant may designate a successor participant to become owner of the account on the death or disability of the current participant.

LD 1760

An Act to Implement Maine's System of Learning Results

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B RICHARD	OTP-AM MAJ ONTP MIN	S-303

LD 1760 proposed to address inconsistencies in the laws that could hinder implementation of the system of learning results for students in Maine public and approved private schools. It proposed to require implementation of the system of learning results in several key places in the Maine Revised Statutes, Title 20-A, such as the sections of law governing the purpose of the Department of Education, the duties of the Commissioner of Education and the State Board of Education, vocational programs, approved private schools and schools in the unorganized territories.

It further proposed to amend the requirements for school approval, including the requirement to have a comprehensive education plan that addresses all required plans, and proposed to establish the importance of training and development for all school personnel as a means to implement the system of learning results. It proposed to require a comprehensive system of local and state assessments and proposed to establish a schedule for using a local assessment system as the basis for program, placement and student graduation decisions. It also proposed to establish an implementation schedule for content standards in career preparation, visual and performing arts, and foreign languages that would be linked to funding of essential programs and services. It proposed to provide for a waiver of this requirement to be developed through rulemaking, as well as rulemaking to provide a smooth transition from the current system to the system that is proposed.

Finally, this bill proposed to provide for a system of accountability for schools where students are not meeting standards, providing assistance to these schools to support the learning of students.

Committee Amendment “A” (S-303) proposed to make the following changes to the bill.

1. For basic school approval purposes, it requires that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students.
2. It requires the Commissioner of Education to promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results.
3. It allows the use of commercially produced assessment tools as part of the local assessment system, but they may not carry a majority of the weight in determining student performance.

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4. It provides that the requirement that local units implement standards in the additional content areas of career preparation, foreign languages and visual and performing arts is contingent upon funding based on essential programs and services or its equivalent. The amendment also provides that the commissioner is authorized to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2006-2007.
5. It provides that, when a waiver of school approval requirements is granted, the unit must provide the commissioner with a plan to reduce reliance on waivers in the future. Financial hardship is one criterion in determining whether to grant the waiver.
6. It provides that rules adopted under the Maine Revised Statutes, Title 20-A, chapter 222 are major substantive rules.
7. With regard to requirements for private schools, it deletes the reference to students enrolled in private schools in the commissioner's duties concerning providing leadership in implementing learning results and reporting to the Governor and the Legislature.
8. It deletes the requirement linking contracts between sending and receiving schools to require compliance with curriculum rules adopted by the commissioner.
9. It requires that the local assessment system be fully implemented by the end of the 2003-2004 school year in school administrative units. It also clarifies that the requirements apply to public high schools.
10. It adds a new subsection on graduation decisions at public high schools, phasing in the content areas of learning results to require graduation to be determined by student achievement in all content areas by the 2009-2010 school year.
11. It revises the application of the statewide system of learning results to private schools approved for tuition that enroll at least 60% publicly funded students.
12. It adds a new section governing the application of the system to certain private schools. Private schools that enroll 60% or more publicly funded students are required to participate in the system of learning results as specifically provided.
13. It requires that the required component of Maine studies that is Maine Native American studies will be addressed in the review of content standards and performance indicators of the learning results.
14. It adds unallocated language to the bill to accomplish the full implementation of the system of learning results. The amendment clarifies that the intent of the Legislature is to provide adequate funding from the State to finance the requirements of fully implementing the system of learning results. The amendment also provides that the Joint Standing Committee on Education and Cultural Affairs shall consider financing the requirements of the system of learning results as it reviews the transition of the school funding formula to a formula based on the essential programs and services model during the Second Regular Session of the 120th Legislature.
15. It also proposed to add a fiscal note to the bill.

Enacted law summary

Joint Standing Committee on Education and Cultural Affairs

Public Law 2001, chapter 454 addresses inconsistencies in the education laws and revises certain sections of the education laws related to the implementation of the system of learning results for students in Maine public schools and private schools approved for tuition that enroll at least 60% publicly funded students.

The law accomplishes the following:

1. It amends the requirements for basic school approval, including the requirement that each school administrative unit prepare and implement a comprehensive education plan that, among other requirements, is focused on the learning of all students. It also provides that, when a waiver of school approval requirements is granted, the unit must provide the commissioner with a plan to reduce reliance on waivers in the future; and establishes financial hardship as one criterion in determining whether to grant the waiver;
2. It requires the Commissioner of Education to promote the importance of ongoing training and development and encourage initiatives that prepare school personnel to fully implement the system of learning results;
3. It requires a comprehensive system of local and state assessments be fully implemented in school administrative units by the end of the 2003-2004 school year; and it further allows the use of commercially produced assessment tools as part of the local assessment system, but they may not carry a majority of the weight in determining student performance;
4. It provides that the requirement that local units implement standards in the additional content areas of career preparation, foreign languages and visual and performing arts is contingent upon funding based on essential programs and services or its equivalent. It provides for a waiver of this requirement to be developed through rulemaking, and also authorizes the commissioner to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2006-2007;
5. It also establishes a schedule for using a local assessment system as the basis for program, placement and student graduation decisions at public high schools; and also provides that graduation decisions must be determined by student achievement in all content areas by the 2009-2010 school year;
6. It provides for a system of accountability for schools where students are not meeting standards, including providing assistance to these schools to support the learning of students;
7. It revises the application of the statewide system of learning results for certain private schools by clarifying that the learning results only apply to private schools approved for tuition that enroll at least 60% publicly funded students as specifically provided in Maine Revised Statutes, Title 20-A, chapter 222;
8. It requires that the required component of Maine studies that is Maine Native American studies will be addressed in the review of content standards and performance indicators of the learning results;
9. It provides that rules adopted under the Maine Revised Statutes, Title 20-A, chapter 222 are major substantive rules; and
10. It clarifies that the intent of the Legislature is to provide adequate funding from the State to finance the requirements of fully implementing the system of learning results; and also provides that the Joint Standing Committee on Education and Cultural Affairs shall consider financing the requirements of the system of learning results as it reviews the transition of the school funding formula to a formula based on the essential programs and services model during the Second Regular Session of the 120th Legislature.

Joint Standing Committee on Education and Cultural Affairs

LD 1762

An Act to Address Maine's School Facilities Needs

DIED ON
ADJOURNMENT

Sponsor(s)
DESMOND
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-645

LD 1762 proposed to raise the debt service limit for school facilities bonds for fiscal year 2005-06 and fiscal year 2006-07 in order to increase the quantity of school construction and major renovation projects that can be approved in concept by the State Board of Education to go forward during 2002, 2003 and 2004 with bond repayments to impact those fiscal years. The bill also proposed to refine the provisions relating to the School Revolving Renovation Fund to permit funds to be provided in the future for basic structural repairs, learning space upgrades and other improvements.

The bill further proposed to direct the Department of Education and the State Board of Education to make rules to "hold harmless" in the 2001-2002 rating cycle certain school construction project applications from the 1999-2000 rating cycle that have made interim health and safety improvements prior to submitting a reapplication for the 2001-2002 rating cycle. The bill also proposed to direct the Department of Education and the Maine Municipal Bond Bank to amend the rules governing the School Revolving Renovation Fund to increase flexibility and efficiency by providing that the maximum loan amount for a school building may be set at a level other than \$1,000,000 under certain circumstances.

Committee Amendment "A" (H-645) proposed to eliminate the removal of underground oil storage tanks on the grounds of a school building from the list of eligible school repairs and renovations that can receive first priority status from the School Revolving Renovation Fund. The amendment also proposed to reduce the amount that must be appropriated, allocated or repaid to the School Revolving Renovation Fund before permitting funds to be provided in the future for basic structural repairs, learning space upgrades and other improvements.

The amendment further proposed to direct the Department of Education and the State Board of Education to evaluate the impact of the amendment to rules governing school construction projects that established a "hold harmless" provision in the 2001-2002 rating cycle for certain school construction project applications from the 1999-2000 rating cycle that have made interim health and safety improvements prior to submitting a reapplication for the 2001-2002 rating cycle and to report their findings, together with recommendations regarding the establishment of an ongoing hold harmless provision in the rules governing school construction projects, to the joint standing committee of the legislature having jurisdiction over education and cultural affairs by January 15, 2003.

Finally, the amendment proposed to direct the Department of Education and the Maine Municipal Bond Bank to amend the rules governing the School Revolving Renovation Fund to increase flexibility and efficiency by providing that the maximum loan amount for a school building may be set at a level not to exceed \$3,000,000 under certain circumstances. It also proposed to add a fiscal note to the bill.

While this bill as amended died on adjournment, the Part II budget bill included similar provisions to those contained in the bill as amended by the committee amendment (see P.L. 2001, c. 439, Part OOOO).

Joint Standing Committee on Education and Cultural Affairs

LD 1765

An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-532
	OTP-AM MIN	

LD 1765 was reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1143 and proposed to authorize the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel. The bill proposed to provide an exception for the following information from the confidentiality provision established for the criminal history record checks of educational personnel:

1. Information explaining the process used by the Maine State Police for fingerprinting and conducting criminal history record checks;
2. Statistics and information on the number of persons fingerprinted and the number of criminal history record checks completed, being processed and projected to be completed in each 5-year licensing cycle;
3. Information explaining the process used by the Department of Education for reviewing criminal history record checks, applying the statutory standard for disqualification and determining appropriate agency action;
4. Statistics and information on the number of applications for certification, authorization and approval processed by or pending with the Department of Education and the number projected to be processed in each 5-year licensing cycle; and
5. Aggregate statistics and aggregate information on the number of individuals for whom the Commissioner of Education denied, refused to renew, revoked or suspended a certificate, authorization or approval, or determined to be ineligible for employment based on the results of a criminal history record check.

The bill further proposed to require that the dissemination of statistics and other information must be made in a manner that preserves the confidentiality of the information contained in the criminal history records provided to the Commissioner of Education from which these statistics are drawn. Finally, the bill proposed to allow the Maine State Police, for fiscal year 2000-01 only, to disseminate the number of criminal history records that contain a record of conviction data and were provided to the Commissioner of Education following the completion of processing criminal history record checks during fiscal years 1999-00 and 2000-01.

Committee Amendment "A" (H-532) was the majority report of the Joint Standing Committee on Education and Cultural Affairs and proposed to clarify that the Commissioner of Education may disseminate information about only the aggregate number of educational personnel applicants who have been fingerprinted and the aggregate number that represents the sum total of educational personnel applicants for whom the commissioner has denied, refused to renew, revoked or suspended a certificate, authorization or approval, or that the commissioner has determined to be ineligible for employment based on the results of a criminal history record check.

It also proposed to add a fiscal note to the bill.

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Committee Amendment "B" (H-755) was the minority report and proposed to authorize the Commissioner of Education to report a list of all the crimes and offenses for which individuals were rendered ineligible for employment and a number of those individuals who were convicted of any criminal offense involving the physical or sexual abuse or exploitation of a child.

It also proposed to add a fiscal note to the bill. The amendment was not adopted.

LD 1779

An Act to Create the Legislative Youth Advisory Council

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> QUINT BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-474
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LD 1779 proposed to establish the Legislative Youth Advisory Council to provide advice to the Legislature and its committees, commissions and task forces, the President of the Senate and the Speaker of the House on matters relating to youth.

Committee Amendment "A" (H-474) proposed to clarify that members of the Legislative Youth Advisory Council may be reappointed for additional 2-year terms, as long as they remain eligible for service on the council, and to remove a provision in the bill that incorrectly cited the Department of Education as the entity that grants school credit for extracurricular service.

While this bill as amended died on adjournment, the Part II budget bill included similar provisions to those contained in the bill as amended by the committee amendment (see P.L. 2001, c. 439, Part PPPP).

LD 1781

Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education

**RESOLVE 41
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1781, a resolve, proposed to provide for legislative review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education.

Enacted law summary

Resolve 2001, chapter 41 authorizes final adoption of regulations concerning the formula for distribution of funds to the regional sites of the Child Development Services System, a provisionally-adopted, major substantive rule of the Department of Education. The rule governs the annual distribution of funds to regional intermediate educational units in accordance with a funding formula to ensure the provision of Childfind, early intervention services and special education and related services for eligible children from birth to under age 3.

Joint Standing Committee on Education and Cultural Affairs

Resolve 2001, chapter 41 was finally passed as an emergency measure effective May 29, 2001.

LD 1783 **Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education** **RESOLVE 47 EMERGENCY**

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

LD 1783 proposed to approve Chapter 60: New School Siting Approval, a major substantive rule of the State Board of Education within the Department of Education.

Enacted law summary

Resolve 2001, chapter 47 approves Chapter 60: New School Siting Approval, a major substantive rule of the State Board of Education within the Department of Education.

Resolve 2001, chapter 47 was finally passed as an emergency measure effective June 5, 2001.

LD 1797 **Resolve, to Establish the Blue Ribbon Commission on Postsecondary Educational Attainment** **RESOLVE 66 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
MICHAUD MH SAXL		OTP-AM		S-314 S-389 GOLDTHWAIT

LD 1797, a resolve, proposed to create the Blue Ribbon Commission on Postsecondary Educational Attainment to study the impact of improving postsecondary educational attainment on the State's economy, assess the success of current efforts to improve educational attainment. The commission would submit its report, together with a plan to improve the State's levels of associate's degree and bachelor's degree attainment and any necessary implementing legislation, to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (S-314) proposed to revise the membership of the commission and change the title of the resolve to accurately state the name of the blue ribbon commission created by the resolve. The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

Senate Amendment "A" (S-389) proposed to provide that the President of the Senate and the Speaker of the House of Representatives, rather than the Governor, make the 6 appointments of public members to the Blue Ribbon Commission on Postsecondary Educational Attainment. It also proposed to change the report date from February 1, 2002 to December 5, 2001. The amendment also proposed to remove the General Fund appropriation, which is included in the Part II budget.

Joint Standing Committee on Education and Cultural Affairs

Enacted law summary

Resolve 2001, chapter 66 creates the Blue Ribbon Commission on Postsecondary Educational Attainment to study the impact of improving postsecondary educational attainment on the State's economy, and assess the success of current efforts to improve educational attainment. The commission is to submit its report, together with a plan to improve the State's levels of associate's degree and bachelor's degree attainment and any necessary implementing legislation, to the Second Regular Session of the 120th Legislature.

Resolve 2001, chapter 66 was finally passed as an emergency measure effective June 28, 2001.

LD 1802 **Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education** **RESOLVE 48
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1802 proposed to approve Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a major substantive rule of the Department of Education, State Board of Education.

Enacted law summary

Resolve 2001, chapter 48 approves Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2001, chapter 48 was finally passed as an emergency measure effective June 5, 2001.

LD 1805 **An Act to Amend the Charter of Bates College** **P & S 28**

<u>Sponsor(s)</u> ROTUNDO O'BRIEN L		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1805 proposed to amend the charter of Bates College as follows.

1. It gives the chairs and the vice-chairs of the board of fellows and the board of overseers the exclusive responsibility to preside over their respective meetings.
2. It authorizes the chair and the vice-chair of the board of fellows to serve as the chair and the vice-chair of the corporation, and for the chair of the board of fellows to preside over the executive committee. In the chair's absence, the vice-chair of the board of fellows and the chair and vice-chair of the board of overseers are authorized to preside over executive committee meetings.

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3. It provides that future changes to the charter will be made under the Maine Nonprofit Corporation Act, contained in the Maine Revised Statutes, Title 13-B, or any successor.
4. The bill also proposed to make several clerical corrections and change gender-specific language.

Enacted law summary

Private and Special Law 2001, chapter 28 amends the charter of Bates College as follows:

1. It gives the chairs and the vice-chairs of the board of fellows and the board of overseers the exclusive responsibility to preside over their respective meetings;
2. It authorizes the chair and the vice-chair of the board of fellows to serve as the chair and the vice-chair of the corporation, and for the chair of the board of fellows to preside over the executive committee. In the chair's absence, the vice-chair of the board of fellows and the chair and vice-chair of the board of overseers are authorized to preside over executive committee meetings;
3. It provides that future changes to the charter will be made under the Maine Nonprofit Corporation Act, contained in the Maine Revised Statutes, Title 13-B, or any successor; and
4. It makes several clerical corrections and changes gender-specific language in the charter.

LD 1817 **An Act to Provide Funding Related to the Lewiston-Auburn College Teachers for Elementary and Middle Schools Project** **DIED ON ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

LD 1817 proposed to make a one-time appropriation of \$75,000 to the teachers for elementary and middle schools project at the University of Maine System for the benefit of the Lewiston-Auburn College of the University of Southern Maine to be used as seed money for program-related investment in support of establishing a comprehensive, long-range endowed fellowship for students in the Lewiston-Auburn College teachers for elementary and middle schools project.

While this bill died on adjournment, the Part II budget bill included similar provisions to those contained in the bill (see P.L. 2001, c. 439, Part P).

Joint Standing Committee on Education and Cultural Affairs

SP 496

JOINT RESOLUTION - Encouraging Public Schools to Teach a Firearms and Hunter Safety Course

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

SP 496 proposed to recognize the exceptional quality of Maine's hunter safety program offered by the Department of Inland Fisheries and Wildlife and to encourage every Maine school system to incorporate this course into its curriculum to make it available to all students.

HP 1299

JOINT ORDER – Relative to Establishing the Committee to Examine the Availability of Textbooks in Primary and Secondary Schools

ONTP

Sponsor(s)
TRAHAN

Committee Report
ONTP

Amendments Adopted

HP 1299 proposed to examine the availability of textbooks in primary and secondary schools. The joint study order also proposed to determine the age and condition of textbooks in various grade levels in school administrative units across the State and to determine the unmet need for textbooks in terms of the number of textbooks needed and the cost for these textbooks.

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Joint Standing Committee on Health and Human Services

LD 6	Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a Major Substantive Rule of the Department of Human Services, Community Services Center	RESOLVE 5 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-40
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LD 6 proposed to provide for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

Committee Amendment "A" (H-40) proposed to amend the resolve by adding a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. An additional 30-day time period would be allowed for the best interests of the child. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 5 provides for legislative review of Chapter (unassigned): Rules Providing for the Licensing of Child Placing Agencies With and Without Adoption Programs, Addition of Home Certification Process, a major substantive rule of the Department of Human Services, Community Services Center.

The resolve adds a requirement that a decision to grant or deny an application for certification as a preadoptive home must be made within 30 days of the completion of an application. It allows an additional 30-day time period for the best interests of the child.

Resolve 2001, chapter 5 was passed as an emergency measure effective April 11, 2001.

LD 14	An Act to Prohibit the Use of Juveniles in the Enforcement of Laws Governing Tobacco Sales	DIED BETWEEN BODIES
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<u>Sponsor(s)</u> WATERHOUSE MCALEVEY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 14 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services; the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of Public Safety; and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

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Committee Amendment "A" (H-456) is the minority report of the Joint Standing Committee on Health and Human Services. It proposed to add a fiscal note to the bill.

LD 23 **An Act to Raise the Minimum Age to Buy Tobacco Products to 21 Years of Age** **ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 23 proposed to raise the minimum age to purchase tobacco and tobacco products from 18 years of age to 21 years of age.

LD 27 **An Act to Implement the Recommendations of the Commission on Child Abuse** **PUBLIC 11**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 27 proposed to repeal the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enact in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, the bill proposed to assign to the trust the following:

1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. The bill proposed to require the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds

The bill proposed to clarify the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

Enacted law summary

Public Law 2001, chapter 11 repeals the provision of law that sets forth the powers of the board of directors of the Maine Children's Trust Incorporated and enacts in its stead a provision that clarifies which of the functions are powers and which are duties. In addition, chapter 11 assigns to the trust the following:

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1. A permanent duty to develop plans with the child abuse and neglect councils to provide a stable base of funding for the councils at levels at least as high as the levels in the fiscal years 1999-00 and 2000-01 biennial budget; and
2. A one-time duty to develop a proposal along with the Department of Human Services, the child abuse and neglect councils, the Maine Association of Child Abuse and Neglect Councils and statewide organizations working to prevent child abuse and neglect to channel funding that is destined to the child abuse and neglect councils through the trust in order to maximize federal funding and qualify for matching funds in as high amounts as possible. Chapter 11 requires the Maine Children's Trust Incorporated to submit a report to the Second Regular Session of the 120th Legislature by January 15, 2002 on the proposal to maximize federal funding and to qualify for matching funds.

Chapter 11 clarifies the authority of the Department of Human Services, in the Child and Family Services and Child Protection Act, to take appropriate action, consistent with existing funding, to prevent child abuse and neglect.

LD 34

An Act to Increase the Eligibility for the Elderly Low-cost Drug Program

ONTP

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

LD 34 proposed to increase eligibility for the Elderly Low-Cost Drug program by increasing the income level from 185% to 225% of the nonfarm income official poverty level. The bill proposed to increase the monetary level, in 2000 figures, from \$20,820 to \$25,326 for a family of 2 persons. This bill also proposed to increase eligibility by decreasing from 40% of income to 30% of income the amount of high medical expenses that increases the income eligibility level by 25%. See LD 50.

LD 35

An Act Regarding the Rights of Parents and Other Family Members of Adults with Mental Retardation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'BRIEN J	ONTP	

LD 35 proposed to provide for the disclosure of information regarding an adult with mental retardation who was a client of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the client's family when requested by the family member for the purposes of prescriptive program planning or service planning under the Maine Revised Statutes, Title 34-B, chapter 5, consideration of services or programs for the client, requests for services or programs or reviews, grievances or appeals concerning services or programs.

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LD 37

An Act to Amend the Law Governing the Child Care Advisory Council and to Gather Data on Child Care Services in the State

**PUBLIC 179
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-92

LD 37 proposed to amend the law governing the Child Care Advisory Council by changing the number of members on the council and by removing the language that prohibits subsequent consecutive terms for members. The bill also proposed to appropriate funds to the Department of Human Services, Office of Child Care and Head Start for a one-time competitive grant to a private entity to gather data on child care services in the State.

Committee Amendment "A" (S-92) proposed to specify that the Child Care Advisory Council may identify the need for additional members, who will be appointed by the Governor. The amendment also proposed to delete the appropriation section.

Enacted law summary

Public Law 2001, chapter 179 amends the law governing the Child Care Advisory Council by changing the number of members on the council and by removing the language that prohibits subsequent consecutive terms for members. It specifies that the Child Care Advisory Council may identify the need for additional members, who will be appointed by the Governor.

Public Law 2001, chapter 179 was enacted as an emergency measure effective May 16, 2001.

LD 50

An Act to Expand Eligibility for the Elderly Low-cost Drug Program

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W MARTIN	OTP-AM MAJ ONTP MIN	H-510

LD 50 was a concept draft pursuant to Joint Rule 208.

This bill proposed to amend the Elderly Low-Cost Drug program established in the Department of Human Services to establish a scale for eligibility for benefits for seniors under the program. The effect of this bill would be to expand the number of seniors that benefit under the elderly low-cost drug program by allowing those that are currently ineligible because their income exceeds 185% of the federal poverty level to participate at a level commensurate with their income level.

Committee Amendment "A" (H-510) is the majority report of the committee. It proposed to provide a new title and replace the bill, which was a concept draft. It proposed to establish income eligibility for the Elderly Low-Cost Drug program at 185% of the federal nonfarm income poverty level in 2001, as adjusted annually to match the increases in the payment of Social Security retirement benefits. It proposed to add to the basic component of

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the program over-the-counter medications prescribed by a health care provider and approved as benefits and supplies related to the treatment of diabetes. It proposed to add an appropriation, a fiscal note and an effective date.

See Public Law 2001, chapter 439, Part HH, Part II budget.

LD 90 **An Act to Clarify the Provision of Mental Health Services** **ONTP**

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

LD 90 proposed to specify that the funding approved for a psychiatric treatment facility be for a new Augusta Mental Health Institute. The bill proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide appropriate community resources necessary for mental health treatment in this State. The bill also proposed to provide that inpatient services be provided at two state-operated, public psychiatric hospitals, one in Bangor named Bangor Mental Health Institute and one in Augusta named Augusta Mental Health Institute, and at privately operated hospitals.

LD 137 **An Act to Provide Accountability in the Handling of Funds for Consumers of Mental Health Services** **ONTP**

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

LD 137 proposed to require representative payees of consumers of mental health services to perform their duties in the manner of fiduciaries and provide quarterly accountings for all funds. The bill proposed to prohibit representative payees from deriving any direct monetary benefit from the relationship. The bill also proposed to allow a person providing case management services, an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services providing supervision of or reviewing persons or organizations providing publicly funded mental health services or an employee of the Office of Advocacy to examine all financial records regarding the representative payee relationship.

LD 149 **An Act to Provide Services to People with Autism** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO MITCHELL B	ONTP	

LD 149 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to contract for autism services with the Maine chapter of the Autism Society of America. It proposed to specify

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that the contracted services would include training for trainers; training for persons around the State; attendance at workshops and conferences; and services to schools, group homes, employers, law enforcement agencies, health care professionals, transition programs, social service organizations and service groups. The bill proposed to appropriate \$30,000 per year for these purposes.

LD 159

An Act to Establish a Child Ombudsman Office

ONTP

Sponsor(s)
FULLER

Committee Report
ONTP

Amendments Adopted

LD 159 proposed to do the following:

1. Repeal the statute that established the unfunded Child Welfare Services Ombudsman within the Department of Human Services;
2. Establish the Child Ombudsman Office within the Department of Human Services to provide ombudsman services to children and families through a contract with a nonprofit organization. The office would have answered inquiries and investigated and worked toward resolution of complaints regarding services and programs for children and families, would have provided information, assistance and legal representation services, would have provided an outreach program, would have collected and analyzed information and reported annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters;
3. Provide for access to records, confidentiality of those records and immunity from civil and criminal liability;
4. Require all contracts for services to children and families entered into by the Department of Human Services, the Department of Corrections, the Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services to include a requirement that the provider of services under the contract, beginning July 1, 2002, give written notice to children and families served by the provider or applying for service from the provider that the child or family could use the services of the ombudsman and could use the grievance and appeal procedures of the appropriate state department;
5. Provide an effective date of January 1, 2002; and
6. Require a report by January 15, 2002 on transferring to the Child Ombudsman Office authority for other child ombudsman and advocacy programs and services and the funding associated with those programs and services. The bill also would have allowed the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit legislation to the 120th Legislature transferring funding and authority for services to the Child Ombudsman Office.

See LD 764 and the Part II budget, Public Law 2001, chapter 439, Part X.

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LD 168

An Act Concerning Standardized Contracts for Long-term Care Services

PUBLIC 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	OTP-AM	H-379

LD 168 proposed to repeal a provision of Public Law 1999, chapter 731, "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, 2000 and June 30, 2001," that gave the Department of Human Services authority to develop and adopt rules to require the use of standardized contracts to be used for long-term care services between service providers and consumers.

Committee Amendment "A" (H-379) proposed to strike that part of the bill that would have repealed the requirement that the Department of Human Services develop a standardized contract for long-term care services.

This amendment proposed to add to the bill statutory language regarding contracts for assisted living services. It proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 279 authorizes the Department of Human Services to develop and adopt rules to require the use of standardized contracts to be used for assisted living services.

LD 172

Resolve, to Ensure Comprehensive and Accurate Medical Eligibility Assessments

RESOLVE 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TURNER	OTP-AM	H-660

LD 172 proposed to require the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules would have required that in completing the assessment the nurse assessor exercise professional judgment and consider documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. The rules would have required the nurse assessor to document in the record of the assessment consideration of all relevant information. Rules adopted pursuant to this resolve would be major substantive rules.

Committee Amendment "A" (H-660) proposed to replace the language of the resolve. It proposed to strike the emergency language. It proposed to clarify the language requiring the exercise of professional judgment by nurse assessors performing medical eligibility determination assessments for long-term care.

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Enacted law summary

Resolve 2001, chapter 54 requires the Department of Human Services to amend the rules regarding medical eligibility assessments under the Medicaid program and state long-term care programs in order to ensure that the assessments are comprehensive and accurate. The rules must provide that in completing the assessment the nurse assessor exercises professional judgment and considers documentation, observation and interviews with the consumer, family members, direct care staff, the consumer's physician and other individuals as determined to be appropriate. Rules adopted pursuant to this resolve are major substantive rules.

LD 173 **Resolve, Directing the Department of Human Services to Amend the Rules Regarding Congregate Housing** **ONTP**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 173 proposed to direct the Department of Human Services to review and amend the rules regarding congregate housing to ensure compliance with Public Law 1999, chapter 731, Part BBBB. Particular attention would have been given to health, frailty, need or acuity level, performance standards and the use and impact of consumer satisfaction surveys. By October 15, 2001, the department would have been required to report to the Joint Standing Committee on Health and Human Services on the congregate housing rules and any action that had been taken with regard to the rules.

See also LD 853.

LD 177 **An Act Regarding Child Abuse and Neglect Investigation** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> FULLER MITCHELL B		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-380
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LD 177 proposed to do the following:

1. Add children's services programs and providers of services funded in whole or in part by the Department of Human Services, Department of Education, Department of Corrections and Department of Mental Health, Mental Retardation and Substance Abuse Services to the settings in which the out-of-home abuse and neglect investigating team may investigate reports of suspected abuse and neglect of children. If one of these departments were involved and did undertake an investigation, the bill would have required the team to investigate the report;
2. Correct a cross-reference regarding confidentiality of information regarding investigations conducted by the Disability Rights Center under the Maine Revised Statutes, Title 5, chapter 511; and

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3. Add programs, services and persons administered, licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services to the law providing access to records for the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-380) proposed to replace the bill. It proposed to clarify that the authority of the out-of-home abuse and neglect investigating team would be expanded to the provision of services under the rules adopted by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment proposed to remove a section dealing with confidentiality of records and add an appropriation section and a fiscal note to the bill.

LD 183 **Resolve, to Increase Medicaid Reimbursement for Certain Providers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM MAJ ONTP MIN	H-659 H-679 FULLER

LD 183 proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2003 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy, speech and language pathologist and audiologist services to 70% of the usual and customary charge.

Committee Amendment "A" (H-659) proposed to replace the resolve. It proposed to require the Department of Human Services to raise reimbursement rates under the Medicaid program to 70% of the usual and customary charges, as determined by the department, for the providers and services reimbursed below 70% as of January 1, 2001. It proposed to add appropriation and allocation sections and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-679) proposed to require the Department of Human Services to adopt rules to take effect on January 1, 2002 to increase the amount of reimbursement under the Medicaid program for occupational and physical therapy and speech and language pathologist and audiologist services to 60% of the usual and customary charge.

See Public Law 2001, chapter 439, Part LL, enacting an increase for occupational therapy and physical therapy to 50% of usual and customary rates.

LD 187 **An Act to Provide Relief from Excessive Drug Costs for Maine Residents** **ONTP**

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

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LD 187 proposed to revise the income eligibility limit for the Elderly Low-cost Drug program. It proposed to repeal a provision that added up to 25% to the income limit for households that spent 40% of income on unreimbursed drug costs. It also proposed to add a provision that adjusted the income limit upward by the full amount over the income limit that is spent on unreimbursed drug costs and limit the benefit under the program to the amount of that difference.

See also LD 50.

LD 188 **Resolve, to Reduce the Administrative Burden in Home Health Care Reimbursed through the Medicaid Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER KNEELAND	OTP-AM	H-511

LD 188 proposed to require action by the Department of Human Services with regard to the home health care benefit provided under the Medicaid program. It proposed to require interpretive guidance letters, an appeals process for payments and an estimate of administrative costs to providers. It proposed to require a report on a home health care prospective payment system in Medicaid. It proposed to require an annual report of data with regard to home health care benefits.

Committee Amendment "A" (H-511) proposed to replace the resolve. It proposed to require action by the Department of Human Services with regard to the home health care services provided under the Medicaid program. It proposed to require an appeals process for payments and an estimate of administrative costs to providers prior to rulemaking. It proposed to clarify language regarding the streamlining of administrative requirements. It proposed to require a report on the feasibility of implementing a home health care prospective payment system in Medicaid. It proposed to require an annual report of data regarding home health care services and adults awaiting placement for Medicaid Private Duty Nursing / Personal Care Services. It also proposed to add an appropriation, an allocation and a fiscal note to the bill.

LD 189 **An Act to Expand the Elderly Low-cost Drug Program to Cover Over-the-counter Drugs** **ONTP**

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

LD 189 proposed to add to the supplemental component of the Elderly Low-Cost Drug program over-the-counter medications when the prescribing health care provider stated in writing that the medication was medically indicated for the medical condition or disease.

See also LD 34 and 50.

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LD 191 **An Act to Prohibit Smoking in Certain Bingo and Beano Halls** **DIED BETWEEN BODIES**

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

LD 191 proposed to prohibit smoking in public places where beano or bingo games were being conducted.

Committee Amendment "A" (H-82), the majority report of the committee, proposed to amend the title of the bill by deleting the word "certain." It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-92) proposed to strike the bill. Like the bill, this amendment proposed to prohibit smoking in public places where beano or bingo games were being conducted, except that this amendment would not prohibit smoking in a public place in which an Indian tribe operated a high-stakes beano or high-stakes bingo game in accordance with a license granted pursuant to the Maine Revised Statutes, Title 17, section 314-A. (Not adopted)

House Amendment "B" (H-135) proposed to allow smoking in a public place when high-stakes beano or high-stakes bingo games were being conducted in accordance with the provisions of the Maine Revised Statutes, Title 17, section 314-A or in a public place when beano or bingo games were being conducted in accordance with the provisions of Title 17, section 314 if that place were serviced by a ventilation system that replaced air within 10-minute or shorter cycles. (Not adopted)

LD 201 **An Act to License Freestanding Birth Centers** **CARRIED OVER**

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

LD 201 proposed to require that all freestanding birth centers be licensed by the Department of Human Services. The bill also proposed to set forth the types of licenses and the process and standards for licensure.

This bill was carried over to the Second Regular Session.

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LD 216

**An Act to Offer Greater Financial Incentives Promoting Quality
Child Care**

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-291
BROOKS	ONTP MIN	

The provisions of the Maine Revised Statutes, Title 22, section 3737, subsection 3 allow for a differential rate of compensation for child care services for those providers that meet national standards for quality. LD 216 proposed to allow differential rates also to be paid to providers that make substantial progress toward accreditation.

Committee Amendment "A" (S-291) proposed to replace the bill. It proposed to change language in existing law regarding the payment of childcare services differentials. It proposed to require the payment of differentials from Child Care Development Fund quality funds for childcare services that meet recognized standards or make substantial progress towards meeting them. It proposed to define substantial progress and limit payment of the differential to one year. It also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

The provisions of the Maine Revised Statutes, Title 22, section 3737, subsection 3 allow for a differential rate of compensation for child care services for those providers that meet national standards for quality. Public Law 2001, chapter 394 changes language in existing law regarding the payment of childcare services differentials. It requires the payment of differentials from Child Care Development Fund quality funds for childcare services that meet recognized standards or make substantial progress towards meeting them. It defines substantial progress and limits payment of the differential to one year.

LD 218

An Act to Ensure Statewide Assistance to Maine's Homeless Youth

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-110
BROOKS		

LD 218 proposed to establish homeless youth programs within the Department of Human Services to provide assistance to youths and their families based on a community needs and resources model. The bill proposed to appropriate \$1,000,000 in fiscal year 2001-02 and \$700,000 in fiscal year 2002-03. The bill proposed to require a report on the programs to the Joint Standing Committee on Health and Human Services by March 1, 2002. The bill proposed to repeal the provision of the Maine Revised Statutes, Title 22, section 4099 that sunsets the Youth in Need of Services Pilot Program on July 1, 2001.

Committee Amendment "A" (S-110) proposed to clarify that the Youth in Need of Services Pilot Program be repealed on June 30, 2001. It proposed to retain the provisions of the bill that enact homeless youth programs and appropriate \$1,000,000 in fiscal year 2001-02 and \$700,000 in fiscal year 2002-03 for funding for homeless youth programs. The amendment proposed to add a fiscal note to the bill.

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See also LD 1024.

LD 219 **An Act to Expand the Cub Care Program and to Establish the Bear Care Program** **ONTP**

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

LD 219 proposed to establish the Bear Care program in the State by changing the name of the Medicaid program beginning July 1, 2002. It proposed to require materials and information about the Medicaid program for use by the public to display the name "Bear Care" beginning October 1, 2001. By January 15, 2002 the bill proposed to require the Department of Human Services to submit a report to the Joint Standing Committee on Health and Human Services proposing legislation to accomplish the name change. It proposed to direct the Joint Standing Committee on Health and Human Services to submit legislation to accomplish the name change by July 1, 2002. It proposed to require the Department of Human Services to file with the federal Department of Health and Human Services, Health Care Financing Administration all necessary amendments to the state Medicaid plan to change the name of the Medicaid program in the State to the "Bear Care program" for the purposes of service delivery and program administration by January 15, 2002.

LD 219 did not propose to alter the designation "Cub Care" for the program providing health care coverage for children under the Maine Revised Statutes, Title 22, section 3174-T. It proposed to increase, however, the income eligibility from 200% to 300% of the federal nonfarm income official poverty line and set the premiums for coverage for families with incomes above 185% of the nonfarm income official poverty line at 20% of the benefit cost per child, but no higher for a family than the cost for 2 children. This bill proposed to increase the income eligibility level for parents of children on the Medicaid program from 150% to 200% of the federal nonfarm income official poverty line.

See LD 1303, Public Law 2001, chapter 450 regarding renaming the Medicaid program and Cub Care program MaineCare.

LD 243 **An Act to Implement the Breast and Cervical Cancer Prevention and Treatment Act of 2000** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT MITCHELL B	OTP-AM MAJ ONTP MIN	H-516

LD 243 is a concept draft pursuant to Joint Rule 208. The bill proposed to implement the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000.

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Committee Amendment "A" (H-516) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to direct the Department of Human Services to grant Medicaid eligibility to women who have been diagnosed with breast or cervical cancer under the State's early detection program. It proposed to appropriate state funds and allocate federal funds for these purposes. It proposed to add a fiscal note to the bill.

See Public Law 2001, chapter 439, Part TT.

LD 244 **An Act to Continue the Privacy Protection of Health Care Information** **PUBLIC 346**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	

LD 244 proposed to eliminate the sunset on the health care information privacy legislation adopted by the 119th Legislature.

Enacted law summary

Public Law 2001, chapter 346 eliminates the sunset on the health care information privacy legislation adopted by the 119th Legislature.

LD 246 **An Act to Ensure Appropriate Audit Procedures** **PUBLIC 464**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LONGLEY	OTP-AM MAJ OTP-AM MIN	H-664

LD 246 proposed to prohibit the Department of Human Services from proceeding with an audit initiative in which a private vendor is engaged or any vendor is paid on a contingent fee basis to pursue alleged overpayments to health care providers in Maine. Also, the bill proposed to require the department to disclose to the public any mathematical algorithm used in an audit.

Committee Amendment "A" (H-664) is the report of the Joint Standing Committee on Health and Human Services. It proposed to remove a retroactivity provision. It proposed to add an effective date of July 1, 2003. It proposed to also add a fiscal note to the bill.

Committee Amendment "B" (H-665) is the report of the Joint Standing Committee on Health and Human Services. It proposed to amend the bill by adding an appropriation section, an allocation section and a fiscal note to the bill.

Enacted law summary

Joint Standing Committee on Health and Human Services

Public Law 2001, chapter 464 prohibits the Department of Human Services from proceeding with an audit initiative under the Medicaid program in which a private vendor is engaged or any vendor is paid on a contingent fee basis to pursue alleged overpayments to health care providers in Maine. Also, the law requires the department to disclose to the public any mathematical algorithm used in an audit.

The law contains an effective date of July 1, 2003.

LD 247 **An Act to Expand Access to Prescription Drugs with a State Toll-free Number** **ONTP**

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

LD 247 proposed to establish a toll-free telephone number administered by the Department of Human Services to provide information on prescription drug prices and to give advice and assistance in applying for discount or free drugs from private drug companies.

LD 266 **An Act to Consolidate All Aspects of Licensing and Enforcement of Agricultural Fairs Under the Department of Agriculture, Food and Rural Resources** **ONTP**

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

LD 266 proposed to exempt food establishments, camping areas and lodging at fairs and agricultural exhibitions from the licensing and regulatory jurisdiction of the Department of Human Services. It proposed to require the Commissioner of Agriculture, Food and Rural Resources to review existing provisions for regulating food, camping and lodging at agricultural fairs and to make recommendations to ensure the provisions were adequate to protect public health and safety.

LD 286 **An Act to Clarify the Duties of the Maine Developmental Disabilities Council** **PUBLIC 25**

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

LD 286 proposed to amend the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council were to become vacant the council would be required to recruit and hire a director and that the council would be required to supervise and annually evaluate the director.

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Enacted law summary

Public Law 2001, chapter 25 amends the laws governing the Maine Developmental Disabilities Council to specify that if the position of director of the council becomes vacant the council recruits and hires a director and that the council supervises and annually evaluates the director.

LD 330 **Resolve, to Study the Placement of a Drug Rehabilitation Facility in Washington County** **ONTP**

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

LD 330, a concept draft pursuant to Joint Rule 208, proposed to establish a special task force to study the placement of a drug rehabilitation facility in Washington County.

LD 371 **An Act to Encourage Smoke-free Hospitals in Maine** **PUBLIC 59**

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

LD 371 proposed to eliminate the requirement that hospitals and state mental health institutes provide a smoking area. The bill proposed to give these facilities the discretion to provide a designated smoking area for patient use.

Enacted law summary

Public Law 2001, chapter 59 prohibits smoking in hospitals and state mental health institutes except in a designated smoking area. It gives these facilities the discretion to provide a designated smoking area for patient use.

LD 383 **An Act to Limit Smoking by Foster Parents** **ONTP**

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

LD 383 proposed to prohibit smoking in foster homes and prohibit foster parents from smoking in their private vehicles.

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Committee Amendment "A" (H-47), the majority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and add a fiscal note.

Committee Amendment "B" (H-444), the minority report of the committee, proposed to add an effective date of July 1, 2002 and clarify that the car of the foster parent in which smoking was prohibited was the car in which the foster child was transported. The amendment also proposed to remove the emergency preamble and emergency clause and to add a fiscal note.

This bill was re-referred to committee and reconsidered. Upon reconsideration the committee voted Ought Not to Pass, so neither amendment was presented to the House and Senate.

LD 393 **Resolve, to Change Medicaid Reimbursement for Nursing Facilities** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP-AM	S-160

LD 393 proposed to require the Department of Human Services to amend the principles of reimbursement under the Medicaid program for nursing facilities to enable nonprofit nursing facilities to receive 1/2 of the profit rate applicable to for-profit nursing facilities. The rules, which would be routine technical rules, would have to be implemented by January 1, 2002.

Committee Amendment "A" (S-160) proposed to replace the language of the resolve. It proposed to specify the manner of calculation of rate of return for nonprofit nursing facilities beginning July 1, 2002. It also proposed to amend the resolve by adding an appropriation that is contingent on approval of Medicaid funding at the federal level, an appropriation section, an allocation section and a fiscal note to the bill.

See Public Law 2001, chapter 439, Part DDD, enacting ¼ the profit rate for nonprofit nursing facilities.

LD 418 **An Act to Promote Efficiency in the Provision of Administrative Services for Child Care Providers** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO LONGLEY	OTP-AM	H-148

LD 418 proposed to provide one-time funding of \$90,000 for a pilot project to divide the State into 3 regions and to award incentive grants to encourage partnerships among a minimum of 3 child care providers to promote efficiency in the provision of administrative services such as filing reports, allocation of subsidized child care slots, payroll and insurance.

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Committee Amendment "A" (H-148) proposed to clarify that a contractor outside of the Department of Human Services must perform the request for proposal and grant award process. The contractor's compensation would be capped at 5% of the \$90,000 appropriated for the pilot project. The amendment also proposed to add a fiscal note to the bill.

LD 419 An Act to Provide Information to Providers of Child Care ONTP
Regarding Business Support

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

LD 419 proposed to provide one-time funds for the Community Services Center within the Department of Human Services to create a brochure outlining the business support available to child care providers. The bill proposed to require that the brochure include contact numbers for additional information and that it be included in all licensing packet information provided to new license or certification applicants.

LD 437 Resolve, to Clarify the Principles of Reimbursement for Nursing INDEF PP
Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-633

LD 437 proposed to direct the Department of Human Services to amend its rules to incorporate the supplemental staff payment into the per diem rate for nursing facilities and to verify at the annual audit that these funds have been distributed as directed.

Committee Amendment "A" (H-633) proposed to clarify the provisions of the resolve and add appropriation and allocation sections and also proposed to add a fiscal note to the resolve.

LD 441 Resolve, to Expand Access to Certified Nursing Assistant Training RESOLVE 39
Programs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DAGGETT	OTP-AM	H-378

LD 441 proposed to expand access to certified nursing assistant training programs by requiring the Department of Human Services, the Department of Education and the State Board of Nursing to expand their policies, procedures, forms and any other necessary documents to allow a student's employer to pay the full cost of the program, allow a

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student's employer to pay the student for time spent taking classes and to allow a student to be employed by the clinical training site or any other health care facility during nursing assistant training courses. This bill proposed to require the Department of Human Services, the Department of Education and the State Board of Nursing to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

Committee Amendment "A" (H-378) proposed to amend the resolve by specifying that the changes in rules required for training for certified nursing assistants must be compatible with federal law and regulation. The amendment proposed to specify that the Department of Human Services is not obligated for additional costs as a result of the provisions of the resolve. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 39 expands access to certified nursing assistant training programs by requiring the Department of Human Services, the Department of Education and the State Board of Nursing to expand their policies, procedures, forms and any other necessary documents to allow a student's employer to pay the full cost of the program, to allow a student's employer to pay the student for time spent taking classes and to allow a student to be employed by the clinical training site or any other health care facility during nursing assistant training courses. It specifies that the changes in rules required for training for certified nursing assistants must be compatible with federal law and regulation. This resolve specifies that the Department of Human Services is not obligated for additional costs. This resolve also requires the Department of Human Services, the Department of Education and the State Board of Nursing to report to the Joint Standing Committee on Health and Human Services by November 1, 2001.

LD 451 **An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the Temporary Assistance for Needy Families Program** **ONTP**

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

LD 451 proposed to require automobile insurance paid by the Department of Human Services through the emergency assistance or alternative aid through the Temporary Assistance for Needy Families program to be paid directly to the insurance carrier or agency and any refund to be paid to the department.

LD 453 **An Act to Recognize the Special Circumstances of Border Hospitals** **ONTP**

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

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LD 453 proposed to require that the special circumstances affecting border hospitals be taken into consideration in all matters involving their licensure and regulation by the Department of Human Services, including certificate of need decisions, and in all matters involving their arrangements with health insurance carriers.

See also LD 1545.

LD 462 **An Act to Clarify the Substance Abuse Law** **PUBLIC 26**

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

LD 462 proposed to repeal the Long-term Narcotic Dependency Treatment Project since the Federal Government has ruled parts of it unconstitutional. It also proposed to repeal a related section that was contingent on the commencement of the project.

Enacted law summary

Public Law 2001, chapter 26 repeals the Long-term Narcotic Dependency Treatment Project since the federal government has ruled parts of it unconstitutional. It repeals a related section that was contingent on the commencement of the project.

LD 465 **Resolve, to Provide Medicaid Reimbursement for Service Dogs and Companion Animals** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS O'NEIL	ONTP	

LD 465 proposed that by January 1, 2002, the Department of Human Services amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for the purchase and maintenance of a service dog or companion animal by a person enrolled in the Medicaid program if the use of the dog or animal was prescribed by a physician. These rules would have been routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

LD 473 **An Act to Provide 4 Additional Personnel to the Department of Human Services Community Services Center** **ONTP**

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

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LD 473 proposed a General Fund appropriation of \$140,135 in fiscal year 2001-02 and \$181,573 in fiscal year 2002-03 for the addition of four personnel within the Department of Human Services to provide licensing services.

LD 477 **An Act Directing the Department of Human Services to Annually Adjust Dental Reimbursement Rates Under the Medicaid Program** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN DAGGETT	OTP-AM	

LD 477 proposed to direct the Department of Human Services annually to set the Medicaid reimbursement rates for dental services to the 50th percentile of the fees published in the most recent "Survey of Dental Fees, New England Region," published by the American Dental Association.

Committee Amendment "A" (H-625) proposed to replace the bill. It proposed to direct the Department of Human Services to adjust reimbursement rates for dental services under the Medicaid program. It proposed to remove the proposed requirement of an annual adjustment. It proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

This bill was carried over to the Second Regular Session pursuant to SP 652.

LD 478 **An Act to Strengthen the Maine Rx Program** **PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM MAJ ONTP MIN	H-249

LD 478 proposed to provide notice about prescription drug pricing and the Maine Rx Program when prescription drugs are dispensed pursuant to prescription in Maine.

Committee Amendment "A" (H-249) is the majority report of the committee. It proposed to replace the bill. It proposed to limit the provisions of the bill to drugs dispensed to persons without health coverage and to brand name drugs. It proposed to allow for a separate writing to meet the requirements of the bill. It proposed to clarify the bill by dividing it into outline form. It also proposed to add a fiscal note to the bill.

See also Public Law 2001, chapter 478, (LD 30, the Errors Bill), Part E for technical corrections.

Enacted law summary

Public Law 2001, chapter 379 provides notice about prescription drug pricing and the Maine Rx Program when brand name prescription drugs are dispensed pursuant to prescription in Maine to persons without health coverage. A separate writing may be held to meet the requirements of the law.

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See also the Errors Bill, LD 30, enacted as Public Law 2001, chapter 471, Part E.

LD 479 **An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability** **PUBLIC 335**

<u>Sponsor(s)</u> KANE PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-491
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LD 479 proposed to require that TANF recipients who care for a household member with a physical or mental health problem be considered by the Department of Human Services to fully meet their ASPIRE-TANF participation requirements. TANF recipients who have physical or mental health problems that limit their ability to work would have to be offered the opportunity to participate in ASPIRE-TANF or the Parents as Scholars Program on a voluntary basis. The department would be prohibited from sanctioning households that include members with these physical or mental health problems. The department would be required to notify ASPIRE-TANF and Parents as Scholars Program recipients of these provisions at their orientation and each time their family contract is renewed.

Committee Amendment "A" (H-491) proposed to replace the bill. It proposed to establish a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, require reporting on the imposition of sanctions, proposed to require a determination when a claim of good cause for nonparticipation is claimed and proposed to require documentation of good cause claim determinations and the imposition of sanctions. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 335 establishes a procedure for the imposition of sanctions in the TANF and ASPIRE-TANF programs, requires reporting on the imposition of sanctions, requires a determination when a claim of good cause for nonparticipation is claimed and requires documentation of good cause claim determinations and the imposition of sanctions.

LD 525 **An Act to Improve Access to Residential Care in Rural Maine** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> LOVETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-240
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LD 525 proposed to allow the use of "nursing facility flex beds," through which nursing facilities would be allowed to use a designated number of beds for nursing or residential care. This bill proposed to allow a resident to remain in that resident's current nursing facility, even if that resident's care needs fluctuate between nursing facility and residential care levels. This bill proposed to allow nursing facilities reimbursement in such circumstances, in accordance with the level of care provided and in accordance with rules adopted by the Commissioner of Human

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Services. This bill proposed to direct the Department of Human Services to seek federal matching funds for a pilot project utilizing nursing facility flex beds.

Committee Amendment "A" (H-240) proposed to add an appropriation section and a fiscal note to the bill.

LD 539 **An Act Regarding Commercial Swimming Pools and Hot Tubs** **ONTP**

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

LD 539, a concept draft pursuant to Joint Rule 208, proposed to require or encourage commercial facilities with swimming pools and hot tubs to use an alternative to chlorine.

LD 540 **Resolve, to Coordinate and Improve Access To Health Care for Women** **RESOLVE 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACOBS TREAT	OTP-AM	H-242

LD 540 proposed to direct the Department of Human Services, Bureau of Health to establish a coordinator for women's health services and build partnerships with community-based organizations, academic institutions and federal agencies. The resolve proposed to allocate funds for such a position, contingent on the receipt of federal funds for that purpose.

Committee Amendment "A" (H-242) proposed to add an allocation section and a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 25 directs the Department of Human Services, Bureau of Health to establish a coordinator for women's health services and build partnerships with community-based organizations, academic institutions and federal agencies. The resolve also allocates funds for such a position, contingent on the receipt of federal funds for that purpose.

LD 549 **Resolve, to Improve the Accessibility of Nursing Facility Services for Consumers with Chronic Conditions** **ONTP**

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

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LD 549 proposed to protect consumers whose chronic medical conditions temporarily improved, thereby causing them to lose eligibility for nursing facility level care. This resolve proposed to direct the Department of Human Services to amend its rules to ensure that consumers could retain eligibility for nursing facility level care if they had moved 3 times in a 9-month period and had also lost such eligibility at least once within that same time period.

LD 556 **An Act to Increase Eligibility for Health Care Benefits** **ONTP**

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

LD 556 proposed to raise the eligibility level for the Cub Care program from 200% to 300% of the federal nonfarm income official poverty line and set premium levels. The bill proposed to direct the Department of Human Services to amend its rules regarding eligibility for the Medicaid buy-in program for persons with disabilities. Individuals whose family income was less than 350% of the federal nonfarm income official poverty line and who would be considered to be receiving supplemental security income benefits, except for their earned income, would have been designated as a categorically needy eligibility group, under the rules. The rules also would have eliminated separate caps on earned and unearned income. The rules would have been designated as routine technical rules.

See also LD 1303, Public Law 2001, chapter 450.

LD 558 **An Act to Add 75 Residential Care Beds Under the Medicaid Program** **ONTP**

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

LD 558 proposed to provide funds in fiscal year 2001-02 and fiscal year 2002-03 to add 75 residential care beds under the Medicaid program. This bill also proposed to specify the intent of the Legislature that the Department of Human Services allocate these funds across all levels of residential care facilities.

LD 583 **Resolve, to Provide Improved Access to Quality Locally Grown Foods through Expansion of the Farmers' Market Nutrition Program** **ONTP**

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

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LD 583 proposed to direct the Department of Human Services, Bureau of Health to adopt rules to allow individual farmers and farmers at farmers' markets to accept Women, Infants and Children Farmers' Market Nutrition Program coupons.

LD 611 **An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998** **CARRIED OVER**

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

LD 611 is a concept draft pursuant to Joint Rule 208.

This bill proposed to create a pilot program allowing one medical marijuana distribution center in the State. The center would be incorporated as a nonprofit entity managed and overseen by a diverse community group. In particular, this bill would propose the following.

1. A single nonprofit center, referred to herein as the "center," would be incorporated for the purpose of cultivating and distributing medical marijuana to individuals qualified under the Maine Medical Marijuana Act of 1998. The center would also be authorized to distribute or lend, or both, cultivation equipment, supplies and seeds to qualified individuals for cultivation for personal use.
2. The center would be overseen and managed by a community board made up law enforcement, current and former patients, patient advocates, hospice facilities, education professionals, legal community, business, pharmacists, clergy, medicine and other groups involved in the community.
3. The framework for the operation of the community board would be included in the enabling legislation. Among other things, the framework would provide for term length of board members, qualifying members as described above, civil and criminal immunity protection for board members and employees acting within the scope of the center's mission and the authorization to use Maine's nonprofit business statute as a basis for organizational structure.
4. The center would be able to charge patients for the product to help cover the cost of the center. The center would also be prohibited from securing medical marijuana from outside the State.
5. A mandatory registry system for patients using the center would be created to ensure that only qualified individuals access the center's services. The system would be maintained by the center with oversight and input from the sheriff of the county within which the center is located. Other law enforcement personnel could confirm the participation of individuals in the center's services, if necessary, through that particular sheriff's office or the center. Among other things, the registry system would consist of a photo identification card, and the center would be authorized by the patient to check with the individual's physician that the individual falls within the provisions of the Maine Medical Marijuana Act of 1998. The center would also check with the appropriate state medical board or with the statewide medical association to determine that the physician is duly licensed to practice in the State.

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6. The center would be required to keep records of patients' usage from the center in order to monitor compliance with statutory limits.
7. The center would be required to report to the Legislature within 18 months of commencement of operation. The report could also contain suggestions for additional legislation to meet needs of patients. The Legislature could then take additional action, including the authorization of additional sites with the State.
8. A person qualified under the Maine Medical Marijuana Act of 1998 who possessed appropriate documentation under the current law of that person's qualification at the time of a stop or encounter with law enforcement would not be subject to seizure of a lawful amount of marijuana or the equipment necessary to maintain, grow or consume medical marijuana.

LD 619

Resolve, to Provide Adequate Patient Care Staffing for Certain Home Care Programs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-632
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LD 619 proposed to require contracts for home care services entered into by the Department of Human Services for the home-based care program, the Medicaid waiver program and private duty nursing and personal care services programs to contain provisions to include funding for adequate pay and employment benefits for staff providing patient care and audit mechanisms to ensure that the funding is used for those purposes. These provisions would have to be implemented beginning January 1, 2002.

Committee Amendment "A" (H-632) proposed to delete from the resolve reference to employment benefits. It proposed to provide for a pay increase of \$1 per hour for direct care workers in the Medicaid waiver program, the private duty nursing and personal care services programs and the home-based care program beginning January 1, 2002. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

LD 633

An Act to Require Reporting on Children's Crisis Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-646 H-655 O'BRIEN J
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LD 633 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to coordinate with the Department of Human Services to provide cost-based residential and community-based services to all children who qualify for those services through the Children's Mental Health Program.

Committee Amendment "A" (H-646) proposed to replace the bill. It proposed to provide a new title. It proposed to require monthly reports by the Department of Mental Health, Mental Retardation and Substance Abuse Services

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to the Children's Mental Health Oversight Committee and the joint standing committee of the Legislature having jurisdiction over health and human services matters on children's crisis services. The amendment proposed to require the accomplishment of this work within the department's existing resources.

The amendment also proposed to add a fiscal note to the bill.

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House Amendment "A" to Committee Amendment "A" (H-655) proposed to add an emergency preamble and clause to the bill to provide for an immediate effective date.

See Public Law 2001, chapter 439, Part KKK, the Part II budget.

LD 640

Resolve, to Ensure Consumer Access to Home Care Services

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-621

LD 640 proposed to require the Department of Human Services to review and amend the rules of the Medicaid and state-funded long-term care programs regarding the right to appeal, the computation of time periods, the date of receipt of notices, appeal requests, the definition of "significant change," significant change assessments and the homebound requirement. Other issues covered by these rule changes would be the informal conference in home care programs, a report on labor force initiatives, unscheduled reassessments and barriers to eligibility and services. All rules adopted pursuant to this bill would be major substantive rules, requiring legislative review.

Committee Amendment "A" (H-621) proposed to strike from the resolve provisions on computation of time, the homebound requirement, the informal conference, a report on labor force initiatives, reassessments and barriers to receiving services. It proposed to increase the time period for sending the appeal form from 5 days to 10 days. It proposed to clarify that the "significant change" provision applies to home care programs only. It proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

LD 641

**An Act to Implement Recommendations of the Joint Advisory
Committee on Select Services for Older Persons**

P & S 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-377

LD 641 proposed to appropriate \$6,625,000 for improving access to and the delivery of services to older persons with mental illness, mental retardation, aging, dementia and substance abuse problems. The bill proposed to direct the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review and revise their rules to improve access to and the delivery of services. It proposed to require reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003. The bill proposed to provide allocations of federal money to match the General Fund appropriations.

Committee Amendment "A" (H-377) proposed to remove from the bill the appropriation and allocation sections and add a fiscal note.

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Enacted law summary

Private and Special Law 2001, chapter 22 directs the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to review and revise their rules to improve access to and the delivery of services. It requires reports by February 1, 2002 regarding these issues and semiannual reports on access to and delivery of services beginning February 1, 2003.

LD 679

An Act to Expand Access to Health Care for Adults

ONTP

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

LD 679 proposed to require the Department of Human Services to seek federal approval by October 1, 2001 to provide Medicaid coverage to persons aged 18 to 65 with income below 150% of the federal poverty level who were not otherwise covered by Medicaid. Medicaid coverage begins 30 days following federal approval. While waiting for federal approval, the department would be required to provide medical assistance coverage to the same extent that they provide Medicaid coverage, except that the department could lower the income eligibility level to the extent necessary to keep the program within the budget appropriated for it.

See also LD 1303, Public Law 2001, chapter 450.

LD 686

Resolve, Directing the Bureau of Health to Develop a Comprehensive Plan for the Detection and Treatment of Hepatitis C

RESOLVE 26

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

LD 686 proposed to direct the Department of Human Services, Bureau of Health to develop a comprehensive plan for detection and treatment of hepatitis C.

Enacted law summary

Resolve 2001, chapter 26 directs the Department of Human Services, Bureau of Health to develop a comprehensive plan for detection and treatment of hepatitis C.

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LD 689 **An Act to Require Newborn Screening for Metabolic Abnormalities and Genetic or Biochemical Disorders** **ONTP**

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

LD 689 proposed to require that screening be conducted of all newborn infants by hospitals, maternity homes and other maternity services. The bill proposed to require the Department of Human Services to amend its rules relating to newborn screening for metabolic, genetic and biochemical conditions to expand the types of conditions for which newborns would be screened.

LD 703 **An Act to Require that a Residential Facility for the Elderly Have an Automatic Door at the Main Entrance** **ONTP**

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

LD 703 proposed to require automatic doors or power-assisted doors on the entrance to nursing homes and other residential facilities for new construction and major remodeling, enlarging and renovating on or after January 1, 2002.

LD 716 **An Act to Provide for the Transfer of Assets of Hospital Administrative District No. 1 to a Nonprofit, Nonstock Private Corporation** **P & S 31
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR CATHCART	OTP-AM	H-624

LD 716 proposed to allow Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to convert by merger into a private nonprofit, nonstock corporation.

Committee Amendment "A" (H-624) proposed to replace the bill. It proposed to allow Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer would relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment proposed to provide for the transfer process.

Joint Standing Committee on Health and Human Services

Enacted law summary

Private and Special Law 2001, chapter 31 allows Hospital Administrative District No. 1, which operates Penobscot Valley Hospital, to transfer its assets to a nonprofit, nonstock private corporation. The transfer will relieve the current towns in the district from potential liabilities of the hospital and enable the hospital to improve its facilities to better serve the people located in its service area without any financial obligations for the towns formerly comprising the district. The amendment provides for the transfer process.

Private and Special Law 2001, chapter 31 was enacted as an emergency measure effective when certification of dissolution is filed with the Secretary of State under the terms of the law.

LD 740 **An Act to Provide Relief for Patients with Chronic Pain** **ONTP**

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

LD 740, a concept draft pursuant to Joint Rule 208, proposed to amend current law to ensure that licensed physicians would not be unduly restricted in the scope or manner of prescribing medication for their patients.

LD 756 **An Act to Ensure Quality Home Care Coordination Services and Improve Long-term Care Services** **PUBLIC 362**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-580

LD 756 proposed to establish quality improvement committees for home care services for the elderly and disabled, which would include representatives of the home care agencies, consumers, consumer advocates, health care and service providers and representatives from each area agency on aging.

The bill proposed to direct the Long-term Care Implementation Committee, established in Public Law 1999, chapter 731, Part BBBB, section 15, to monitor the work of state departments pertaining to long-term care and direct the committee to review rules pertaining to long-term care and make recommendations to the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding amendments to those rules.

Committee Amendment "A" (H-580) proposed to replace the bill. It proposed to provide for an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It proposed to specify duties for the committee and to specify which entities the annual report must be provided. It proposed to add two consumer or consumer

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advocate members to the Long-term Care Implementation Committee. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 362 requires an agency that contracts to provide home care coordination for the Department of Human Services to establish a quality assurance review committee to review the provision of home care services. It specifies duties for the committee and to which entities the annual report must be provided. It adds 2 consumer or consumer advocate members to the Long-term Care Implementation Committee.

LD 764

An Act to Establish an Ombudsman for Children and Families

**DIED ON
ADJOURNMENT**

Sponsor(s)
BOUCHER
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-376

LD 764 proposed to repeal the statute that establishes the unfunded Child Welfare Services Ombudsman in the Department of Human Services. It proposed to establish the Ombudsman Office to provide ombudsman services through a contract with a nonprofit organization. The office would answer inquiries and investigate and work toward resolution of complaints regarding state services and programs, would provide information, assistance and legal representation services, may provide an outreach program, and may collect and analyze information and report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The bill proposed to provide for access to records, confidentiality of those records and immunity from civil and criminal liability.

Committee Amendment "A" (H-376) proposed to replace the bill. It proposed to combine the provisions of LD 159, LD 764 and LD 1300. It proposed to do the following:

1. Repeal the child welfare services ombudsman, a position in the Department of Human Services that has not been funded in years;
2. Establish an Ombudsman Office within the Executive Department through contract with an independent nonprofit organization;
3. Clarify that the duties of the ombudsman include serving the children and families of the State with regard to a child requesting or receiving services from the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services or the child development services system within the Department of Education;
4. Provide for penalties for persons who intentionally interfere with the performance of the ombudsman's duties and for persons who penalize or impose restrictions on a person who makes a complaint or inquiry to the ombudsman;
5. Require a report in January 2003 regarding combining other advocacy and ombudsman functions within the Department of Education, the Department of Human Services, the Department of Mental Health, Mental

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Retardation and Substance Abuse Services, the Department of Corrections and the Disability Rights Center;
and

6. Add an appropriation section and a fiscal note to the bill.

See Part II Budget, LD 855, PL 2001, chapter 439 Part X, enacting an ombudsman program using contracted services to serve families in the child welfare system.

LD 766

An Act to Improve Child Development Services

**DIED BETWEEN
BODIES**

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

LD 766 proposed to transfer responsibility for administering the Child Development Services System from the Department of Education to the Department of Human Services, effective July 1, 2002. The bill was jointly referred to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (H-662) is the majority report on the bill. The amendment proposed to replace the bill and make it a resolve. The amendment proposed to direct the Commissioner of Education to review and develop a plan for reorganization of the provision of child development services required under federal law to children from birth to under 6 years of age throughout the State. The plan would provide for centralized administration of the system for delivering those services with the responsibility for decision making vested in the Department of Education in order to provide for equitable distribution of resources and services based on need across the State. The department would be required to consult with the Department of Human Services and Department of Mental Health, Mental Retardation and Substance Abuse Services. To ensure that required services are provided in a timely manner, the plan would have to also establish regional sites.

A 6-member legislative subcommittee would be established to advise the Commissioner of Education in developing the plan. The subcommittee would consist of members of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The commissioner and subcommittee would use the services of outside consultants from national organizations in reviewing the current system and developing the reorganization plan.

The commissioner would report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January 15, 2002. The report would be required to include the proposed reorganization plan and provide for implementation by July 1, 2002. The report would address transition issues and contain proposed implementing legislation. The joint standing committees would be authorized to introduce legislation to the Second Regular Session of the 120th Legislature to implement the plan.

The amendment proposed to add an appropriation section and a fiscal note to the bill.

Committee Amendment "B" (H-663) is the minority report on the bill. The amendment proposed to replace the bill and make it a resolve. It proposed to direct the Commissioner of Education's provider-director workgroup and

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the Maine Advisory Council on the Education of Children with Disabilities to collaborate in the review of delivery of services to children with disabilities from birth to under 6 years of age and to report to the Commissioner of Education with a preliminary report by October 10, 2001 and with a final report by January 10, 2002. The report would be required to address improved quality and consistency of services, professional development needs and ways to improve interagency coordination and collaboration.

The amendment would direct the Commissioner of Education in collaboration with the National Conference of State Legislatures, appropriate state agencies and legislative agencies and other qualified entities to conduct a survey of the families receiving services under the Child Development Services System and of the contract providers under that system. The survey would be required to address all aspects of the system and result in identification of information necessary to develop recommendations concerning whether and how the system needs to be revised.

Finally the amendment proposed to direct the commissioner to report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by January, 2000 on the results of the collaboration of the provider-director workgroup and the Maine Advisory Council on the Education of Children with Disabilities and the survey. The committee would be authorized to introduce legislation next session.

It proposed to add a fiscal note to the bill.

Committee Amendment "A" (H-662) passed in the House. The Senate indefinitely postponed the bill. The bill died between bodies.

LD 820 **An Act to Require a Public Hearing on Hospital Certificate of Need Proposals** **ONTP**

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

LD 820 proposed to require the department to advertise and hold a public hearing at which an applicant for a certificate of need for the construction or modification of health care facilities would present information about the proposal and the public would be allowed to present testimony.

LD 853 **An Act to Ensure Access to Assisted Living Services Programs** **P & S 36
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE GAGNON	OTP-AM	H-489 H-508 KANE S-392 GOLDTHWAIT

LD 853 proposed to direct the Department of Human Services to develop assisted living services programs in six sites around the State. It proposed to provide funding for the sites, for a 1/2 year and then for a full year.

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This bill also proposed to establish the Commission to Study Assisted Living to study assisted living options for the State in order to develop high-quality, cost-effective programs to serve the assisted living residential and service program needs of the growing population of elderly and disabled persons in appropriate community center locations across the State.

Committee Amendment "A" (H-489) proposed to remove provisions of the bill calling for the development of 6 assisted living programs and the necessary appropriation. It proposed to add language to the study relating to housing and services that enable persons who are elderly and disabled to remain in their homes as their need for services increases. It proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to increase the representation on the commission of assisted living services providers from one to two and require the commission to study and propose changes to the methods of delivery of assisted living services in the State.

Senate Amendment "A" (S-392) proposed to increase the membership to 21 members, move the starting date to August 15, 2001 and require the report to be submitted by December 5, 2001.

Enacted law summary

Private and Special Law 2001, chapter 36 establishes the 21 member Commission to Study Assisted Living to study assisted living options and report to the Joint Standing Committee on Health and Human Services by December 5, 2001.

Enacted as an emergency, this law takes effect June 27, 2001.

LD 863 **Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State** **CARRIED OVER**

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

LD 863 proposed to direct the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to establish crisis assessment and triage centers to help keep children in crisis situations in their community and stop children who need services from being sent out of state for treatment.

This bill was carried over to the Second Regular Session of the 120th Legislature.

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LD 864 **Resolve, Directing the Children's Cabinet to Coordinate the
Compilation of a Resource Guide to Assist Crisis Intervention
Centers to Help Runaway Youth** **ONTP**

<u>Sponsor(s)</u> TRAHAN KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 864 proposed to direct the Children's Cabinet, through Communities for Children, to coordinate the compilation of a resource guide containing information to assist runaway youth.

LD 887 **An Act to Expand the Elderly Low-cost Drug Program** **ONTP**

<u>Sponsor(s)</u> PEAVEY SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 887 proposed to increase the maximum income eligibility level for the Elderly Low-Cost Drug program from less than 185% of the federal poverty level to less than 189% of the federal poverty level, at 2000 income levels. The bill would have increased the income threshold approximately \$300 for a single person and \$682 for a family of 4. See also LD 50.

LD 898 **An Act to Improve Public Health in the State** **CARRIED OVER**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 898 is a concept draft pursuant to Joint Rule 208.

This bill proposed to authorize the Department of Human Services, Bureau of Health to designate Health Districts for planning and developing health promotion and disease prevention services to encourage and support equitable distribution of health promotion and disease prevention services, improve access to health care and create local leadership for activities to improve the health and well-being of Maine citizens.

This bill also proposed to provide funds to support the work of a coordinating Health District Council in each Health District. The Health District Councils, which would include the agencies, hospitals, schools and municipal governments who can assist with access to and delivery of health promotion and disease prevention services, would be responsible for ensuring that essential public health services are adequately addressed within the various elements of the health system in each region:

This bill proposed to fund the costs of the bill by increasing the cigarette tax.

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This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 905 **An Act to Amend Laws Governing Children's Mental Health Services Regarding the Informal Grievance Process** **ONTP**

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

LD 905 proposed to amend the laws governing children's mental health services to allow sufficient time for mediation and discussion to reach resolution between parties in dispute. Under current law, the informal grievance process must include a written decision within one week of filing or, if mediation is requested, within two weeks of filing. This bill would have required that the process commence within five working days of filing.

LD 916 **Resolve, Authorizing the Department of Human Services to Establish a Prescription Drug Reimportation Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE TREAT	OTP-AM MAJ ONTP MIN	H-383

LD 916 proposed to direct the Department of Human Services to establish a prescription drug reimportation program.

Committee Amendment "A" (H-383) is the majority report of the committee. It proposed to amend the resolve to authorize the Department of Human Services to establish a prescription drug reimportation program. This authorization would be contingent upon the department obtaining approval from the federal Department of Health and Human Services for the State to establish a prescription drug reimportation program and would be further contingent upon cost savings to be realized by the citizens of the State as a result of the operation of the reimportation program. In operating the program, the State would not act as a distributor of prescription drugs. It proposed to add a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part QQQ.

LD 917 **Resolve, Regarding Reimbursement for Optometrists Under the Medicaid Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER FERGUSON	OTP-AM	H-490

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LD 917 proposed to direct the Department of Human Services, Bureau of Medical Services by rule in the Maine Medical Assistance Manual to treat optometrists as physicians for purposes of Part B Supplemental Medicaid Insurance involving Medicare-eligible and Medicaid-eligible individuals.

Committee Amendment "A" (H-490) proposed to rewrite the resolve to direct the Department of Human Services, Bureau of Medical Services to amend the rules regarding reimbursement of optometrists to reimburse them for services provided to persons whose care is paid for in part by Medicaid and in part by Medicare without any decrease due to application of crossover claims rules. This amendment proposed to add an appropriation section, an allocation section and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part RRR.

LD 920 **Resolve, to Require Medicaid Reimbursement for Independent Living Services and Skills Training Provided to Nursing Facility Residents Returning to the Community** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 920 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement to licensed independent living specialists who provide independent living services to nursing facility residents who have established a plan for relocating back to the community.

LD 921 **Resolve, to Create a State-run Pharmacy Benefits Manager** **RESOLVE 38**

<u>Sponsor(s)</u> LEMOINE TREAT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-251
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LD 921 proposed to authorize the Department of Human Services to establish a position of state-run pharmacy benefits manager.

Committee Amendment "A" (H-251) proposed to amend the resolve by authorizing the Department of Human Services to undertake the functions of pharmacy benefits management. It proposed to require the department to report to the Joint Standing Committee on Health and Human Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report would include recommendations for future action by the department and information on necessary action by the Legislature. The amendment proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 38 authorizes the Department of Human Services to undertake the functions of pharmacy benefits management. It requires the department to report to the Joint Standing Committee on Health and Human

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Services regarding any actions taken by the department with regard to the functions of pharmacy benefits management. The report must include recommendations for future action by the department and information on necessary action by the Legislature.

LD 923 **An Act to Require That the Principles for Reimbursement for Private Nonmedical Institutions and Board and Care Institutions be Major Substantive Rules** **PUBLIC 404**

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

LD 923 proposed to require that rules concerning the principles for reimbursement for private, nonmedical and board and care institutions be major substantive rules.

Committee Amendment "A" (H-608) proposed to remove a word that was used in the title in error and remove the emergency language from the bill. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 404 requires that rules concerning the principles for reimbursement for private, non-medical and board and care institutions be major substantive rules.

LD 961 **An Act to Expand Benefits Under the Elderly Low-cost Drug Program** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY MARTIN		H-492

LD 961 proposed to add depression and diabetic supplies to the basic component list of the Elderly Low-Cost Drug program.

Committee Amendment "A" (H-492) proposed to provide a maximum copayment of 50% for prescription and nonprescription drugs for the treatment of depression. The amendment proposed to remove supplies related to diabetes from the expansion of the basic component of the Elderly Low-Cost Drug program as these are addressed in other legislation. The amendment proposed to provide that rules adopted regarding copayments by recipients in the Elderly Low-Cost Drug program are routine technical rules. The amendment proposed to add an appropriation and a fiscal note to the bill.

This bill was carried over to the Second Regular Session of the 120th Legislature pursuant to SP 652.

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See Public Law 2001, chapter 439, Part HH for addition of diabetic supplies to the basic component of the Elderly Low-cost Drug Program.

LD 964 **An Act to Add Cancer Drugs to the Elderly Low-cost Drug Program** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER SMALL	OTP-AM	H-382

LD 964 proposed to include drugs and medications for cancer in the Elderly Low-Cost Drug program.

Committee Amendment "A" (H-382) proposed to provide a maximum copayment of 50% for drugs and medications for the treatment of cancer. The amendment proposed to provide that rules adopted regarding copayments by recipients in the Elderly Low-Cost Drug program are routine technical rules. The amendment proposed to add an appropriation and a fiscal note.

LD 1002 **An Act Regarding Nursery School Rules** **PUBLIC 266**

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

LD 1002 proposed to authorize the Department of Human Services to adopt rules for the safe operation of nursery schools.

Enacted law summary

Public Law 2001, chapter 266 authorizes the Department of Human Services to adopt rules for the safe operation of nursery schools.

LD 1003 **Resolve, to Increase the Reimbursement Rate for Certain Behavioral Specialists** **ONTP**

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

LD 1003 proposed to direct the Department of Human Services to increase the reimbursement rate for certain Behavioral Specialist I positions and to reimburse each Behavioral Specialist I for work-related travel time and mileage.

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LD 1005 **An Act to Inform Consumers About Prescription Drug Prices** **ONTP**

<u>Sponsor(s)</u> PENDLETON FULLER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1005 proposed to require the Department of Human Services to regularly publish drug price information for commonly used prescription drugs in a manner that would allow patients and their health care providers to make better choices of therapeutically equivalent, but less costly, drugs.

LD 1006 **Resolve, to Retain Direct Care Workers for Persons with Mental Retardation** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> PENDLETON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-161
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LD 1006 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adjust contracts with providers of services to persons with mental retardation to provide a cost-of-living increase for direct care workers. It proposed to require the Department of Human Services to rebase the principles of reimbursement established for intermediate care facilities for persons with mental retardation to provide reasonable reimbursement for employee pension plans.

Committee Amendment "A" (S-161) is the majority report of the Joint Standing Committee on Health and Human Services. The amendment proposed to clarify that the pay increase would apply to persons providing services to adults with mental retardation. It proposed to remove from the resolve the provision that would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services to pay for pension costs for direct care mental retardation workers. It proposed to add an appropriation, an allocation and a fiscal note to the resolve.

See Public Law 2001, chapter 358, Part FF, appropriating funds for a 2.5% wage increase for direct care workers in mental health and mental retardation contract agencies.

LD 1021 **Resolve, Extending the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security** **RESOLVE 63**

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-147 S-381 GOLDTHWAIT
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LD 1021 proposed to clarify the reporting dates for the Maine Millennium Commission on Hunger and Food Security.

Committee Amendment "A" (H-147) proposed to add an appropriation and a fiscal note to the resolve.

Senate Amendment "A" (S-381) proposed to move the reporting deadline from December 15, 2001 to December 5, 2001.

Enacted law summary

Resolve 2001, chapter 63 clarifies the reporting dates for the Maine Millennium Commission on Hunger and Food Security and requires a final report by December 5, 2001.

LD 1022 **An Act to Require Full Disclosure of Prescription Drug Marketing Costs** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-517
BROMLEY	ONTP MIN	S-304 NUTTING J

LD 1022 proposed to require companies that sell prescription drugs in the State to make available for public inspection all costs associated with marketing the drugs.

Committee Amendment "A" (H-517) is the majority report of the committee. The amendment proposed to replace the bill. It proposed to provide for annual reports of the activities and costs of prescription drug marketing, advertising and promotion by prescription drug manufacturers and labelers. It proposed to add a statement of purposes for the collection of drug marketing cost information. The reports would be filed with the Department of Human Services and a fee paid to support the work required by the department with regard to the marketing information. It proposed to designate all information not protected by law, rule or regulation as public information. It proposed to require an annual report to the Legislature by October 31st each year. It proposed to add an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-304) proposed to exempt costs associated with advertising purchased for a regional or national market that includes advertising within this State from the reporting requirement regarding costs of prescription drug marketing, advertising and promotion by prescription drug manufacturers and labelers.

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LD 1024

An Act to Extend the Youth in Need of Services Oversight Committee

**PUBLIC 445
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-207 S-390 GOLDTHWAIT

Under current law, the Youth in Need of Services Oversight Committee is scheduled for repeal on June 30, 2001. LD 1024 proposed to remove the repealer from that section of law to ensure the continuation of the committee.

Committee Amendment "A" (H-207) proposed to extend the work of the Youth in Need of Services Oversight Committee until December 1, 2001. It proposed to add an appropriation to fund the committee and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-390) proposed to extend the work of the Youth in Need of Services Pilot Program and the oversight committee until June 30, 2002.

Enacted law summary

Public Law 2001, chapter 445 extends the work of the Youth in Need of Services Pilot Program and Oversight Committee until June 30, 2002. It limits the oversight committee to three meetings.

Public Law 2001, chapter 445 was enacted as an emergency measure effective June 27, 2001.

LD 1033

An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON LONGLEY	OTP-AM	H-493

LD 1033 proposed to provide that child care assistance provided to participants in the Temporary Assistance to Needy Families program who are engaged in paid work must be paid directly to the participant's child care provider by the Department of Human Services in a prompt manner that permits the participant to access child care without paying for it out-of-pocket in advance.

Committee Amendment "A" (H-493) proposed to replace the bill. It proposed to provide for the determination of TANF benefit levels for TANF recipients who have child care costs. It proposed to allow TANF recipients to pay their child care costs themselves, with the assistance provided by the Department of Human Services, or they may elect to have the department's assistance paid directly to the child care provider. It proposed to require the department to adopt rules to implement the child care assistance provisions. These rules would be routine technical rules. It proposed to require the direct payment of child care assistance to be implemented no later than March 1, 2002. It proposed to allow the transfer of funds from the ASPIRE-TANF account to the TANF account for the payment of child care assistance. The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 338 provides for the determination of TANF benefit levels for TANF recipients who have child care costs. It allows TANF recipients to pay their child care costs themselves, with the assistance provided by the Department of Human Services, or they may elect to have the department's assistance paid directly to the child care provider. It requires the department to adopt rules to implement the child care assistance provisions. These rules are routine technical rules. It requires the direct payment of child care assistance to be implemented no later than March 1, 2002. It allows the transfer of funds from the ASPIRE-TANF account to the TANF account for the payment of child care assistance.

LD 1040 **An Act to Assist Low-income Families with the Purchase or Repair of Vehicles** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-592
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LD 1040 proposed to establish the Drive ME Wheels-to-work Program and require the Commissioner of Human Services to adopt rules to implement the program, which would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through community action agencies at below-market rates. The bill proposed to create a revolving loan fund to finance the program and provide an appropriation.

Committee Amendment "A" (H-592) proposed to replace the bill. It proposed to appropriate \$200,000 to continue an initiative within the Department of Human Services to assist low-income families with the purchase or repair of vehicles. It proposed to add a fiscal note to the bill.

LD 1072 **An Act to Ensure that Parents of Children Prescribed Psychotropic Drugs Receive Adequate Information** **ONTP**

<u>Sponsor(s)</u> WESTON PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1072 proposed to require a practitioner, prior to prescribing a psychotropic drug to a person under 18 years of age, to ensure that the person's parent or guardian fully understood the information concerning the drug, including the drug's side effects.

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LD 1085

Resolve, to Improve Staffing in Health Care Settings

CARRIED OVER

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

LD 1085 proposed to require the Department of Human Services to amend its rules regarding the licensing of health care facilities, including, but not limited to, home care, acute care and long-term care settings; residential care facilities; hospitals; and other health care facilities to require staffing levels based on patient acuity level. The rules would base appropriate staffing for licensing purposes on patient acuity level as determined by a professional nursing assessment done by a professional registered nurse of patient physical, behavioral and psycho-social status and need for health care. The rules, which would be routine technical rules, would be adopted by January 1, 2002.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1093

An Act to Expand the Use of Tobacco Settlement Funds to Support Existing School-based Health Centers

ONTP

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

LD 1093 proposed to require that both new and existing school-based health centers be eligible for grants provided with funds from the Fund for a Healthy Maine.

LD 1094

Resolve, to Require Medicaid Reimbursement to Persons with Brain Injuries

ONTP

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

LD 1094 proposed to direct the Department of Human Services to adopt rules to amend its state plan to provide Medicaid reimbursement for full services to persons with brain injuries.

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LD 1107 **Resolve, to Exclude Certain Income Earned by Personal Care Assistants from Eligibility Requirements for State Assistance** **ONTP**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1107 proposed to direct the Department of Human services to adopt rules to amend its Medicaid household income eligibility requirements by exempting income derived by a member of the household for providing personal care assistant services to another member of the same household.

LD 1124 **Resolve, to Promote More Flexible Use of the Long-term Care Workforce** **ONTP**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1124 proposed to direct the State Board of Nursing to review its rules to identify how those rules could be amended to allow broader delegation. This resolve also proposed to direct the State Board of Nursing to report the results of its review, including the progress of any proposed rulemaking, to the Joint Standing Committee on Health and Human Services no later than February 1, 2002.

LD 1125 **Resolve, Directing the Department of Human Services to Adjust the Cap on Direct-care Staff Costs for Residential Care Facilities** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> FULLER PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-622
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LD 1125 proposed to direct the Department of Human Services to amend the rules regarding reimbursement for residential care facilities under the Medicaid program to increase the cap on direct-care costs in order to allow for staff salaries sufficient to address labor market issues in higher-cost areas of the State.

Committee Amendment "A" (H-622) proposed to strike the resolve and directs the Department of Human Services to amend the rules regarding reimbursement for residential care facilities under the Medicaid program to increase the cap on direct-care costs. It proposed to require an inflation adjustment applicable to the industry and specific to the region of the State in which the facility is located. It proposed to add appropriation and allocation sections and a fiscal note.

See also Public Law 2001, chapter 358, Part FF.

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LD 1137

**An Act to Clarify the Relationship between State Agencies and
Faith-based Organizations Regarding Charitable Choice Options**

ONTP

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

LD 1137 proposed to clarify the relationship between state agencies and faith-based organizations in the provision of contracted goods or services, particularly goods or services provided under the Maine Revised Statutes, Title 22. The bill also proposed to specify the limitations on such contracts and require the Commissioner of Human Services to designate a liaison to faith-based organizations in each service delivery region.

Committee Amendment "A" (H-250), the minority report of the Joint Standing Committee on Health and Human Services, proposed to amend the bill by adding a fiscal note.

LD 1151

**Resolve, to Provide Adequate Reimbursement for Durable Medical
Equipment**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER WOODCOCK	OTP-AM MAJ ONTP MIN	H-683

LD 1151 proposed to require the Department of Human Services to amend the rules under the Medicaid program regarding reimbursement for durable medical equipment to repeal the rules adopted in 2000 and to improve the reimbursement process and increase the reimbursement level. The rules would be major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A. The new rules would be in effect by October 1, 2001.

Committee Amendment "A" (H-683) proposed to replace the resolve. It proposed to require rulemaking regarding reimbursement for durable medical equipment in four areas. It proposed to require a report to the Joint Standing Committee on Health and Human Services by January 15, 2002. It proposed to add an appropriation, an allocation and a fiscal note to the bill.

LD 1167

An Act to Disclose Prescription Drug Marketing Activities

ONTP

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

LD 1167 proposed to require prescription drug manufacturers, wholesalers and labelers to register persons employed by them to make informational, educational and sales presentations in this State. It proposed to require the reporting of information about those activities. It proposed to require reports of the average wholesale price of

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certain drugs, the lowest prices for which those drugs were sold and any rebates or discounts applicable to those drugs. It proposed to require certain disclosures for persons making informational, educational and sales presentations. The bill proposed to charge the Bureau of Medical Services within the Department of Human Services with implementing the law and with providing for public access to nonconfidential information and with preparing an annual report. The bill proposed to make a violation of the registration or the disclosure requirements a civil violation enforceable by the Attorney General. The bill proposed to authorize the Department of Human Services to adopt rules as necessary to implement the law.

See also LD 1022.

LD 1172 **An Act to Exempt from the Smoking Ban Tobacconists Who Sell or Serve Food or Alcohol** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1172 proposed to allow smoking in a shop as long as at least 3/5 of the shop's revenue was derived from sales of tobacco and tobacco-related products even if alcohol or food was sold or served on the premises. This bill also proposed to increase the square footage limitation to 2,500 square feet.

LD 1178 **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Indian Health Clinic** **ONTP**

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1178 proposed to require the Department of Human Services to adopt rules to provide Indian health clinics with the highest possible levels of reimbursement.

LD 1180 **An Act to Improve Handicap Accessibility in Lodging in Maine** **ONTP**

<u>Sponsor(s)</u> BELANGER KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1180 proposed to require that, when the Department of Human Services performs an inspection, it also inspects the lodging place to determine whether it was in compliance with the standards for public access established under the Maine Human Rights Act. If the lodging place were to be found not in compliance, the department would have been required to provide the owner or manager with a written recommendation for bringing the lodging place into compliance. The department would not have take any other action regarding the noncompliance.

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LD 1182 **Resolve, to Direct the Department of Human Services to Establish Guidelines Governing Procedures for Giving Injections** **ONTP**

<u>Sponsor(s)</u> TRACY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1182 proposed to direct the Department of Human Services to establish guidelines for giving injections and for the use of rubber gloves.

LD 1187 **Resolve, to Provide Access to Personal Care Assistant Home Care Services** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVAGE W	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-509
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LD 1187 proposed to direct the Department of Human Services to adopt rules to amend its method of reimbursement for personal care assistant home care programs to provide an average cost of services.

Committee Amendment "A" (H-509) is the majority report of the committee. It proposed to remove the requirement of an inflation adjustment in the cost-based reimbursement for personal care assistant home care programs. The amendment proposed to require the Commissioner of Human Services to review reimbursement for all personal care assistant services in home care programs when conducting the review required of reimbursement rates for consumer-directed personal care assistant home care services. It proposed to add an appropriation section, allocation section and a fiscal note to the resolve.

LD 1188 **An Act to Provide for the Withdrawal of a Municipality from Hospital Administrative District No. 1 in Penobscot County** **ONTP**

<u>Sponsor(s)</u> BUNKER CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1188 proposed to require Hospital Administrative District No. 1 to pay its bonds, notes and indebtedness in the order that they were incurred and to establish for each bond, note or other indebtedness the municipalities that were members of the district at the time the bond, note or other indebtedness was incurred. This bill proposed to allow a municipality to withdraw from the hospital administrative district and, in the event the district was required to issue an assessment for the levy of taxes, hold the municipality responsible for bonds, notes or other indebtedness incurred while the municipality was a member of the district. LD 1188 would apply only to Hospital Administrative District No. 1.

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See also LD 716.

LD 1194 **An Act to Alleviate the Shortage of Pediatric Dentists in Maine** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> FULLER KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-579
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LD 1194 proposed to establish a grant program to attract pediatric dentists to the State.

Committee Amendment "A" (H-579) proposed to amend the Maine Pediatric Dental Recruitment Incentive provisions of the bill. It proposed to allow an awardee to receive a grant based on establishing residency and a pediatric dental practice and committing in writing to practicing for at least one year and to serving children in the Medicaid and Cub Care programs. It proposed to replace the appropriation section and add a fiscal note to the bill.

See Public Law 2001, chapter 439, Part NNN for study funding.

LD 1208 **An Act to Plan for the Delivery of Developmental Disabilities and Autism Services** **CARRIED OVER**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1208 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to take the lead in planning for the development of comprehensive developmental disabilities and autism services for children and families. The bill proposed to require a planning process that involves state agencies, providers of services, professionals and children and families. The bill proposed to require a report by February 1, 2002 to the Joint Standing Committee on Health and Human Services that would include a plan for the development of services.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1209 **An Act to Assist Families in Meeting their Basic Needs** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> RAND DUDLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-238
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LD 1209 proposed to require the Department of Human Services to increase the maximum Temporary Assistance for Needy Families payments by 10% effective on July 1, 2001 and thereafter to annually increase benefits so that

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Maine reaches benefit levels equivalent to the average benefit level for a family of three in the other New England states in 2004 by July 1, 2005. Those families receiving the housing special need payment without interruption since January 1, 2001 would not lose that housing special need payment as a result of the increase. The bill proposed to require that on February 15, 2005, the department report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the adequacy of the Temporary Assistance for Needy Families benefit levels.

Committee Amendment "A" (S-238) proposed to replace the bill. It proposed to provide Federal Block Grant Fund allocations to the Temporary Assistance for Needy Families program within the Department of Human Services totaling \$2,377,295 and \$2,377,295 in fiscal years 2001-02 and 2002-03, respectively, to provide a 5% increase in the maximum level of assistance in the TANF program.

Beginning with the 2004-2005 biennium, the Department of Human Services would be required to include funding for the 5% benefit increase within its current services budget request.

This amendment proposed to add an allocation section to fund the TANF increase and a fiscal note to the bill.

See Part II budget, Public Law 2001, chapter 439, Part CC.

LD 1216	Resolve, to Create the Task Force to Study the Various Effects of Maine's Long-term Care System	ONTP
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<u>Sponsor(s)</u> LONGLEY KANE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1216 proposed to create the Task Force to Study the Various Effects of Maine's Long-term Care System.

LD 1219	An Act to Ensure Continuity of Services from Private Nonmedical Institutions	ONTP
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<u>Sponsor(s)</u> QUINT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1219, a concept draft pursuant to Joint Rule 208, proposed to hold agencies financially and legally harmless from any change in the Department of Human Services' rules regarding private, nonmedical institutions. The bill also proposed to prevent the department from financially or legally penalizing providers of private, nonmedical institution services.

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LD 1226 **An Act to Increase the Amount of Income That May Be Retained
by a Nursing Home Resident** **ONTP**

<u>Sponsor(s)</u> CHICK KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1226 proposed to require the Department of Human Services to adopt rules increasing the amount of income that could be retained by residents of nursing facilities.

LD 1231 **An Act to Provide an Advocate Program for Disabled Persons in
Court-like Proceedings** **ONTP**

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1231 proposed to establish an advocate program in the Department of Human Services, Bureau of Health to provide assistance to disabled persons in hearings or proceedings relating to the care of disabled persons.

LD 1237 **Resolve, to Provide Resources for Youth who are Homeless or At
Risk of Homelessness** **ONTP**

<u>Sponsor(s)</u> QUINT CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1237 had three separate components. The first component proposed to create an additional Homeless Youth Demonstration Project, referred to in this summary as the "project," to operate sites at which the project would develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and at-risk youths. The project would be administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with a stakeholders' group composed of interested organizations and individuals organized by the departments for both sites. The project would report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2002. LD 1237 proposed to appropriate \$300,000 to fund the project.

The other two components included continuations of ongoing, collaborative work created by the original demonstration projects in both Region 1 and Region 3. The bill also proposed to support efforts to address the ongoing needs of homeless and at-risk youths in each of those two regions.

See also LD 218 and 1024.

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LD 1240 **Resolve, Concerning Consumers of Long-term Care Services Who Have Chronic Conditions that Change** **ONTP**

<u>Sponsor(s)</u> LOVETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1240 proposed to protect consumers whose chronic medical conditions temporarily improved, thereby causing them to lose eligibility for nursing facility level care. This resolve proposed to direct the Department of Human Services to amend its rules to ensure that consumers could retain eligibility for nursing facility level care if they had moved three times in a 9-month period and had also lost such eligibility at least twice within that same time period.

LD 1256 **An Act to Adopt the Charitable Choice Provision in this State** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL MCALEVEY	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 1256 proposed to enact into state law the charitable choice provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The bill also proposed to authorize state agencies that provide social services to contract with faith-based organizations as defined in Section 104 of the federal Personal Responsibilities and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105, 42 USC 604a.

LD 1267 **An Act to Discourage Sales of Tobacco to Minors** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER BENNETT	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1267 proposed to discourage the illegal sale of tobacco products to minors by ensuring that both the person who made the sale and the owner of the establishment were prosecuted. The bill further proposed to penalize minors for attempting to purchase tobacco and would give the court the authority to suspend the driver's license of a minor after adjudication. The bill also proposed to provide uniformity in penalties for all tobacco sellers.

Committee Amendment "A" (H-597), the minority report of the committee, proposed to retain the provisions of the bill that prohibited minors from attempting to purchase tobacco products and that required fines, suspensions and revocations be applied against licensees on a per license basis. The amendment also proposed to add a fiscal note to the bill.

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LD 1289

An Act to Reimburse Restaurants for the Cost of Testing Water

ONTP

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

LD 1289 proposed to require the Department of Human Services to reimburse restaurants from the operation fee for the drinking water program for the cost of annual testing for bacteria and nitrate content. The cost of this test is estimated at \$22 per year.

LD 1300

**An Act to Establish the Child Ombudsman Office and Improve
Child Protective Procedures**

ONTP

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

LD 1300 proposed to:

1. Repeal the statute that established the unfunded Office of Child Welfare Services Ombudsman within the Department of Human Services;
2. Establish the Child Ombudsman Office to provide ombudsman services to children and families through a contract with a nonprofit organization that the Governor found free of potential conflict of interest and best able to provide services on a statewide basis. The office would answer inquiries and investigate and work toward resolution of complaints regarding services and programs for children and families, provide information, assistance and legal representation services, provide an outreach program, collect and analyze information and would report to the Joint Standing Committee on Health and Human Services;
3. Provide for access to records, confidentiality of those records and immunity from civil and criminal liability;
4. Require a report by January 31, 2002 on transferring authority for other child ombudsman and advocacy programs and services and the funding associated with those programs and services to the Child Ombudsman Office. It would have allowed the Joint Standing Committee on Health and Human Services to submit legislation to the 120th Legislature transferring funding and authority for services to the Child Ombudsman Office;
5. Provide criminal penalties for willfully obstructing or hindering the ombudsman; and
6. Provide an effective date of January 1, 2002.

See also LD 764 and the Part II budget, Public Law 2001, chapter 439, Part X.

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LD 1302

An Act to Enhance Access to Health Care in Maine

ONTP

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

LD 1302 proposed a number of provisions to enhance access to health care and update the laws covering the Department of Human Services and the Maine Health Data Organization. The bill also proposed to do the following:

1. Require the Maine Health Data Organization to make its data available to the Department of Human Services for comprehensive health planning;
2. Require the Maine Health Data Organization to adopt rules for the use of a uniform billing form to be effective July 1, 2002;
3. Require any savings realized as a result of using the uniform billing form by the Department of Corrections, the Department of Education, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to be deposited in a dedicated fund established to increase access to health care;
4. Establish the Commission to Study the Challenges of Community Nonprofit Hospitals to study and make recommendations on the roles of community nonprofit hospitals through the 21st century;
5. Change the name of the Department of Human Services to "Department of Health and Human Services" and change the name of the Bureau of Medical Services to "Bureau of Health and Medical Services." The bill proposed to contain transition language pending full amendment to state laws, federal plans and program information and departmental contracts and written obligations;
6. Change the names of the Medicaid and Cub Care programs to "MaineCare program" effective January 1, 2002. The bill proposed transition language pending full amendment to state laws, federal plans and program information and departmental contracts and written obligations;
7. Require providers of health care services to develop the ability to file claims electronically for their services by July 1, 2002 and require 50% of all claims to be filed electronically by July 1, 2003. It proposed to require insurance carriers, nonprofit hospital and medical service organizations and health maintenance organizations to accept claims filed electronically and require those entities to provide technical assistance to providers regarding electronic claims filing from October 1, 2001 to September 1, 2002; and
8. Allow dental hygienists to practice dental hygiene under the general supervision of a dentist in public health settings. "Public health setting" was defined as a public or private school, hospital, clinic, nursing facility or other institution or health care facility or nontraditional practice setting.

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LD 1303

An Act to Increase Access to Health Care

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM MAJ	H-757 KANE
MARTIN	OTP-AM MIN	

LD 1303 contains a number of provisions to expand access to health care and increase the cigarette tax. This bill proposed to do the following:

1. Increase income eligibility for the Medicaid program for parents and caretaker relatives of children receiving Medicaid coverage from 150% to 200% of the nonfarm income official poverty line;
2. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 200% of the federal nonfarm official poverty line and to self-employed persons and sole proprietors and members of their immediate families on a buy-in basis;
3. Increase the income eligibility for children in the Cub Care program from 200% to 300% of the federal nonfarm official poverty line;
4. Provide for an enrollment period in the Cub Care program of 12 months;
5. Provide asset exemptions in the Medicaid program for adults for certain 2nd vehicles, certain savings accounts, life insurance, educational savings and savings for a single person or married person living alone of \$8,000 and for married persons living together of \$12,000. The bill proposed to require the Department of Human Services to implement an electronic benefit transfer system for the delivery of services under the Medicaid program by October 1, 2001;
6. Require the Department of Human Services to implement an electronic application system that will receive applications electronically and provide electronically a preliminary determination of eligibility;
7. Provide for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver;
8. Require outreach services, including Medicaid managed care ombudsman services, under the Medicaid and Cub Care programs and provide for the Department of Human Services to contract with independent entities, including participating insurance producers for outreach services and an independent nonprofit entity to provide the toll-free telephone number services;
9. Expand the basic component of the elderly low-cost drug program to cover cancer drugs. This would mean that prescription drugs for cancer would be provided to the consumer with a maximum co-pay of 20%;
10. Require the Department of Human Services to amend the rules allowing persons with disabilities to purchase coverage in the Medicaid program. The rules would maintain income eligibility limits while removing separate limits of earned and unearned income and provide eligibility for employed persons who have a medically improved disability;

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11. Allocate funds from the Maine Health Access Fund for dental health screenings and dental sealants of \$150,000 in each year;
12. Direct the Department of Human Services, Bureau of Health to undertake an initiative to expand access to primary and preventive health care. It proposed to appropriate \$2,000,000 in each year for the support of the community health centers and the federally qualified health center look-alikes. Because some of this funding would be used for Medicaid match to federal funds, the bill proposed to allocate matching federal funding;
13. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
14. Require the Department of Human Services to pursue the recovery of overcharges by prescription drug manufacturers through the Medicaid program;
15. Establish the Maine Health Access Fund to receive funds from the tobacco tax increase and allocate those funds to health care expansion initiatives;
16. Increase the tobacco tax by 25 mills per cigarette, which equals 50¢ for each package of cigarettes beginning November 1, 2001 and dedicate the tax increase to the Maine Health Access Fund; and
17. Establish the Commission to Study the Group Purchasing of Prescription Drugs.

Committee Amendment "A" (H-639) is the majority report of the committee. It proposed to replace the bill. It proposed provisions to expand access to health care. This amendment proposed the following:

1. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 125% of the federal nonfarm official poverty line under a federal waiver. It proposed to begin a process of applying for a waiver to provide Medicaid coverage to self-employed persons and sole proprietors and members of their immediate families below 300% of the nonfarm income official poverty line on a buy-in basis. This self-employed and sole proprietor provision would not take effect without legislative approval granted after the approval of the waiver by the Health Care Financing Administration. It proposed to direct the Department of Human Services to undertake a study regarding health coverage for individuals, employees and employers in small businesses;
2. Increase the income eligibility for children in the Cub Care program from 200% to 250% of the federal nonfarm official poverty line;
3. Provide for an enrollment period in the Cub Care program of 12 months;
4. Provide asset exemptions in the Medicaid program for adults for certain 2nd vehicles, certain retirement savings accounts, life insurance, educational savings and savings for an individual living alone of \$8,000 and for a household of \$12,000. The amendment proposed to require the Department of Human Services to adopt rules regarding exempt assets;
5. Provide for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver;

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6. Expand the basic component of the elderly low-cost drug program to cover cancer drugs. This would mean that prescription drugs for cancer would be provided to the consumer with a maximum copay of 20%;
7. Require the Department of Human Services to amend the rules allowing persons with disabilities to purchase coverage in the Medicaid program. The rules would maintain combined income eligibility limits of 250% of the federal poverty line while removing a separate limit on unearned income.
8. Appropriate funds for dental health screenings and dental sealants of \$150,000 in each year;
9. Direct the Department of Human Services, Bureau of Health to undertake an initiative to expand access to primary and preventive health care. It proposed to appropriate \$1,700,000 in fiscal year 2001-02 and \$2,200,000 in fiscal year 2002-03 for the support of the federally qualified health centers, the federally qualified health center look-alikes and certain rural health clinics. Because some of this funding would be used for Medicaid match to federal funds, the amendment proposed to allocate matching federal funding;
10. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
11. Rename the Medicaid and Cub Care programs the MaineCare program; and
12. Provide funding for the provisions of the amendment and adds a fiscal note.

(Not adopted)

Committee Amendment "B" (H-640) is the minority report of the committee. It proposed to replace the bill. It proposed a number of provisions to expand access to health care. This amendment proposed to do the following:

1. Provide for an enrollment period in the Cub Care program of 12 months.
2. Provide eligibility for Medicaid coverage to noncategorically eligible adults with an income up to 125% of the federal nonfarm official poverty line under a federal waiver. It proposed to begin a process of applying for a waiver to provide Medicaid coverage to self-employed persons and sole proprietors and members of their immediate families with incomes below 300% of the nonfarm income official poverty line on a buy-in basis. This self-employed and sole proprietor provision would not take effect without legislative approval granted after the approval of the waiver by the Health Care Financing Administration. It proposed to direct the Department of Human Services to undertake a study regarding health coverage for individuals, employees and employers in small businesses;
3. Appropriate \$10,000 in each year to be used as the match for federal funds available for the Department of Human Services, Bureau of Health, Office of Health, Data and Program Management and funding for the Office for Rural Health and Primary Care;
4. Rename the Medicaid and Cub Care programs the MaineCare program; and
5. Add appropriation and allocation sections and a fiscal note to the bill.

(Not adopted)

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Senate Amendment "A" to Committee Amendment "A" (S-396) proposed to raise the cigarette tax by 7 cents effective October 1, 2001, to provide \$2,000,000 and \$2,932,333 to add cancer to the list of diseases covered by the basic component of the Elderly Low-Cost Drug Program, and to establish the Affordable Health Care Fund. (Not adopted)

House Amendment "C" to Committee Amendment "A" (H-748) proposed to raise the cigarette tax by 3 mills effective October 1, 2001, establish the Affordable Health Care Fund, fund cancer as a basic component disease in the Elderly Low-Cost Drug Program and provide some funding through use of the net operating loss carryback. (Not adopted)

House Amendment "A" (H-757) proposed to provide Medicaid coverage for adults up to 100% of the federal poverty level, with adjustment by the commissioner of Human Services up to 125% if funding permits. The amendment proposed to establish a 12-month enrollment period in the Cub Care Program. The amendment proposed to establish new asset limits in Medicaid. The amendment proposed to direct the Department of Human Services to maximize prescription drug coverage in the pending Medicaid waiver application. The amendment proposed to provide \$420,000 over the biennium for rural health care and to fund 11 positions and some costs in the Bureau of Medical Services and the Bureau of Family Independence. The amendment proposed to provide \$824,150 in FY 01-02 and \$75,000 in FY 02-03 to support rural health care and subsidies for persons enrolled in community health access programs. The amendment proposed to direct the Department of Human Services to apply for a Medicaid waiver for noncategorically eligible adults. The amendment proposed to rename the Medicaid and Cub Care programs the MaineCare program. The amendment proposed to increase the cigarette tax 3 mills (6 cents) beginning October 1, 2002. The amendment proposed to establish the Maine Health Access Fund to receive unexpended balances appropriated within the Act.

Enacted law summary

Public Law 2001, chapter 450 contains a number of provisions to expand access to health care and increase the cigarette tax. This bill also does the following.

1. It provides eligibility for Medicaid coverage to noncategorically eligible adults with incomes up to 100% of the federal nonfarm official poverty line and directs the Department of Human Services to apply for a Medicaid waiver.
2. It provides for an enrollment period in the Cub Care program of 12 months.
3. It provides asset exemptions in the Medicaid program for adults for certain 2nd vehicles and savings accounts for a single person or married person living alone of \$8,000 and for married persons living together of \$12,000.
4. It provides for 12-month enrollment periods in the Medicaid program for children and for adults to the extent possible under federal law or pursuant to a waiver.
5. It establishes the Maine Health Access Fund to receive certain unexpended balances.
6. It appropriates \$410,000 and \$10,000 for rural healthcare and \$824,150 and \$75,000 for services in health centers and clinics and to provide subsidies for persons in community health access programs.

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7. It increases the tobacco tax by 3 mills per cigarette, which equals 6 ¢s for each package of cigarettes, beginning October 1, 2001.
8. It renames the Medicaid and Cub Care programs the MaineCare program.

LD 1304

An Act to Create the Maine Health Data Processing Center

**PUBLIC 456
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP-AM	H-620 H-723

LD 1304 proposed to establish the Maine Health Data Processing Center, a nonprofit organization to collect and process health care claims data in Maine. The center would be created as a public/private partnership that can capitalize on the interests, resources and efforts of each sector. The center would carry out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization.

Committee Amendment "A" (H-620) proposed to replace the bill. It proposed to retain the provisions of the bill that establish the Maine Health Data Processing Center, a nonprofit organization to collect and process health care claims data in Maine. The center would be created as a public/private partnership that would capitalize on the interests, resources and efforts of each sector. The center would carry out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization. It proposed to clarify that all data handled by the center remains the property of the Maine Health Data Organization. It proposed to provide that the center is subject to the Freedom of Access law, the Maine Revised Statutes, Title 1, chapter 13, subchapter I. It proposed to provide for auditing. It proposed to repeal the chapter of law that establishes and governs the center on September 1, 2005. It proposed to add emergency language and add an allocation section and a fiscal note.

Committee Amendment "B" (H-723) proposed to remove the emergency preamble and emergency clause from Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 453 establishes the Maine Health Data Processing Center, a nonprofit organization, to collect and process health care claims data in Maine. The center is created as a public/private partnership that can capitalize on the interests, resources and efforts of each sector. The center carries out its responsibilities with direction from the Maine Health Data Organization and the Maine Health Information Center, a private nonprofit health care data organization.

All data handled by the center remains the property of the Maine Health Data Organization. The center is subject to the Freedom of Access law, the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law repeals the chapter of law that establishes and governs the center on September 1, 2005.

Public Law 2001, chapter 456 was enacted as an emergency measure effective June 28, 2001.

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LD 1310

An Act to Amend the Maine Health Data Organization Laws

PUBLIC 457
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND FULLER	OTP-AM	S-348 S-362 RAND

LD 1310 proposed to make a number of technical corrections to the Maine Health Data Organization laws and repeal language that is outdated. In addition, this bill proposed to eliminate the restriction that the identification of health care practitioners be kept confidential in Maine Health Data Organization public data sets. This bill proposed to require 3rd-party administrators of health care plans to submit clinical and claims data that are currently required of all other health care providers and payors. This bill also proposed to modify the Department of Professional and Financial Regulation statutes to require 3rd-party administrators of health care plans to submit additional reporting information to the Bureau of Insurance.

Committee Amendment "A" (S-290) proposed to add emergency language and to make technical corrections in the bill. It proposed to change the membership on the board of the Maine Health Data Organization and to add a penalty for negligent failure to safeguard the identity of patients or providers.

House Amendment "A" to Committee Amendment "A" (S-643) proposed to clarify that a regulated insurance entity could disclose personal consumer information to a state government entity only when required as authorized by law.

House Amendment "B" to Committee Amendment "A" (H-673) proposed to protect the confidentiality of providers of healthcare.

House Amendment "C" to Committee Amendment "A" (H-685) proposed to remove the emergency language.

Committee Amendment "B" (H-348) proposed to clarify that a regulated insurance entity or organization may disclose personal information about a consumer to a state governmental entity only insofar as necessary for that entity to perform its duties when reporting is required or authorized by law.

Senate Amendment "A" to Committee Amendment "B" (S-360) proposed to remove the emergency language.

Senate Amendment "B" to Committee Amendment "B" (S-362) proposed to remove the allocation section.

Enacted law summary

Public Law 2001, chapter 457 makes a number of technical corrections to the Maine Health Data Organization laws and repeals language that is outdated. In addition, this law eliminates the restriction that the identification of health care practitioners be kept confidential in Maine Health Data Organization public data sets. This law requires 3rd-party administrators of health care plans to submit clinical and claims data that are currently required of all other health care providers and payors. This law also modifies the Department of Professional and Financial Regulation statutes to require 3rd-party administrators of health care plans to submit additional reporting information to the Bureau of Insurance.

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This law clarifies that a regulated insurance entity or organization may disclose personal information about a consumer to a state governmental entity only insofar as necessary for that entity to perform its duties when reporting is required or authorized by law.

Public Law 2001, chapter 457 was enacted as an emergency measure effective June 28, 2001.

LD 1344 **Resolve, Establishing the Blue Ribbon Commission to Review Foster Care and Adoption Systems in the State** **ONTP**

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

LD 1344 proposed to establish the Blue Ribbon Commission to Review Foster Care and Adoption Systems in the State that would report to the Second Regular Session of the 120th Legislature.

LD 1345 **Resolve, to Establish the Legislative Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-home and Home Health Care Services** **ONTP**

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

LD 1345 proposed to establish the Task Force to Make Legislative and Policy Recommendations to Strengthen Consumer Protection and Quality Outcomes for All In-Home and Home Health Care Services.

LD 1346 **Resolve, to Establish a Commission to Study the Health Care Workforce Shortage** **CARRIED OVER**

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

LD 1346 proposed to establish the Commission to Study the Health Care Workforce Shortage to study the labor shortage of health professionals in the State and to report, together with any necessary implementing legislation, to the joint standing committees of the Legislature having jurisdiction over health and human services, labor and education and cultural affairs matters no later than January 1, 2003.

This bill was carried over to the Second Regular Session of the 120th Legislature.

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LD 1363 **An Act to Reduce Medical Errors and Improve Patient Health** **CARRIED OVER**

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

LD 1363 proposed to establish the Maine Health Care Quality Improvement Center to improve the quality of health care provided to patients, increase patient safety and reduce medical errors. The bill proposed to create a mandatory reporting system for medical errors and events and incidents injurious to patients that involve health care facilities designating these events and incidents "sentinel events."

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1367 **Resolve, to Ensure Access to Care for Breast and Cervical Cancer for Medicaid Recipients** **ONTP**

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

LD 1367 proposed to require the Department of Human Services to amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for qualified care for breast and cervical cancer by January 1, 2002. These rules would be routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See Part II Budget, LD 855, Public Law 2001, chapter 439, Part TT.

See also LD 243.

LD 1384 **An Act to Make Active Public Health Investigation Records Confidential** **PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ ONTP MIN	H-591

LD 1384 proposed to designate all records related to active public health investigations, surveillance and research as confidential.

Committee Amendment "A" (H-591) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to provide the department with discretion to withhold epidemiologic investigation

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records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying would not be reviewable. The amendment proposed to retain in the bill the restriction on the release of records even if the subject of the records provides written authorization; this restriction would apply until the data collection phase is completed.

Enacted law summary

Public Law 2001, chapter 407 provides the Department of Human Services with discretion to withhold epidemiologic investigation records containing information about an identifiable individual from inspection and copying by the public during the data collection phase of the investigation in which the information was collected. The department's decision refusing the inspection and copying is not reviewable. The law restricts the release of records even if the subject of the records provides written authorization; this restriction applies until the data collection phase is completed.

LD 1386

An Act Relating to Low-cost Prescription Drugs

ONTP

Sponsor(s)
MICHAEL

Committee Report
ONTP

Amendments Adopted

LD 1386, a concept draft pursuant to Joint Rule 208, proposed the following changes to the laws governing low-cost prescription drugs:

1. Creating the Maine Consumer Purchasing Agency and authorizing them to form any buying pool with individuals, companies, associations, pharmacies, states or state agencies for the purpose of purchasing prescription drugs approved by the federal Food and Drug Administration directly from any company in the world; and
2. Allowing any individual, company, association or pharmacy or pharmacy group to purchase prescription drugs approved by the federal Food and Drug Administration directly from any company in the world.

LD 1401

An Act to Amend the Health Care Facility Immunization Laws

PUBLIC 185

Sponsor(s)
KANE

Committee Report
OTP-AM

Amendments Adopted
H-241

LD 1401 proposed to amend the law regarding immunization requirements for health care workers to ensure:

1. An adequate, updated and consistent definition of "health care facility";
2. Consistent wording and requirements for health care workers seeking exemption from one or more immunizations, including consistency with federal Occupational Safety and Health Administration requirements for hepatitis B; and

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3. Shifting certain disease- and vaccine-specific requirements to rulemaking instead of law.

Committee Amendment "A" (H-241) proposed to add an exemption from immunization requirements for health care workers for persons who decline hepatitis B vaccinations, as provided in federal Department of Labor, Occupational Safety and Health Administration (OSHA) law and regulations. It proposed to require rules adopted by the Department of Human Services to be consistent with OSHA requirements. The amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 185 amends the law regarding immunization requirements for health care workers, adding an exemption from immunization requirements for health care workers for persons who decline hepatitis B vaccinations, as provided in federal Department of Labor, Occupational Safety and Health Administration (OSHA) law and regulations. It requires rules adopted by the Department of Human Services to be consistent with OSHA requirements.

LD 1417 **An Act to Amend the Membership of the Substance Abuse Services Commission** **PUBLIC 303**

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

LD 1417 proposed to change one membership position on the Substance Abuse Services Commission from nominations from the National Council on Alcoholism in Maine Incorporated, which is no longer functioning, to nominations from a statewide alliance for addiction recovery.

Enacted law summary

Public Law 2001, chapter 303 changes one membership position on the Substance Abuse Services Commission from nominations from the National Council on Alcoholism in Maine Incorporated, which is no longer functioning, to nominations from a statewide alliance for addiction recovery.

LD 1431 **Resolve, to Establish a Commission to Examine Methods to Ensure the Safety of Children and Families** **ONTP**

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

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LD 1431 proposed to establish the Commission to Examine Methods to Ensure the Safety of Children and Families that would study ways to properly protect children in the State from harm and would consider alleged abuses by the Department of Human Services.

LD 1475 **Resolve, to Establish a Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> PEAVEY SMALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-538
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LD 1475 proposed to establish the Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State to investigate the developing difficulties of access to oral health services. The commission would be charged with developing a coordinated and comprehensive long-term plan to prepare the State to respond to this critical issue.

Committee Amendment "A" (H-538) proposed to amend the resolve. It proposed to decrease the membership on the Commission to Respond to the Crisis in Access to Oral Health Services for Residents of the State by three Legislators and remove compensation and reimbursement for expenses for nonlegislative members. It proposed to change the report date to November 1, 2002. The amendment proposed to add an appropriation section and a fiscal note to the resolve.

LD 1484 **Resolve, to Require Medicaid Reimbursement for Hearing Aids and Dental Care for Adults** **ONTP**

<u>Sponsor(s)</u> MCNEIL SAVAGE C	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1484 proposed to require the Department of Human Services to amend its rules regarding reimbursement under the Medicaid program to provide for reimbursement for the purchase of hearing aids and the provision of dental care for adults by January 1, 2002. These rules would be routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

LD 1496 **Resolve, to Preserve Elderly Congregate Housing Demonstration Services** **ONTP**

<u>Sponsor(s)</u> O'GARA MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1496 proposed to require the Department of Human Services to use funds from a congregate housing services program, to the extent available, to fund the 75 units of occupied low-income affordable congregate housing that are funded by the United States Department of Housing and Urban Development's HOPE for Elderly Independence Demonstration Program funds that terminate in September 2001.

LD 1499 **Resolve, Directing the Department of Human Services to Adopt Rules Regarding the Reimbursement of Podiatrists** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-237
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LD 1499 proposed to direct the Department of Human Services to include podiatrists in the group of health care providers who are exempt from reimbursement reductions imposed by the department with respect to its liability for Medicare Part B deductible and coinsurance charges.

Committee Amendment "A" (S-237) proposed to add an appropriation, an allocation and a fiscal note to the resolve.

See Public Law 2001, chapter 439, Part FFFF.

LD 1506 **An Act to Ban Powdered Latex Gloves** **ONTP**

<u>Sponsor(s)</u> PENDLETON ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1506 proposed to prohibit hospitals, nursing facilities, doctors' and dentists' offices and other health care facilities from permitting the use of powdered latex gloves in those facilities.

LD 1510 **An Act to Study Long-term Care, Home and Community-based Care, Reimbursement Issues and Staffing Issues** **PUBLIC 284**

<u>Sponsor(s)</u> MARTIN KANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-206
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LD 1510 proposed to address and resolve certain inconsistent provisions in the certificate of need law governing nursing facilities and in the principles of reimbursement governing both nursing facilities and residential care facilities that adversely affect facilities that replace prior existing facilities.

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The bill proposed to require the department to amend the existing nursing facility and residential care facility principles of reimbursement to ensure that:

1. The total actual cost of nursing staff, other direct staff and other direct and routine care costs that are within approved department staffing patterns would be fully reimbursed by the Medicaid system;
2. That no upper limits, caps, state median rates or other cost or payment limitations set forth in the principles of reimbursement would be applied to limit the payment to these facilities, so long as the underlying costs had been approved by the certificate of need process in the case of nursing facility beds or have otherwise been approved by the department in the case of residential care facility beds; and
3. That interim and final per diem rates and total Medicaid payments made to these replacement facilities would fully recognize these approved costs both initially and on an ongoing basis.

Committee Amendment "A" (S-206) proposed to replace the bill. It proposed to change the title. It proposed to substitute for the provisions of the bill a study by the Long-term Care Implementation Committee. This study, which would result in a report to the Joint Standing Committee on Health and Human Services by February 1, 2002, would address issues of home and community-based care, reimbursement under the Medicaid program and staffing issues. The amendment proposed to add to the duties of the Long-term Care Implementation Committee.

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LD 1514 proposed to provide a fair and orderly process for resolving disputes that arise when the department's Division of Licensure and Certification inspects and finds deficiencies in nursing facilities. The bill proposed to require the department to follow the same procedures in the case of deficiencies with respect to state law that are followed in the case of deficiencies with respect to federal law. In addition, it proposed to provide for a fair and objective review of determinations made by the Director of the Division of Licensure and Certification. It also proposed to require the direct involvement of the director in making recommendations to federal authorities with respect to the imposition of penalties. It also proposed to require the department to study the feasibility of an alternative regulatory scheme for fines and penalties. This bill proposed to direct the department to weigh the entire management record of a management entity and not just particular deficiency findings in the overall assessment of an applicant's fitness for a certificate of need.

The bill proposed to prevent the department from imposing on the facility the cost that should be borne by the resident of the facility, when that resident's obligation to pay for a portion of the cost of care changes due to change in circumstances that affects eligibility for coverage.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1515 An Act to Support the Medical Ride Volunteer Service

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH JONES	OTP-AM	S-213

LD 1515 proposed to establish a grant program statutorily and provide a General Fund appropriation of \$85,000 in fiscal year 2000-01 to the Department of Human Services for grants to local area agencies on aging to support the medical ride volunteer service that provides transportation to medical appointments for older citizens on Medicare.

Committee Amendment "A" (S-213) proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to add an appropriation that funds the medical ride volunteer program for two years and a fiscal note to the bill.

LD 1524 Resolve, Regarding Calculation of Consumer Income in Home-based Care Programs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER TURNER	OTP-AM MAJ ONTP MIN	H-548

LD 1524 proposed to exclude from the calculation of a consumer's income the income of the consumer's spouse under the consumer-directed home-based care program within the Bureau of Elder and Adult Services within the Department of Human Services.

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Committee Amendment "A" (H-548) is the majority report of the committee. It proposed to add an appropriation section and a fiscal note to the resolve.

LD 1535 **Resolve, to Allow Medicaid Reimbursement for Certain Drugs Without Requiring Prior Authorization** **ONTP**

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

LD 1535 proposed to prohibit the Department of Human Services from requiring prior authorization to provide Medicaid reimbursement for drugs for the treatment of cancer, human immunodeficiency virus, mental illness, asthma, hypertension, diabetes, migraine, epilepsy, arterial lateral sclerosis, arthritis and Alzheimer's disease.

Committee Amendment "A" (S-254) is the minority report of the Committee on Health and Human Services. The amendment proposed to replace the resolve and provide a new title. The amendment proposed to require the Department of Human Services to adopt rules by November 1, 2001 regarding prior authorization for prescription drugs under the Medicaid program.

The amendment also proposed to add a fiscal note to the bill.

See also LD 1722.

LD 1542 **An Act to Create the Prescription Assistance Program** **ONTP**

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

LD 1542 proposed to establish the prescription assistance program to provide help to residents of this State of all ages who have unusually high prescription drug costs whose family incomes were below 300% of the nonfarm income official poverty line. The program would require enrollees to pay the first \$1,000 of prescription drug expenses. After paying that amount, the enrollee would receive program benefits that pay 80% of the cost of the drugs. The enrollee would pay 20%. The program would encourage the use of generic drugs and would not pay benefits toward prescribed drugs for which there was an over-the-counter pharmacological equivalent. The program would be administered in coordination with the Elderly Low-Cost Drug program and the Medicaid program. In administering the program, the Department of Human Services could enter into contracts, could use mail order service and could use a pharmaceutical benefits manager. The program would be required to operate within its budget and the Commissioner of Human Services could alter program terms to do so. The Department of Human Services would be required to adopt rules to implement the program.

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LD 1545 **An Act to Increase the Supply of Medical Services to Consumers** **CARRIED OVER**

<u>Sponsor(s)</u> TURNER DUGAY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Under current law, before introducing additional health care services and procedures in a market area, a person must apply for and receive a certificate of need from the Department of Human Services. This bill proposed to eliminate that requirement.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1558 **An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs** **PUBLIC 263**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1558 proposed to make it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

Enacted law summary

Public Law 2001, chapter 263 makes it possible for the Division of Licensing and Certification of the Department of Human Services to extend the licensing period up to two years for residential care facilities and to allow flexibility with scheduling of surveys instead of requiring annual surveys in all cases.

LD 1560 **An Act Authorizing Patients to Designate Visitors** **PUBLIC 378**

<u>Sponsor(s)</u> BLISS BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-578
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LD 1560 proposed to provide a process by which a health care patient may specify visitors to visit with the patient in a hospital or nursing facility except when the health care provider in charge has specified that no visitors are allowed.

Committee Amendment "A" (H-578) proposed to replace the bill. It proposed to allow patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. The amendment proposed to

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provide exceptions under which a hospital may deny visitation with patients to designated visitors. The amendment proposed to require designations of visitors to be noted in the patient's medical records. The amendment proposed to require the Department of Human Services to adopt rules to implement the provisions on designation of visitors. The amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 378 allows patients in hospital units that restrict visitors to immediate family members to designate persons to be considered as immediate family members for the purpose of granting visitation rights during hospital visiting hours. It provides exceptions under which a hospital may deny visitation with patients to designated visitors. It requires designations of visitors to be noted in the patient's medical records. It requires the Department of Human Services to adopt rules to implement the provisions on designation of visitors.

LD 1562 **An Act to Update the Name of the Department of Mental Health,
Mental Retardation and Substance Abuse Services** **PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE TURNER	OTP-AM MAJ ONTP MIN	H-518

LD 1562 proposed to change the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

Committee Amendment "A" (H-518) is the majority report of the committee. It proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 354 changes the name of the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral and Developmental Services.

LD 1567 **An Act to Protect Consumers of Health Care Services** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	H-661

LD 1567 proposed to add unlicensed assistive personnel to the Maine Registry of Certified Nursing Assistants and rename the registry accordingly. Beginning October 1, 2001, the bill would require unlicensed assistive personnel to be registered within 120 days of being employed in a health care setting and would declare a violation of this provision to be a civil violation for which a forfeiture of \$100 could be assessed. The bill proposed to provide for name-based criminal background checks beginning October 1, 2001 for new employees who are unlicensed

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assistive personnel until January 1, 2003, when the system would change to fingerprint-based checks for unlicensed assistive personnel and certified nursing assistants.

Committee Amendment "A" (H-661) proposed to replace the bill. It proposed to change the title. It proposed to require the Department of Human Services to coordinate a public information campaign to increase consumer awareness of good hiring practices regarding unlicensed health care workers. It proposed to require the department to enlist the assistance of the Department of Mental Health, Mental Retardation and Substance Abuse Services, the long-term care ombudsman program established pursuant to the Maine Revised Statutes, Title 22, section 5107-A, an organization providing legal services for the elderly, area agencies on aging and other interested agencies, providers of health care and advocates for consumers of health care services. It proposed to require the Department of Human Services to report before January 1, 2002 to the Joint Standing Committee on Health and Human Services on the progress that has been made with regard to the public information campaign. The amendment also proposed to add an appropriation section and a fiscal note.

LD 1568

An Act to Amend the Laws Pertaining to Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN DAGGETT	OTP-AM	H-539

LD 1568 proposed to amend the laws establishing the protection and advocacy system for developmentally disabled persons and mentally ill individuals to be consistent with federal laws in the areas of definitions, access and scope of responsibility. It also proposed to add references to federal laws that establish new protection and advocacy services within the overall system and to the services permitted under these federal laws.

Committee Amendment "A" (H-539) proposed to replace the bill. It proposed to update the laws relating to the advocacy system for persons with disabilities. It proposed to clarify the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also the Errors Bill, LD 30, Public Law 2001, chapter 471, Part D.

Enacted law summary

Public Law 2001, chapter 357 updates the laws relating to the advocacy system for persons with disabilities. It clarifies the obligations of mental health facilities and hospitals to notify the advocacy agency regarding reportable incidents.

See also Errors Bill, LD 30, Public Law 2001, chapter 471, Part D, for technical corrections to language.

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LD 1569

An Act to Support a Continuum of Quality Long-term Care Services

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-593
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LD 1569 proposed to amend the Maine Registry of Certified Nursing Assistants laws to ensure adequate staffing and coverage in order to allow long-term care providers to obtain timely and accurate information about the certification status of potential nursing assistant employees and any record of past abuse or neglect that would preclude hiring of those individuals.

This bill also proposed to require the Department of Human Services to make several improvements in the system of payment for long-term care, including nursing facility services, residential care facility services and home health care services, in order to fairly reflect the current cost of providing those services efficiently. These improvements would include an overall requirement that the payment system reflect the current costs of efficiently providing necessary long-term care services, base reimbursement rates on the most recently available audited cost figures at least once every 3 years, adjust for inflation using factors that reflect actual increases in operating costs incurred in the State and allow nursing facilities to retain, as an efficiency incentive, savings that they may produce in routine component costs.

This bill proposed to require that the principles of reimbursement provide payment rates that cover total Medicaid allowable costs, without adjusting the definition of such costs to conform to a predetermined budget or appropriation amount.

This bill proposed to require the Department of Human Services to develop and fund a project to develop statistically valid measurements of long-term care quality and require that these statistically valid measurements be applied in a fair and independent manner in implementing any quality incentives as part of the payment system for long-term care. The bill proposed to preclude the department from implementing quality incentives at the expense of full reimbursement of the current costs of providing service.

The bill proposed to require recipients of long-term care coverage to exhaust their own available assets before obtaining public support.

The department would be required to remove the homebound requirement that currently applies to Medicaid home health coverage.

The bill proposed to require the Joint Standing Committee on Health and Human Services to study the current statutory obstacles to allowing a consumer to chose to remain in a single, long-term care setting when changes occur in the level of services needed.

Finally, the bill proposed to require the Department of Human Services to amend its principles of reimbursement rules for both nursing facilities and residential care facilities to remove any provision that reduces the total reimbursement of fixed costs when a facility's occupancy percentage, number of residents served or other measurement of utilization relative to capacity falls below a specified percentage or threshold.

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Committee Amendment "A" (H-593) proposed to remove provisions of the bill related to operation of the Certified Nursing Assistant Registry, Medicaid reimbursement for nursing facilities and home health care services, quality standards and processes within the Medicaid long-term care program, transfer of assets and spousal impoverishment protections and an aging-in-place study. The amendment proposed to appropriate \$150,000 per year for technology and staff for the Certified Nursing Assistant Registry. It proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

LD 1588 **An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine** **CARRIED OVER**

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

LD 1588 proposed to appropriate money to the University of Maine System to hire Medical Care Development, Inc. to conduct a feasibility study of a medical school in the State.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1603 **An Act to Expand Family Life Education in Maine Schools** **CARRIED OVER**

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

LD 1603 proposed to direct the Commissioner of Education to take action to enhance family life education for students in kindergarten to high school. The bill appropriates \$750,000 for family life education.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1605 **An Act to Control Agency Staffing Costs Affecting Long-term Care** **ONTP**

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

LD 1605 proposed to establish a process for registration and rate setting for agencies that provided nursing staff to health care facilities and assisted living facilities.

Joint Standing Committee on Health and Human Services

LD 1607

An Act to Further Protect the Rights of Persons with Mental Retardation or Autism

PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TURNER	OTP-AM	H-381

LD 1607 proposed to enhance protections afforded to persons with mental retardation or autism served by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to update the law by applying more modern and appropriate concepts regarding behavioral treatment and interventions.

Committee Amendment "A" (H-381) proposed to redefine the situations in which a safety device may be used for a person receiving mental retardation services from the Department of Mental Health, Mental Retardation and Substance Abuse Services or through a program funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to change the composition of the group of persons who may approve the use of certain behavioral treatments.

Enacted law summary

Public Law 2001, chapter 245 enhances protections afforded to persons with mental retardation or autism served by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It updates the law by applying more modern and appropriate concepts regarding behavioral treatment and interventions. It redefines the situations in which a safety device may be used for a person receiving mental retardation services from the Department of Mental Health, Mental Retardation and Substance Abuse Services or through a program funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services. It changes the composition of the group of persons who may approve the use of certain behavioral treatments.

LD 1617

An Act to Provide Quality of Life Assurances for Maine's Most Vulnerable Citizens

ONTP

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

LD 1617 proposed to require the Department of Human Services to adopt rules increasing the amount of income that could be retained by residents of nursing and residential care facilities. This bill proposed to fund the increase by funds that would otherwise go to legislative cost-of-living salary adjustments.

Joint Standing Committee on Health and Human Services

LD 1625

Resolve, to Establish the Task Force to Examine Health Care Delivery Systems Within the State

ONTP

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

LD 1625 proposed to establish the Task Force to Examine Health Care Delivery Systems within the State. The task force would be required to submit a report and any necessary implementing legislation to the Second Regular Session of the 120th Legislature and the chairs of the task force would be required to report the findings of the task force to a joint session of the 120th Legislature no later than January 15, 2002.

Committee Amendment "A" (H-519), the minority report of the committee, proposed to reduce the duties of the Task Force to Examine Health Care Delivery Systems within the State to an examination of duplication and waste and reduction of paperwork. The amendment also proposed to add an appropriation section and a fiscal note to the resolve.

LD 1641

Resolve, to Require Increased Reimbursement for Hospice Care Under the Medicaid Program

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-590
MICHAUD MH		

LD 1641 proposed to direct the Department of Human Services to adopt routine technical rules to amend its state plan to provide Medicaid reimbursement for hospice care based on the actual cost of providing the care, which the department would calculate annually by using cost report data to determine the average per diem rate.

This resolve also proposed to require the Department of Human Services to conduct an annual cost benefit analysis of these rule changes and report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (H-590) proposed to amend the resolve by requiring the Medicaid reimbursement rate for routine home care under the hospice program be set at the Medicare rate plus 23% beginning October 1, 2001. The amendment also proposed to add an appropriation, an allocation and a fiscal note.

See also LD 802.

See the Part I Budget, LD 300, Public Law 358, Part LL, effective June 4, 2001.

Joint Standing Committee on Health and Human Services

LD 1651

An Act to Preserve Maine Pharmacies

**OTP-ND-NT
SEE LD 1816**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B FULLER	OTP-ND-NT	

LD 1651 proposed to eliminate the pharmacy discounts in the Maine Rx program, increase the dispensing fee in the Medicaid program, include pharmacists as practitioners under the Maine Health Security Act and mandate a prescription drug identification card of health insurers that provide prescription benefits. This bill was reported Ought to Pass – New Draft and reprinted as LD 1816. LD 1816 proposed two study provisions – on pharmacists in the Maine Health Security Act and prescription drug identification cards.

LD 1685

Resolve, to Change Eligibility for Persons who Transfer Assets and Move into Assisted Living Facilities

ONTP

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

LD 1685 proposed to require the Department of Human Services, Bureau of Elder and Adult Services to adopt rules similar to those currently in place for persons institutionalized in nursing homes and seeking Medicaid assistance. In the determination of the level of state assistance, the rules would require the inclusion of any qualified assets, as determined by the bureau, transferred less than 36 months prior to moving to the assisted living facility; for irrevocable trusts, the look-back period would be 60 months.

LD 1687

An Act Regarding People with Disabilities and the Use of Service Animals

ONTP

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

LD 1687 proposed to provide that in order to qualify for the right to be accompanied by a guide or personal care animal, a person would need to possess written certification from a physician that that person needed the assistance of a guide or personal care animal and written certification from the person or organization that trained the guide or personal care animal used by that person that that animal was trained as a guide or personal care animal.

Joint Standing Committee on Health and Human Services

LD 1706

An Act to Reduce the Cost of Administration of the Medicaid Program

ONTP

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1706 proposed to require the Department of Human Services to demonstrate that development of a system of in-house capability to process medical claims would result in cost savings to the State.

LD 1722

An Act to Recognize Exemplary Efforts to Lower the Cost of Prescription Drugs

PUBLIC 405

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-287
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LD 1722 proposed to establish the Business Advisory Committee on Prescription Drug Costs and Efficiencies. The committee would be directed to conduct a study concerning outpatient prescription drug prices in the State and obtain comparable pricing from other states and countries. The committee would be charged with creating model discount and rebate agreements using existing pharmaceutical discount purchasing and assistance programs such as those offered through Medicaid, the federal Department of Veterans Affairs, public health services and other successful programs in other states and countries to secure the highest discounts and rebates available on prescription drugs.

This bill also proposed to direct the Department of Human Services to publicize the names of the pharmaceutical companies that participate and do not participate in the Maine Rx Program, established in the Maine Revised Statutes, Title 22, section 2681, and the Elderly Low-Cost Drug program, established in Title 22, section 254.

This bill proposed to enact a program to encourage prescription drug manufacturers and labelers to voluntarily reduce the cost of drugs paid by Maine residents and by public programs to assist in the purchase of prescription drugs and the per unit cost of prescription drugs dispensed in the State. It proposed to set goals for cost reduction and require manufacturers and labelers to file annual progress reports stating their efforts to assist in the achievement of the State's goals and the costs of their drugs dispensed in the State. The bill proposed to require the Commissioner of Human Services to file an annual report with the Legislature recognizing exemplary efforts and including recommendations for action and the names of manufacturers and labelers worthy of public recognition for their effort or those names of manufacturers and labelers that merit attention for their lack of effort.

Committee Amendment "A" (S-287) proposed to remove from the bill all provisions except those pertaining to the reporting of information regarding manufacturers and labelers of prescription drugs that participate and do not participate in the Maine Rx Program. The amendment proposed to add a provision making the Act effective on the date that prescription drug benefits are provided under the Maine Rx Program. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Health and Human Services

Enacted law summary

Public Law 2001, chapter 405 directs the Department of Human Services to publicize the names of the pharmaceutical companies that participate and do not participate in the Maine Rx Program, established in the Maine Revised Statutes, Title 22, section 2681, and the Elderly Low-Cost Drug program, established in Title 22, section 254.

Public Law 2001, chapter 405 takes effect on the date that prescription drug benefits are provided under the Maine Rx Program.

LD 1744 **An Act to Ensure Patient Access to Medicines** **ONTP**

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

LD 1744 proposed to establish standards and criteria governing the establishment and operation of a prescription drug prior authorization system instituted by the Department of Human Services.

Committee Amendment "A" (S-255), the minority report of the Joint Standing Committee on Health and Human Services, proposed to replace the bill. The amendment proposed to require the Department of Human Services to adopt rules by November 1, 2001 regarding prior authorization for prescription drugs under the Medicaid program. The amendment also proposed to add a fiscal note to the bill.

LD 1755 **An Act to Provide for a Smoking Cessation Program for Pregnant Women** **ONTP**

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

LD 1755 proposed to require the Department of Human Services to establish a smoking cessation program to decrease and eliminate smoking among pregnant women. The program would include information, testing and incentives. An evaluation component would include smoking rates and percentages of babies born with low birth weights.

Committee Amendment "A" (S-221), the minority report of the Joint Standing Committee on Health and Human Services, proposed to require the smoking cessation program for pregnant women be implemented with existing funds. It proposed to add a fiscal note to the bill.

Joint Standing Committee on Health and Human Services

LD 1768

**An Act to Create a Comprehensive Prescription Insurance Plan for
Maine Seniors through the Implementation of the Recommendations
of the Heinz Family Philanthropies Report** **CARRIED OVER**

Sponsor(s)
BENNETT

Committee Report

Amendments Adopted

LD 1768 is a concept draft pursuant to Joint Rule 208.

This bill proposed to create a comprehensive prescription insurance plan for senior citizens of the State in accordance with the recommendations of the Heinz Family Philanthropies study regarding prescription drugs.

The plan would include the following requirements:

1. All Maine citizens 62 years of age and older would be eligible;
2. The plan would be means tested. Premiums, copayments, deductibles and a catastrophic cap would all be tied to income levels and the consumer price index. Persons with the lowest income levels would also have the lowest catastrophic cap;
3. In determining the premiums, deductibles and catastrophic caps for married couples based on household income, a reduction would be given so that those couples are not penalized or disadvantaged;
4. A formulary based on incentives would be established with generic, preferred and nonpreferred drugs;
5. If a generic drug is available, a brand-name drug may be obtained only by paying the difference in cost between the generic and brand-name medication;
6. "Lifestyle" drugs would be excluded from the plan; and
7. The plan would sunset after four full fiscal years.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1782

**Resolve, Regarding Legislative Review of Section 4.04K of Chapter
4: Regulations for Licensing/Certifying of Substance Abuse
Treatment Programs in the State of Maine, a Major Substantive
Rule of the Department of Mental Health, Mental Retardation and
Substance Abuse Services**

**RESOLVE 44
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-540

Joint Standing Committee on Health and Human Services

LD 1782 proposed to provide for legislative review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-540) proposed to amend the resolve by requiring that Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine be made retroactive to April 20, 2001.

Enacted law summary

Resolve 2001, chapter 44 provides for legislative review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a major substantive rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Resolve 2001, chapter 44 was passed as an emergency measure effective May 31, 2001.

LD 1790

An Act to Create the Healthy Maine Prescription Program

**PUBLIC 293
EMERGENCY**

Sponsor(s)
SAXL
MICHAUD MH

Committee Report
OTP-AM

Amendments Adopted
H-520

LD 1790 proposed to require the Department of Human Services to implement the Healthy Maine Prescription Program as the Medicaid prescription drug discount program authorized by federal law. The Elderly Low-Cost Drug program would be made part of the Healthy Maine Prescription Program.

Committee Amendment "A" (H-520) proposed to add language authorizing expenditures for prescription drugs, add an appropriation section and allocation sections and add a fiscal note.

See also Public Law 2001, chapter 471 and LD 1830, Public Law 2001, chapter 467.

Enacted law summary

Public Law 2001, chapter 293 requires the Department of Human Services to implement the Healthy Maine Prescription Program as the Medicaid prescription drug discount program authorized by federal law. The Elderly Low-Cost Drug program is made part of the Healthy Maine Prescription Program. The law authorizes expenditures for prescription drugs.

Public Law 2001, chapter 293 was enacted as an emergency measure effective May 25, 2001.

See also LD 1830, enacted as an emergency measure effective June 28, 2001, Public Law 2001, chapter 467, Part B.

Joint Standing Committee on Health and Human Services

LD 1799

An Act to Strengthen the Certificate of Need Law

CARRIED OVER

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

LD 1799 proposed to repeal and replace the Maine Certificate of Need Act of 1978. This bill proposed to require that health prevention services be part of reviewable projects, clarify when certificate of need waivers can be granted, clarify the ability of the Department of Human Services to impose conditions on a certificate of need, change certain dates, eliminate the Certificate of Need Advisory Committee and authorize the commissioner to establish a new advisory committee.

This bill was carried over to the Second Regular Session of the 120th Legislature.

LD 1816

Resolve, Regarding Pharmacists and Pharmaceutical Benefits (New Draft of S.P. 528, L.D. 1651)(New Title)

RESOLVE 56

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

LD 1816 is a new draft derived from LD 1651. This bill proposed to require the Department of Professional and Financial Services to study including pharmacists as practitioners in the Maine Health Security Act and requiring a standardized pharmaceutical benefits identification card.

See also LD 1651.

Enacted law summary

Resolve 2001, chapter 56 requires the Department of Professional and Financial Services to study including pharmacists as practitioners in the Maine Health Security Act and requiring standardized pharmaceutical benefits identification cards.

This resolve is derived from LD 1651.

LD 1830

An Act Concerning Tax Anticipation Notes and Authorizing Expenditures for Funding among Pharmaceutical Benefits Programs

**PUBLIC 467
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY R GOLDTHWAIT		

Joint Standing Committee on Health and Human Services

LD 1830 proposed:

1. To make certain changes in the laws regarding tax anticipation notes; and
2. To authorize spending for prescription drug programs from other similar programs, providing flexibility in the event that coverage is interrupted by litigation.

Enacted as an emergency measure, this law takes effect June 28, 2001, except that Section B-1 takes effect May 26, 2001.

See also LD 1790 and Public Law 2001, chapter 471.

Enacted law summary

Public Law 2001, chapter 467 does the following:

1. Makes certain changes in the laws regarding tax anticipation notes; and
2. Authorizes spending for prescription drug programs from other similar programs, providing flexibility in the event that coverage is interrupted by litigation.

Public Law 2001, chapter 467 was enacted as an emergency measure effective June 28, 2001.

HP 1139 **JOINT ORDER – relative to the Joint Study Commission to Review Compensation in the Office of Disability Determination Services** **ONTP**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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HP 1139 proposed to establish the Joint Study Commission to Review Compensation in the Office of Disability Determination Services.

HP 1141 **JOINT ORDER – relative to the Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Peace** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Joint Standing Committee on Health and Human Services

HP 1141 proposed to establish the Joint Study Committee to Study the Most Appropriate Means of Amending Existing Laws and Regulations to Facilitate Consumer Choice and the Ability to Age in Place.

Joint Standing Committee on Health and Human Services

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Joint Standing Committee on Inland Fisheries and Wildlife

LD 28 did not request additional funding, although it would have carried forward all unexpended balances appropriated in Resolve 1999, chapter 131, to be used by the commission during 2001 to complete its responsibilities.

Committee Amendment "A" (H-21) proposed to prohibit the commission from spending more money than is carried forward pursuant to section 9 of this resolve.

Senate Amendment "A" (S-379) proposed to change the reporting date from December 6, 2001 to December 5, 2001 and to limit the amount of time that could be granted for extensions. Additionally, this amendment proposed to specify that it is the chairs of the commission, rather than the entire commission, who may request assistance from various state agencies and the Office of Fiscal and Program Review.

Enacted law summary

Resolve 2001, chapter 68, authorizes for an additional year, until December 6, 2001, the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft. That commission was originally authorized during the Second Regular Session of the 119th Legislature pursuant to Resolve 1999, chapter 131. This resolve requires the commission to report back to the legislature no later than December 5, 2001.

This resolve reappoints the 5 ex officio members of the commission appointed during the 119th Legislature and retains the legislative members appointed during the 119th Legislature who are now members of the 120th Legislature. Members who were appointed as legislative members in 1999 but who are no longer members of the Legislature are entitled to serve as ad hoc members of the commission during 2001.

This resolve carries forward all unexpended balances appropriated in Resolve 1999, chapter 131, to be used by the commission during 2001 to complete its responsibilities and prohibits the commission from spending more money than is carried forward pursuant to section 9 of this resolve.

Resolve 2001, chapter 68 was enacted as an emergency measure effective June 28, 2001.

LD 52 An Act to Limit the Number of Chances a Person Has in the Moose Lottery CARRIED OVER

Sponsor(s)
PERKINS

Committee Report

Amendments Adopted

LD 52 proposed to limit the number of chances a person has in the moose lottery to one chance for both residents and nonresidents.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 54

An Act to Allow the Transfer of a Valid Turkey Permit to a Juvenile or Senior Citizen

PUBLIC 6

<u>Sponsor(s)</u> MURPHY E		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 54 proposed to allow a juvenile or person 65 years of age or older to hunt turkey if an adult holding a valid turkey permit transfers the permit to the juvenile or person 65 years of age or older.

Enacted law summary

Public Law 2001, chapter 6 allows an adult holding a valid turkey permit to transfer that permit to a juvenile or person 65 years of age or older.

LD 55

An Act to Provide an Extra Hunting Opportunity for Junior License Holders

PUBLIC 131

<u>Sponsor(s)</u> CHICK CARPENTER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-183
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LD 55 proposed to provide an extra day of hunting for junior license holders by designating the Saturday preceding the residents-only Saturday as a day for junior hunters only.

Committee Amendment "A" (H-183) proposed to allow the Commissioner of Inland Fisheries and Wildlife to establish a youth deer hunting day by rule. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 131 authorizes the Commissioner of Inland Fisheries and Wildlife to establish by rule deer hunting for youths.

LD 69

An Act to Expand the Lifetime Hunting License

PUBLIC 37

<u>Sponsor(s)</u> DUNLAP MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-20 H-45 DUNLAP
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LD 69 proposed to require the Department of Inland Fisheries and Wildlife to include in its recommendations for a lifetime hunting and fishing license the feasibility of an addition to that license allowing the license holder to hunt with a bow.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (H-20) proposed to require the Department of Inland Fisheries and Wildlife to include muzzle-loader opportunities in its recommendations to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

House Amendment "A" (H-45) proposed to add an archery hunting license as a type of resident lifetime license that may be purchased.

Enacted law summary

Public Law 2001, chapter 37 requires the Department of Inland Fisheries and Wildlife to include in its recommendations for a lifetime hunting and fishing license the feasibility of an addition to that license allowing the license holder to hunt with a bow. This public law also requires the department to include muzzle-loader opportunities in its recommendations to the joint standing committee.

Public Law 2001, chapter 37 establishes an archery hunting license as a type of resident lifetime license that may be purchased and provides for an option to purchase a combination of all 3 lifetime license.

LD 72 **An Act to Allow Bow Hunters to Take a Deer During Bow Hunting Season in Addition to the Deer Allowed During Firearm Season** **ONTP**

<u>Sponsor(s)</u> GAGNE FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 72 proposed to allow a person who has killed a deer during the special archery season for deer to hunt and kill a 2nd deer with a firearm during the regular firearm season for deer.

LD 75 **Resolve, Directing the Department of Inland Fisheries and Wildlife to Establish a Preference Point System for the Moose Lottery** **ONTP**

<u>Sponsor(s)</u> DUNLAP MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 75 proposed to require the Department of Inland Fisheries and Wildlife to establish a preference point system for the issuance of moose permits.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 76

**Resolve, to Simplify the System of Licenses Issued by the
Department of Inland Fisheries and Wildlife**

RESOLVE 1

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

LD 76 proposed to direct the Department of Inland Fisheries and Wildlife to design a system to consolidate and simplify license categories and fees and to submit its proposal to the Second Regular Session of the 120th Legislature.

Enacted law summary

Resolve 2001, chapter 1 directs the Department of Inland Fisheries and Wildlife to design a system to consolidate and simplify license categories and fees and to submit its proposal to the Second Regular Session of the 120th Legislature.

LD 77

**An Act to Allow a Hunter a 2nd Deer During the Muzzle-loading
Hunting Season**

ONTP

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

LD 77 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 could be a buck only.

LD 104

**An Act to Provide Free Antlerless Deer Permits to Hunters 70
Years of Age or Older**

ONTP

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

LD 104 proposed to allow a resident of the State who was 70 years of age or older to lawfully take an antlerless deer during the open season on deer.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 105

An Act Concerning the Banding of Game Birds

ONTP

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

LD 105 proposed to remove the requirement that game birds possessed, propagated, imported or released by game bird suppliers or commercial shooting areas would be banded.

LD 107

An Act Regarding the Enforcement of Laws in the Maine Revised Statutes, Title 12 by Passamaquoddy Wardens

PUBLIC 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-25

LD 107 proposed to provide wardens of the Passamaquoddy Tribe within the Passamaquoddy Indian Territory the powers of game wardens.

Committee Amendment "A" (H-25) proposed to add the requirement to the bill that Passamaquoddy wardens must qualify under written code before being granted the powers of outside game wardens.

Enacted law summary

Public Law 2001, chapter 30 provides that wardens of the Passamaquoddy Tribe within the Passamaquoddy Indian Territory may qualify to be granted the powers of game wardens outside the Passamaquoddy Indian Territory.

LD 110

An Act to Allow a 2nd Hunting Tag in Certain Zones

ONTP

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

LD 110 proposed to allow the Commissioner of Inland Fisheries and Wildlife to permit a person to hunt for and take a 2nd deer with a firearm during the open season on deer after that person had taken a deer and paid an additional \$50 fee. The commissioner would specify the sex of this 2nd deer and the zone from which it would be taken.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 127

An Act to Change the Crop Damage by Nuisance Animal Requirements

ONTP

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

LD 127 proposed to prohibit a person convicted of night hunting within the past 10 years from killing or taking nuisance animals that damage crops or orchards. This bill also proposed to allow a person who killed or took nuisance animals to keep only 2 deer, moose or bear carcasses, with the Department of Inland Fisheries and Wildlife would take possession of any excess carcasses.

LD 141

Resolve, for a Multi-year Experimental Program to Test the Effectiveness of Stocking Smelt in Maine Waters

CARRIED OVER

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

LD 141 proposed a multi-year experimental program to test the effectiveness of stocking live smelt in the waters of the State.

LD 151

An Act to Ensure that Fishways on Inland Waters are Working

PUBLIC 146

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY	OTP-AM	H-182

LD 151 proposed to require that the Department of Inland Fisheries and Wildlife check fishways at least annually. It also proposed to require the department to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway.

Committee Amendment "A" (H-182) proposed to require the Commissioner of Inland Fisheries and Wildlife to establish a program to ensure inland fishways are functioning correctly and to do so in cooperation with the Department of Marine Resources and the Atlantic Salmon Commission. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 146 requires the Department of Inland Fisheries and Wildlife to check fishways annually and requires the Commissioner of Inland Fisheries and Wildlife to establish a program to ensure inland fishways are functioning correctly and to do so in cooperation with the Department of Marine Resources and the Atlantic Salmon

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Commission. This public law also requires the department to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway.

LD 166 **An Act Concerning Commercial Shooting Areas**

PUBLIC 49
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY MCALEVEY	OTP-AM	H-58

LD 166 proposed to allow the Commissioner of Inland Fisheries and Wildlife to issue free special commercial shooting area hunting licenses to residents of the State who are 70 years of age or older.

Committee Amendment "A" (H-5) proposed to strike the bill and do the following:

1. It proposed to remove the requirement that game birds used by commercial shooting areas and game bird suppliers have leg bands;
2. It proposed to authorize the Commissioner of Inland Fisheries and Wildlife to allow commercial shooting areas to stock Hungarian partridge;
3. It proposed to require a commercial shooting area to provide each person taking birds in that area a receipted invoice or bill of sale for possession and transportation of those birds;
4. It proposed to provide that the distance between commercial shooting areas must be measured between the property lines at their closest points to each other and that a new license can not be issued to a new shooting area prior to 6 months after the expiration of a license possessed by an existing shooting area that is within 5 miles of the new shooting area unless the holder of the expired license states in writing to the commissioner that the license will be abandoned;
5. It proposed to allow the renewal of a shooting area license if applied for within 6 months of the expiration of the old license; and
6. It proposed to increase the fee for commercial shooting area licenses from \$333 to \$500 for the first year and from \$133 to \$250 for every year thereafter.

Enacted law summary

Public Law 2001, chapter 49 allows commercial shooting areas to stock Hungarian partridge and removes the requirement that game birds used by commercial shooting areas possess leg bands. This public law clarifies the distance required between commercial shooting areas, the license issuance and renewal requirements, adds certain operational requirements and sets fees for operating a commercial shooting area.

Public Law 2001, chapter 49 was enacted as an emergency measure effective April 12, 2001.

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LD 190

Resolve, to Require the Building of a Full Boat Launch on the Northern End of Cobbosseecontee Lake

RESOLVE 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT	OTP-AM	H-26

LD 190 proposed to prohibit the use of boat trailers and require that boats be hand carried at the boat launch at the northern end of Cobbosseecontee Lake in East Winthrop. Under this bill, enforcement would be specifically given to the Commissioner of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-26) proposed to replace the bill and require the Department of Inland Fisheries and Wildlife to develop a full access boat launch and docking area with accompanying parking facilities at the existing boat launching site on the northern end of Cobbosseecontee Lake.

Enacted law summary

Resolve 2001, chapter 6 requires the Department of Inland Fisheries and Wildlife to develop a full access boat launch and docking area with accompanying parking facilities at the existing boat launching site on the northern end of Cobbosseecontee Lake.

LD 200

An Act to Allow the Stocking of Hungarian Partridge

ONTP

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

LD 200 proposed to allow the stocking and hunting of Hungarian partridge in commercial shooting areas. The bill also proposed to repeal the requirement of banding imported game birds.

LD 227

An Act to Amend the Laws Pertaining to the Discharge of Firearms Near Certain Buildings

ONTP

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

LD 227 proposed to provide that a person would be guilty of discharging a firearm near a dwelling or occupied building if that person discharged a firearm within 100 yards of an occupied building without the permission of the owner or an adult occupant of that building.

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LD 229

**Resolve, Directing the Department of Inland Fisheries and Wildlife
to Submit a Proposal to Encourage the Harvest of Coyotes**

RESOLVE 8

<u>Sponsor(s)</u> CHICK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-98
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LD 229 proposed to direct the Department of Inland Fisheries and Wildlife to propose recommendations to encourage the harvest of coyotes. The department would be required to submit its recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 1, 2002. The committee would report out legislation to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-98) proposed to require the Department of Inland Fisheries and Wildlife to review its animal damage control program, in consultation with the department's regional coyote snaring steering committees, focusing on the deployment of trappers to snare coyotes in deer yards during winter months. The department would report back its findings and proposed plans to implement those findings to the Joint Standing Committee on Inland Fisheries and Wildlife by October 1, 2001. The department would implement its proposed plans during the 2001-02 winter in areas where predation by coyotes poses a threat to deer. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 8 requires the Department of Inland Fisheries and Wildlife to review its animal damage control program, in consultation with the department's regional coyote snaring steering committees and to report back its findings and proposed plans to implement those findings to the Joint Standing Committee on Inland Fisheries and Wildlife by October 1, 2001. This resolve requires the department to implement its proposed plans during the 2001-02 winter in areas where predation by coyotes poses a threat to deer.

LD 232

**An Act to Regulate the Marking and Placement of Baitfish Traps,
Baitfish Holding Boxes and Buoys in Inland Waters**

ONTP

<u>Sponsor(s)</u> TRACY MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 232 proposed to require all baitfish traps, baitfish holding boxes and associated buoys to be labeled with the owner's name, address and current telephone number. The bill proposed to establish minimum size and reflective coating requirements for all buoys. The bill also proposed to establish the minimum distance baitfish traps and baitfish boxes would be located from public and private boat launches, docks, wharfs, moorings, bridges and trestles. In addition, the bill proposed to prohibit the placement of a baitfish trap or baitfish holding box in a channel or within 50 feet of the edge of the channel. The bill also proposed to prohibit the placement of a baitfish trap or holding box within 50 feet of another baitfish trap or holding box.

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LD 234

An Act Regarding Hunts of Nuisance Animals

ONTP

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

LD 234 proposed to allow only people whose land was open for hunting to obtain written permission from a game warden to employ agents to take and kill nuisance animals. This bill proposed to require people whose land was closed to hunting to apply to the game warden for a hunt to be conducted using hunters chosen by lottery. This bill also proposed to require the landowner to donate any excess carcasses after the first 2 carcasses of deer taken or killed to the Hunters for the Hungry Program.

LD 287

An Act to Allow the Use of Cage Traps for Bear

CARRIED OVER

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

LD 287 proposed to allow a hunter to use cage traps to trap bear.

LD 315

Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to Prepare a Recodification of the Inland Fisheries and Wildlife Laws

INDEF PP

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

LD 315 proposed to direct the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to recodify the laws related to inland fisheries and wildlife.

LD 335

An Act to Change the Snowmobile Registration Laws

PUBLIC 424

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-133

Under current law, a snowmobile may be operated in the State without being registered in the State if the snowmobile is registered in another area that grants Maine residents a reciprocal privilege. LD 335 proposed to

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require all nonresidents who snowmobile in Maine to register their snowmobiles in Maine. This bill proposed to specifically exclude from this requirement snowmobiles and grooming equipment registered to snowmobile clubs, municipalities or counties and engaged in trail grooming activities.

Committee Amendment "A" (S-133) proposed to exclude federal and state snowmobiles and grooming equipment from the registration requirement and authorize the Commissioner of Inland Fisheries and Wildlife to designate a weekend when snowmobiles registered out-of-state may be operated in Maine. The amendment also proposed to allow snowmobiles registered in New Hampshire or Canada to be operated on boundary ponds and lakes without being registered in Maine. It also proposed to add an appropriation and allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 424 requires all nonresidents who snowmobile in Maine to register their snowmobiles in Maine. Snowmobiles and grooming equipment registered to snowmobile clubs, municipalities or counties from a bordering state or province that are engaged in trail grooming activities are excluded from this requirement. Additionally, this Public Law excludes federal and state snowmobiles and grooming equipment from the registration requirement and authorizes the Commissioner of Inland Fisheries and Wildlife to designate a weekend when snowmobiles registered out-of-state may be operated in Maine.

LD 347

**An Act to Amend Certain Provisions of Maine's Wild Turkey
Hunting Season**

PUBLIC 56

Sponsor(s)
HONEY
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-59

LD 347 proposed to repeal the specified dates for the State's wild turkey hunting season, instead allowing the Commissioner of Inland Fisheries and Wildlife to establish an open season. In addition, it proposed to clarify the law pertaining to eligibility to apply for permits to be consistent with moose permit applicants as well as giving the commissioner the authority to give special consideration to landowners, such as establishing a landowner permit drawing by rule.

Committee Amendment "A" (H-59) proposed to remove the requirement that alternative hunters be chosen to receive permits in the event selected hunters do not obtain their permits.

Enacted law summary

Public Law 2001, chapter 56 repeals the specified dates for the State's wild turkey hunting season and allows the Commissioner of Inland Fisheries and Wildlife to establish an open season. In addition, this Public Law clarifies the law pertaining to eligibility to apply for permits to be consistent with moose permit applicants as well as giving the commissioner the authority to give special consideration to landowners, such as establishing a landowner permit drawing by rule. Finally, this Public Law removes the requirement that alternative hunters be chosen to receive turkey permits in the event selected hunters do not obtain their turkey permits.

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LD 348

**An Act to Clarify the Laws Pertaining to Licensing Requirements
for Landowners**

PUBLIC 270

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

LD 348 proposed to clarify that any person whose hunting, fishing or trapping license is under revocation or suspension may not hunt, fish or trap on land owned by that person or that person's family while the license is under suspension or revocation. This bill proposed to correct a conflict with another provision that states that a person is guilty of violation of a suspended or revoked license or permit if that person engages in the activity permitted by a particular license or permit that has been suspended or revoked.

Enacted law summary

Public Law 2001, chapter 270 clarifies that any person whose hunting, fishing or trapping license is under revocation or suspension may not hunt, fish or trap on land owned by that person or that person's family while the license is under suspension or revocation.

LD 365

An Act to Restore the Passage of Alewives on the St. Croix River

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY	ONTP REP	
KILKELLY	OTP-AM REP	
	OTP-AM REP	

LD 365 proposed to require the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2001 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, were configured or operated in a manner that allowed the passage of alewives.

Committee Amendment "A" (H-433) proposed to remove the emergency provisions and require the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to allow the passage of no more than 90,000 alewives annually at the Woodland Dam and Grand Falls Dam located on the St. Croix River by May 1, 2002. The amendment also proposed to require both departments to report back 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 on December 31, 2003 and every 2 years thereafter regarding the impact the additional alewives have on the upstream ecosystem and fisheries. The amendment proposed to grant the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife the authority to close the fishway by routine technical rulemaking if the commissioners determined that the fisheries in the St. Croix River were being adversely impacted by anadromous fish utilizing the fishways on the river. The amendment proposed to require the commissioners to report back 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 within 90 days of the closure of a fishway on the St. Croix River. It also proposed to add a fiscal note to the bill.

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Committee Amendment "B" (H-434), a minority report, proposed to require the Legislative Council, in consultation with the chairs of both the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources and upon recommendation of the Office of Policy and Legal Analysis, to hire an independent consultant to study the biological and economic issues surrounding the proposed passage of alewives at the Woodland Dam and Grand Falls Dam fishways. The resolve proposed to direct the consultant to work under the auspices of the Office of Policy and Legal Analysis in consultation with numerous interested governmental and private organizations and to report back to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than January 1, 2002. The resolve also proposed to appropriate \$50,000 from the General Fund to carry out the purposes of this resolve. The amendment also proposed to add an appropriation section and a fiscal note to the bill

House Amendment "A" (H-495) proposed that, by May 1, 2002, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife would ensure that fishways on the Woodland Dam on the St. Croix River were configured or operated in a manner that allowed the passage of no more than 5,000 alewives per year. It also proposed to require the commissioners to ensure that fishways on the Grand Falls Dam on the St. Croix River were configured or operated in a manner that prevented the passage of alewives.

LD 409 **An Act Related to Nonresident Deer Hunters** **DIED IN CONCURRENCE**

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

LD 409 provides that opening day of deer season is for residents and nonresidents alike.

LD 427 **An Act to Delegate the Authority to Regulate Personal Watercraft in Unorganized Territories to County Commissioners** **ONTP**

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

LD 427 proposed to give the authority to regulate personal watercraft to county commissioners in unorganized and deorganized townships and to plantation and municipal legislative bodies in municipalities that used to be unorganized or deorganized townships.

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LD 440

An Act to Exempt from the Definition of "Watercraft" Permanently Affixed Boats

PUBLIC 191

<u>Sponsor(s)</u> FULLER GAGNON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 440 proposed to amend the definition of "watercraft" in the laws governing inland fisheries and wildlife to specifically exclude watercraft that are permanently docked in one location and are not used as a means of transportation on water.

Enacted law summary

Public Law 2001, chapter 191 amends the definition of "watercraft" in the laws governing inland fisheries and wildlife to specifically exclude watercraft that are permanently docked in one location and are not used as a means of transportation on water.

LD 450

An Act to Eliminate the Coyote Snaring Program

ONTP

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 450 proposed to repeal the statutory authorization for the coyote snaring program and deappropriate funding associated with the direct costs of the program.

LD 514

An Act to Require Public Access to All State Waters

ONTP

<u>Sponsor(s)</u> MORRISON SHOREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 514, a concept draft pursuant to Joint Rule 208, proposed to establish a Blue Ribbon Task Force to work with the Department of Inland Fisheries and Wildlife to explore mechanisms to ensure that the public had adequate and reasonable access to all inland waters in the State.

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LD 541 **An Act to Provide a New Opportunity in the Moose Lottery** **CARRIED OVER**

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

LD 541 proposed to allow the Commissioner of Inland Fisheries and Wildlife to trade one nonresident moose permit with the appropriate fish and wildlife officials in another state for a big game permit in that state. LD 541 would have authorized the commissioner to award the out-of-state big game permit to a resident of Maine in a free lottery system.

LD 542 **An Act to Expand the Muzzle-loading Season to 15 Hunting Days** **ONTP**

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

LD 542 proposed to extend the muzzle-loading season to 15 hunting days from a current maximum of 12 hunting days established by the Commissioner of Inland Fisheries and Wildlife.

LD 586 **An Act to Clarify the Testing Process for the Licensing of Guides** **PUBLIC 55**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-24

LD 586 proposed to add a member to the Advisory Board for the Licensing of Guides and authorize the board to designate certain persons to assist in the oral examination process and provide for compensation for persons so designated by the board.

Committee Amendment "A" (S-24) proposed to add an emergency preamble and emergency clause to the bill. It also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 55 adds a member to the Advisory Board for the Licensing of Guides and authorizes the board to designate certain persons to assist in the oral examination process and provides for compensation for persons so designated by the board.

Public Law 2001, chapter 55 was enacted as an emergency measure effective April 12, 2001.

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LD 587

An Act to Clarify Laws Pertaining to Nuisance Wildlife

PUBLIC 199

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	ONTP MAJ	S-84
DUNLAP	OTP-AM MIN	

LD 587 proposed to make several changes to the section of law that deals with nuisance animals in general and depredation permits for landowners, farmers and orchard owners. It proposed to add domestic birds to the provision that allows a person to kill any wild animal found attacking or wounding that person's domestic animals or destroying that person's property.

The bill proposed to clarify that all types of grasses are excluded from the provision that allow an owner of orchards or growing crops to kill wild animals that are doing substantial damage to that person's orchards or crops and that the wild animal must be in the act of doing the damage.

In addition, the bill proposed to require that when an orchard owner or landowner employs someone outside of the immediate family to kill wild animals under the provisions of this law that written permission to employ such a person must be obtained from a game warden.

It proposed to change the reference from a game warden to the Maine Warden Service under the reporting requirements so that if a game warden can not be contacted, a person may call one of the regional headquarters instead.

It proposed to clarify that in all cases of deer, bear or moose being killed, a person must immediately and properly dress the carcass and care for the meat to prevent spoilage.

Finally, the bill proposed to prohibit failing to report or properly care for the carcass and meat of a wild animal killed pursuant to this law.

Committee Amendment "A" (S-84) proposed to require that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. The amendment proposed to remove the bill's requirement that written permission be obtained from a game warden before employing someone outside the immediate family and provided instead that when a person wishes to employ someone outside of the immediate family to take or kill wild animals, that person must contact a game warden to arrange for a person to alleviate the damage. When the warden is satisfied that damage is occurring, the warden may arrange for a department agent to alleviate the damage or, when an agent is not available, authorize a person to perform the work. Additionally, the amendment proposed to prohibit a person whose license to hunt has been revoked or suspended or who is an habitual violator as defined in the Maine Revised Statutes, Title 12, section 7001, subsection 13-A or has been convicted of night hunting within the past 5 years from being eligible to receive permission to take or kill a wild animal pursuant to this section. The amendment also proposed to provide that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provide that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. The amendment proposed to limit the wild animals that must be properly cared for to deer, bear and moose. Finally, the amendment proposed to authorize the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing the person to protect the beehives from bear damage.

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Enacted law summary

Public Law 2001, chapter 199 makes several changes to the section of law that deals with nuisance animals and depredation permits for landowners, farmers and orchard owners. Specifically, Public Law 2001, chapter 199 requires that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. This public law allows a person to employ someone outside of the immediate family to take or kill wild animals so long as that person first contacts a game warden to arrange for a person to alleviate the damage. Additionally, this public law prohibits certain persons from being eligible to receive permission to take or kill a wild nuisance animal.

Public Law 2001, chapter 199 provides that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provides that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. This public law limits the wild animals that must be properly cared for to deer, bear and moose. Finally, this public law authorizes the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing that person to protect the beehives from bear damage.

LD 596 **An Act to Expand Youth Conservation Education Programs** **ONTP**

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

LD 596 proposed to provide for a percentage of revenue from the public chance drawing for moose hunting permits to be used to fund youth conservation education programs.

LD 625 **An Act to Compensate Citizens When Property is Seized Wrongfully and Damaged** **ONTP**

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

LD 625 proposed to require that if fish, wildlife or equipment seized by a game warden had been damaged or destroyed and the court found that the fish, wildlife or equipment was not possessed in violation of the applicable fish and wildlife laws, then the court would order that the claimant be reimbursed by the Department of Inland Fisheries and Wildlife for the value of the destroyed or damaged items.

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LD 648

An Act to Increase the Period of Ineligibility for the Moose Lottery to 5 years

ONTP

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

LD 648 proposed to increase the period of ineligibility for the moose lottery from 2 years to 5 years for a person who was successful in the taking of a moose during the previous open moose season. It also proposed to provide for automatic eligibility in the public chance drawing for any person who obtained a moose hunting permit during the previous open moose season but was unsuccessful in the taking of a moose.

LD 655

An Act to Clarify the Rights of Residents Within Wildlife Sanctuaries

PUBLIC 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LEMONT	OTP-AM	H-259

LD 655 proposed to allow a person who lives in a privately owned residence in a wildlife sanctuary to own and possess a firearm, store the firearm in the person's residence and transport the firearm to and from the residence.

Committee Amendment "A" (H-259) proposed to repeal the ban on having hunting implements in wildlife sanctuaries.

Enacted law summary

Public Law 2001, chapter 198 repeals the ban on possession of hunting implements in wildlife sanctuaries.

LD 673

An Act to Require Alien Big Game Hunters to be Accompanied by a Guide

DIED IN CONCURRENCE

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

LD 673 would make it illegal for an alien to hunt big game without being accompanied by a licensed guide.

Committee Amendment "A" (S-142), the minority amendment, proposed to require that only aliens who are citizens of Canada and not permanent resident aliens employ and hunt with a resident Maine guide when hunting big game.

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The amendment also proposed to add a fiscal note to the bill.

LD 675 **Resolve, to Establish Rules for On-line Sales of Hunting and Fishing Licenses and Watercraft, Snowmobile and All-terrain Vehicle Registrations** **ONTP**

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

LD 675 proposed to require the Commissioner of Inland Fisheries and Wildlife to adopt major substantive rules that established criteria to govern the requirement that agents of the Department of Inland Fisheries and Wildlife would develop computer interactive capacity in order to sell hunting and fishing licenses and register watercraft, snowmobiles and all-terrain vehicles. At minimum the commissioner would be required to develop rules that:

1. Created a pilot program to test the on-line program,
2. Established a 5-year timetable for requiring agents to sell on-line licenses and registrations,
3. Ensured that license and registration documentation would not easily be reproduced and
4. Created an electronic transfer of funds system that was agreed to by the department and agents.

LD 702 **An Act to Prohibit the Sale of Bear and Bear Parts** **ONTP**

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

LD 702 proposed to prohibit the sale of bear parts and any product that contained bear parts.

LD 734 **An Act Concerning Lifetime Licenses and Complimentary Licenses for Residents over 70 Years of Age** **PUBLIC 351**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ ONTP MIN	H-565

LD 734 proposed to require the Department of Inland Fisheries and Wildlife to discontinue issuing a complimentary license to hunt, trap or fish to a resident over 70 years of age.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (H-565) is the majority report of the Joint Standing Committee on Inland and Fisheries and Wildlife and proposed to provide the holder of a senior lifetime license who turns 70 years of age to privileges extended under a complimentary license. Additionally, the amendment proposed to allow a person 70 years of age or older who does not hold a senior lifetime license to purchase one that includes all of the additional privileges for \$8.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 351 requires the Department of Inland Fisheries and Wildlife to discontinue issuing a complimentary license to hunt, trap or fish to a resident over 70 years of age by January 1, 2006. This public law provides the holder of a senior lifetime license who turns 70 years of age to privileges extended under a complimentary license. Additionally, this public law allows a person 70 years of age or older who does not hold a senior lifetime license to purchase one that includes all of the additional privileges for \$8.

LD 735

An Act to Allow October Fishing

CARRIED OVER

Sponsor(s)
DUNLAP
GAGNON

Committee Report

Amendments Adopted

LD 735 proposed to allow October fishing in certain counties in the State.

LD 736

**An Act to Require State Approval Prior to Introducing Wolves into
Maine**

PUBLIC 227

Sponsor(s)
DUNLAP
MARTIN

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-348

LD 736 proposed to prohibit the release of wolves in the State without the prior approval of both Houses of the Legislature and the Commissioner of Inland Fisheries and Wildlife. The bill also proposed to direct the commissioner to work with the United States Fish and Wildlife Service to ensure that any recovery plan for the gray wolf in an area that includes the State includes a provision that allows the State to prohibit the introduction of the gray wolf within the borders of the State.

Committee Amendment "A" (H-348), which is the majority report of the committee, proposed to strike that portion of the bill that directed the Commissioner of Inland Fisheries and Wildlife to work with the Federal Government to ensure that any gray wolf recovery plan allows the State to prohibit the introduction of the gray wolf within its borders. The amendment proposed to retain that portion of the bill that prohibits the release of wolves in Maine without prior approval of the Legislature and the Commissioner of Inland Fisheries and Wildlife.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted law summary

Public Law 2001, chapter 227 prohibits the release of wolves in the State without the prior approval of both Houses of the Legislature and the Commissioner of Inland Fisheries and Wildlife.

LD 742 **An Act to Provide Fishing Access Signs** **ONTP**

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

LD 742 proposed to authorize the support landowners program of the landowner relations program in the Department of Inland Fisheries and Wildlife to develop, distribute and erect signs that directed anglers to water access sites.

Committee Amendment "A" (H-345), the minority report of the committee proposed to amend the bill by adding an appropriation section and a fiscal note to the bill.

LD 760 **An Act to Amend the Laws Regarding Bear Baiting** **ONTP**

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

LD 760 proposed to amend the laws regarding bear baiting by adding language that clarified that a fee that was less than \$5 could be charged for the placing of bear bait. The bill also proposed to require that a person who placed bear bait would get permission in writing from the landowner. The bill proposed to prohibit the placing of a stand or blind within 300 feet from the bait and prohibited a person placing more than 10 bear baits at one time.

LD 761 **An Act Pertaining to Bear Hunting Permits** **CARRIED OVER**

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

LD 761 proposed to establish a new bear hunting permit that would have made the black bear hunting permit equivalent to that of other big game species and eliminated the system that allowed hunters to take a bear without a permit. Additionally, this bill would have established a mechanism that could be used in the future to better distribute bear hunting pressure.

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LD 775

An Act to Establish a Primitive Firearms Season for Deer

ONTP

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

LD 775 proposed to establish an annual special primitive firearms hunting season on deer from the 6th Monday preceding Thanksgiving to the 5th Monday preceding Thanksgiving, one week prior to the open season on deer. The bill proposed to provide eligibility requirements for a primitive firearms license and establish a license fee schedule. The bill would not require hunters to wear hunter orange clothing during the special primitive firearms season.

Committee Amendment "A" (S-175), the minority report, proposed to add an appropriation section and a fiscal note to the bill.

LD 799

An Act to Amend the Authority of the Commissioner of Inland Fisheries and Wildlife to Authorize Any-deer Hunting

ONTP

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

LD 799 proposed to allow the Commissioner of Inland Fisheries and Wildlife to authorize the taking of deer of either sex without an antlerless deer permit during the regular hunting season or special muzzle-loading hunting season for an area open to hunting demarcated by the commissioner.

LD 825

An Act to Require Free Access to Waters Stocked by the State

ONTP

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

LD 825 proposed to provide that fish or fish spawn raised by the State could not be introduced in any inland waters unless free access to the public was available whenever these waters were open to fishing pursuant to law.

Committee Amendment "A" (H-349), part of the minority report, proposed to prohibit the Department of Inland Fisheries and Wildlife from stocking with fish or fish eggs waters that the public did not have free access to or access to for a reasonable fee. The amendment also proposed to require that the department report annually to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters regarding access to state-stocked waters and any fees charged for access to those waters. The amendment also proposed to add a fiscal note to the bill.

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LD 875 **Resolve, Directing the Department of Inland Fisheries and Wildlife to Create a Gun Safety Program** **ONTP**

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

LD 875 proposed to direct the Department of Inland Fisheries and Wildlife to develop a gun safety program for the elementary schools in the State.

Committee Amendment "A" (H-181), the minority report, proposed to add an appropriation section that appropriates \$140,000 and \$150,000 in fiscal years 2001-02 and 2002-03, respectively, from the General Fund and added a fiscal note to the resolve.

LD 940 **An Act to Improve Funding for Snowmobile Trail Maintenance** **ONTP**

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

LD 940 proposed to increase resident and nonresident snowmobile registration rates by \$5 and dedicate that amount to a special fund administered by the Off-Road Recreational Vehicle Division of the Department of Conservation, Bureau of Parks and Lands to assist any entity that has a snowmobile trail grooming contract with the bureau in the purchase of trail grooming equipment. Exempt from this increase would be any snowmobile registered as an antique under the Maine Revised Statutes, Title 12, section 7824, subsection 2-B.

The bill also proposed to require all nonresidents who snowmobile in Maine to register their snowmobiles in Maine. It proposed to specifically exclude from this requirement snowmobiles and grooming equipment registered to snowmobile clubs, municipalities, counties or provinces and engaged in trail grooming activities. It also proposed to increase the percentage set aside from the "gasoline tax" from .5% to .8%.

LD 992 **An Act to Permit the Department of Inland Fisheries and Wildlife to Accept Gifts for the Benefit of Wildlife Protection and Conservation** **PUBLIC 204**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	OTP-AM	S-117
ETNIER		

LD 992 proposed to allow a state agency to conduct a raffle for a donated item to benefit fish and wildlife conservation projects.

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Committee Amendment "A" (S-117) proposed to limit the number of raffles a state agency may conduct to 2 per year. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 204 allows a state agency to conduct no more than 2 raffles annually of donated items to benefit fish and wildlife conservation projects.

LD 1067 **An Act to Prohibit the Use of Dogs or Bait While Hunting Bear** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1067 proposed to prohibit the use of dogs and the placing of bait when hunting bear.

LD 1078 **An Act to Restrict the Commercial Harvest of Snapping Turtles in Order to Ensure Sustainability of the Resource** **PUBLIC 200**

<u>Sponsor(s)</u> DUNLAP LEMONT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1078 proposed to clarify the rule-making authority of the Commissioner of Inland Fisheries and Wildlife to regulate the commercial harvest of snapping turtles, including establishing a season, size and possession limits, a fee schedule and reporting requirements.

Enacted law summary

Public Law 2001, chapter 200 clarifies the rule-making authority of the Commissioner of Inland Fisheries and Wildlife to regulate the commercial harvest of snapping turtles, including establishing a season, size and possession limits, a fee schedule and reporting requirements.

LD 1173 **An Act to Enhance Storage of Fish and Wildlife** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> SAVAGE W DAVIS P		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1173 proposed that any possession, bag or catch limit set by rule for fish and game did not apply for fish and game legally harvested and removed to the legal residence of the person harvesting the fish or game.

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Committee Amendment "A" (H-421), the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to require that the game be kept permanently at the residence of the person who took the game.

LD 1186 **Resolve, to Address the Problem of Illegal Fish Stocking** **ONTP**

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

LD 1186 proposed to require the Department of Inland Fisheries and Wildlife to create a comprehensive policy on illegal introductions of fish to the State's waters. The policy would include steps the department would take to eradicate illegal species that were introduced in waters of the State. The policy would focus on prevention and establish an educational program on this issue within the Division of Public Information and Education.

LD 1193 **An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals** **PUBLIC 307**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-292 H-426 DUNLAP

LD 1193 proposed to clarify laws involving trapping. The bill proposed to:

1. Create a new definition of "drowning set" and repeal the definition of "water set";
2. Clarify that all animal control officers must have a trapping license prior to setting traps for wild animals;
3. Add "trapping license" to the list of complimentary licenses for which disabled veterans are eligible;
4. Amend the current trap tending requirements by replacing the term "water set" with the term "drowning set";
5. Clarify that it is legal to use snares for animal damage control purposes. It also removes pivot and swivel guns from the list of prohibited implements; and
6. Amend the list of exceptions to the trapping laws and adds language clarifying that the only exceptions to the written permission requirements when trapping on another's land in organized towns are when trapping beaver and when trapping with the use of drowning sets in great ponds, navigable waters and waters on lands that are publicly owned.

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Committee Amendment "A" (H-292) proposed to exempt trappers who use drowning sets placed in navigable rivers or streams or on state-owned land and right of ways from the requirement of first obtaining written permission from the landowner or occupant.

House Amendment "A" to Committee Amendment "A" (H-426) proposed to correct cross-references and a clerical error.

Enacted law summary

Public Law 2001, chapter 307 requires animal control officers to possess a trapping license prior to setting traps for wild animals and clarifies that it is legal to use snares for animal damage control purposes. It also removes pivot and swivel guns from the list of prohibited implements. This public law amends the list of exceptions to the trapping laws and exempts trappers who use drowning sets placed in navigable rivers or streams or on state-owned land and right of ways from the requirement of first obtaining written permission from the landowner or occupant but clarifies that the law does not authorize a person to trap on property that is owned by another person. This public law also adds "trapping license" to the list of complimentary licenses for which disabled veterans are eligible.

LD 1207 **An Act to Allow a Hunter to Take a Deer of Either Sex in Black Powder Season** **ONTP**

<u>Sponsor(s)</u> DAVIS P CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1207 proposed to allow a hunter to take a deer of any sex during the muzzle-loading open hunting season.

LD 1210 **An Act to Allow the Transfer of Antlerless Deer Permits** **ONTP**

<u>Sponsor(s)</u> DAVIS P SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1210 proposed to allow a holder of an antlerless deer permit to transfer the permit to another hunter prior to the start of hunting season.

LD 1213 **An Act to Amend the Hunting Laws Relating to Blaze Orange** **PUBLIC 202**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-116
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Current law requires a hunter to wear 2 articles of solid-colored blaze orange clothing. LD 1213 proposed to allow one of those articles of clothing to be predominantly blaze orange and the other article must be a solid-colored hunter orange hat.

Committee Amendment "A" (S-116) proposed to change one of 2 required articles of clothing that need to be blaze orange to be a minimum of 50% orange.

Enacted law summary

Public Law 2001, chapter 202 requires that the article of clothing worn around a hunter's torso during the open firearm season must be a minimum of 50% hunter orange and that a solid-colored hunter orange hat must be worn.

LD 1225 **An Act to Establish a Nonresident Taxpayer Fishing License** **ONTP**

<u>Sponsor(s)</u> TOBIN D		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1225 proposed to allow a nonresident who paid property taxes in this State to purchase a nonresident fishing license at the same fee as a resident.

LD 1279 **An Act to Require Hikers to Wear Blaze Orange during Hunting Season** **ONTP**

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1279 proposed to require hikers to also wear hunter orange during hunting season.

LD 1294 **An Act to Change the Snowmobile Registration Rates** **PUBLIC 254
EMERGENCY**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-346 H-435 DUNLAP
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LD 1294 proposed to increase resident and nonresident snowmobile registration rates by \$5 and dedicate that amount to a special fund administered by the Off-Road Vehicle Division of the Department of Conservation, Bureau of Parks and Lands to assist any entity that has a snowmobile trail-grooming contract with the bureau in the purchase of trail-grooming equipment. Exempt from this increase would be any snowmobile registered as an antique under the Maine Revised Statutes, Title 12, section 7824, subsection 2-B. LD 1294 also proposed to make the fees retroactive to July 1, 2001.

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Committee Amendment "A" (H-346) proposed to add an allocation section and a fiscal note to the bill.

Committee Amendment "B" (H-347) is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, and it proposed to require the Commissioner of Inland Fisheries and Wildlife to provide check-off boxes for donations on snowmobile registration forms. Revenue raised from donations must be appropriated in the same fashion as snowmobile registration fees. It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-435) proposed to strike the retroactivity clause, add an emergency preamble and emergency clause and provide that the bill takes effect July 1, 2001.

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Enacted law summary

Public Law 2001, chapter 254 increases resident and nonresident snowmobile registration rates by \$5 and dedicates that amount to a special fund administered by the Off-Road Vehicle Division of the Department of Conservation, Bureau of Parks and Lands to assist any entity that has a snowmobile trail-grooming contract with the bureau in the purchase of trail-grooming equipment

Public Law 2001, chapter 254 was enacted as an emergency measure effective July 1, 2001.

LD 1317 **Resolve, Directing the Department of Inland Fisheries and Wildlife to Conduct a Programmatic Review of the State's Inland Fisheries Management Program** **RESOLVE 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH DUNLAP	OTP-AM MAJ ONTP MIN	S-163

LD 1317 proposed to create a commission to examine the fisheries division of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-163) proposed to require the Commissioner of Inland Fisheries and Wildlife to conduct a programmatic review of the fisheries program. The commissioner would be required to contract with an experienced firm to assess and evaluate the State's fisheries management program. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 33 creates a commission to examine the fisheries program of the Department of Inland Fisheries and Wildlife.

LD 1418 **An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season** **PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	OTP-AM	H-436

LD 1418 proposed to allow the Commissioner of Inland Fisheries and Wildlife to extend by rule the firearm hunting season from the current time frame to September 30th to December 31st at the commissioner's discretion.

Committee Amendment "A" (H-436) proposed to repeal the Maine Revised Statutes, Title 12, section 7457, subsection 1, paragraph A and replace it with provisions that allow the Commissioner of Inland Fisheries and

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Wildlife to set an open deer season between September 15th and December 15th annually. The amendment also proposed that the regular season must start no later than the 4th Monday preceding Thanksgiving in years when the regular season extends beyond November 30th.

Enacted law summary

Public Law 2001, chapter 296 allows the Commissioner of Inland Fisheries and Wildlife to set an open deer season between September 15th and December 15th annually and provides that the regular season must start no later than the 4th Monday preceding Thanksgiving in years when the regular season extends beyond November 30th.

LD 1419 **An Act to Provide for Public Access to Fish, Game and Wildlife Resources** **ONTP**

Sponsor(s)
DUNLAP

Committee Report
ONTP

Amendments Adopted

LD 1419 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to purchase land or interests in land or to grant conservation easements over land in order to establish public access corridors to lands or waters for the purposes of fishing, hunting or trapping. It proposed to require the commissioner to consult with the Land for Maine's Future Board and the Director of the Bureau of Parks and Lands within the Department of Conservation on any actions taken to establish such corridors.

The bill also proposed to require the Commissioner of Inland Fisheries and Wildlife to survey and describe the corridor and to file a plan of that corridor with the registry of deeds in the county or counties in which the corridor was located in the same way required by law when the commissioner acquires land to establish wildlife management areas under the Maine Revised Statutes, Title 12, section 7652, subsection 1.

LD 1421 **An Act to Create an Antlerless Deer Hunting License** **ONTP**

Sponsor(s)
MENDROS
WOODCOCK

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1421 proposed to create a separate hunting license for taking of antlerless deer.

LD 1422 **An Act to Allow Hunters to Transfer an Antlerless Deer Permit** **ONTP**

Sponsor(s)
MENDROS
LEMONT

Committee Report
ONTP

Amendments Adopted

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LD 1422 proposed to allow an antlerless deer permit to transfer from the original holder to another licensed hunter if the other hunter shot an antlerless deer while hunting with the original holder.

LD 1464 **An Act to Amend the Laws Governing the Suspension and** **PUBLIC 331**
Revocation of Hunting and Fishing Licenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MUSE K FERGUSON	OTP-AM	S-218 CARPENTER

LD 1464 proposed to repeal provisions of law governing suspension and revocation of hunting and fishing licenses and would have directed the Commissioner of Inland Fisheries and Wildlife to adopt rules governing the suspension, revocation and reinstatement of these licenses by the commissioner.

Committee Amendment "A" (H-344) proposed to remove the total repeal of the Maine Revised Statutes, Title 12, section 7077, subsection 1-A and would repeal only the provision in that section that requires a mandatory license revocation for hunting caribou. This amendment also proposed to remove the repeal of section 7077, subsection 1-B and amends that subsection to allow for twice the general bag limit for a species of fish and by removing the mandatory license revocation requirement for fishing by jigging. The amendment proposed to remove the requirement that a person whose license has been revoked must successfully complete a firearms training program or an ethics program before becoming eligible to obtain a new license. Additionally, the amendment proposed allows the Commissioner of Inland Fisheries and Wildlife to waive or reduce mandatory minimum suspension periods established in statute under certain circumstances. The amendment also proposed to remove the total repeal of section 7077-A and proposes to require the commissioner to revoke a license of a person who is convicted of any violation under Title 17-A and sets minimum revocation periods. Finally, the amendment also proposed to repeal the prohibition on hunting and possessing caribou.

Senate Amendment "A" (S-218) proposed to replace the bill and remove the total repeal of the Maine Revised Statutes, Title 12, section 7077, subsection 1-A and only repeal the provision in that section that requires a mandatory license revocation for hunting caribou. This amendment also proposed to remove the repeal of section 7077, subsection 1-B and amend that subsection to allow for twice the general bag limit for a species of fish and by removing the mandatory license revocation requirement for fishing by jigging. The amendment proposed to remove the requirement that a person whose license has been revoked must successfully complete a firearms training program or an ethics program before becoming eligible to obtain a new license. Additionally, the amendment proposed to allow the Commissioner of Inland Fisheries and Wildlife to waive or reduce mandatory minimum suspension periods established in statute under certain circumstances. Further, the amendment proposed to require the commissioner to revoke a license of a person who is convicted of any violation under Title 17-A and sets minimum revocation periods. Finally, the amendment proposed to repeal the prohibition on hunting and possessing caribou.

Enacted law summary

Public Law 2001, chapter 331 repeals the prohibition on hunting and possessing caribou and repeals mandatory license revocation for hunting caribou. This Public Law removes the requirement that a person whose license has been revoked must successfully complete a firearms training program or an ethics program before becoming eligible to obtain a new license. Additionally, this Public Law allows the Commissioner of Inland Fisheries and Wildlife to

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waive or reduce mandatory minimum suspension periods established in statute under certain circumstances and requires the commissioner to revoke a license of a person who is convicted of any violation under Title 17-A and sets minimum revocation periods. This Public Law also allows for twice the general bag limit for certain species of fish and removes the mandatory license revocation requirement for fishing by jigging.

LD 1500 **An Act to Require Proof of Health Insurance for Operators of ATVs and Snowmobiles** **ONTP**

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

LD 1500 proposed to require operators of snowmobiles and ATVs to maintain health insurance. Those operators that failed to maintain health insurance would have committed a civil violation subject to forfeiture of not less than \$100 or more than \$500.

LD 1519 **An Act to Allow Children Less than 16 Years of Age to Hunt, Fish and Trap without a License** **ONTP**

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

LD 1519 proposed to eliminate all references to junior hunting licenses and allow children under 16 years of age to hunt without a license, in the presence of an adult.

Committee Amendment "A" (S-143) proposed to add a fiscal note to the bill.

LD 1574 **An Act to Establish the Maine Boating Safety Advisory Council** **ONTP**

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

LD 1574 proposed to establish the Maine Boating Safety Advisory Council designed to advise and provide policy recommendations to the Commissioner of Inland Fisheries and Wildlife and the Joint Standing Committee on Inland Fisheries and Wildlife on boating safety and education matters. The commissioner would solicit a person from each of the following organizations to serve on the council: the United States Coast Guard; the Department of Inland Fisheries and Wildlife; the Department of Marine Resources; the State Planning Office; the United States Coast Guard Auxiliary; a boating safety and navigation education organization; a harbor master association; a statewide organization promoting marine fishing and boating; a state or regional association designed to protect lakes; a

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statewide organization promoting hunting and freshwater fishing; a statewide organization promoting paddle sports; and a statewide organization representing professional guides or instructors or both. Additional members could be added to the council upon petition by the prospective member and approval by the council. Each member would select a representative to serve on the council every 2 years. A representative would be able to serve no more than 3 consecutive terms. Representatives would choose a chair each year and a representative would not be able to serve more than 2 consecutive years as chair. At all times the council would be required to have a simple majority of nonstate and nonfederal members. Representatives would receive no compensation except for the reimbursement of expenses incurred pursuant to their duties as council representatives unless otherwise compensated by their organizations.

LD 1577 **An Act to Encourage New Hunters** **ONTP**

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

LD 1577 proposed to allow a person who had never taken a deer and who held an original deer hunting license to take a deer of either sex during open season for deer in the first year that the person held a license, until the person tagged their first deer.

LD 1579 **An Act to Clarify the Unlawful Use of Snowmobile Trails** **PUBLIC 289**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ ONTP MIN	S-176

LD 1579 was a concept draft pursuant to Joint Rule 208. It proposed to reduce the unauthorized use of licensed snowmobile trails by all-terrain vehicles and other unauthorized users.

Committee Amendment "A" (S-176) is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. It proposed to clarify that it is unlawful to operate a motor vehicle other than a snowmobile and appurtenant equipment at any time of the year on a snowmobile trail that is financed in whole or in part with funds from the Snowmobile Trail Fund. The amendment would have added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 289 clarifies that it is unlawful to operate a motorized vehicle other than a snowmobile and appurtenant equipment at any time of the year on a snowmobile trail that is financed in whole or in part with funds from the Snowmobile Trail Fund.

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LD 1598 **An Act to Provide for Hunting 7 Days a Week on Lands North of the East-West Highway** **ONTP**

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

LD 1598 proposed to remove the restriction of hunting on Sunday and to allow it every day of the open season on lands North of the East-West Highway.

LD 1604 **An Act Concerning Moose Hunting Permits for Elderly Hunters** **ONTP**

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

LD 1604 proposed to create a random drawing that awarded 100 complimentary moose hunting permits to moose permit applicants who were 70 years of age or older and who held a valid resident hunting license. This drawing would be held immediately after the regular annual public chance moose permit drawing. This bill also proposed to allow a person who was 70 years of age or older and owned 100 or more contiguous acres of land in the State to kill one moose every 5 calendar years on that land without possessing a moose permit if that person held a valid hunting license and took the moose during the open season on moose.

LD 1692 **An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws** **PUBLIC 387 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER DUNLAP	OTP-AM	H-611 DUNLAP S-187 S-268 GAGNON

LD 1692 proposed to amend provisions of the State's fish and wildlife laws.

Committee Amendment "A" (S-187) proposed to enact language to allow the Commissioner of Inland Fisheries and Wildlife to sell general merchandise and accept donations of money, goods and services. The amendment proposed to allow individuals under 10 years of age to participate in hunting as long as they do not carry a firearm. The amendment also proposed to remove sections of the bill concerning commercial shooting areas, lifetime licenses, open deer seasons, point systems and effective dates. Additionally, the amendment proposed to repeal warranty requirements for registering snowmobiles and all-terrain vehicles. The amendment proposed to clarify when a person may shoot from a motorboat and add language to clarify a citation.

Finally, it also proposed to add a fiscal note to the bill.

Joint Standing Committee on Inland Fisheries and Wildlife

House Amendment "A" (H-611) proposed to provide for staggered terms for members of the whitewater guides advisory board so that not all terms expire at the same time. The amendment also proposed to correct several provisions of law that were omitted from the legislation enacted in the last session of the Legislature to decriminalize certain fish and wildlife violations. Without this amendment, these inconsistencies would remain in law during the summer's boating and all-terrain vehicle season. The amendment also proposed to repeal the requirement that the Department of Inland Fisheries and Wildlife adopt by rule a schedule of fines for the improper operation of a fishway.

This amendment also proposed to remove the enforcement of the laws concerning sales of snowmobiles and all-terrain vehicles from the jurisdiction of the game wardens and places the provisions with the franchise laws.

This amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-268) proposed to remove the requirement that the registration number for an ATV be displayed on the front of that vehicle. It proposed to retain the requirement that the registration number be displayed on the rear of the vehicle.

Enacted law summary

Public Law 2001, chapter 387 makes changes to the State's fish and wildlife laws, including the following:

1. It clarifies the duties of the Division of Public Information and Education within the Department of Inland Fisheries and Wildlife;
2. It changes specifications required for bows used during special archery season on deer;
3. It changes certain provisions related to moose hunting;
4. It allows the introduction of otherwise illegal fish or fish spawn into a private pond for fishing events held in conjunction with educational or special programs sanctioned by the Department of Inland Fisheries and Wildlife;
5. It requires that watercraft accidents involving damage only to watercraft or other property to the estimated amount of \$1,000 or more must be reported;
6. It clarifies certain provisions related to the operation and rental or lease of personal watercraft;
7. It clarifies certain provisions related to the registration and operation of a snowmobiles and all-terrain vehicles;
8. It enacts language to allow the Commissioner of Inland Fisheries and Wildlife to sell general merchandise and accept donations of money, goods and services;
9. It allows individuals under 10 years of age to participate in hunting as long as they do not carry a firearm;
10. It clarifies when a person may shoot from a motorboat and adds language to clarify a citation;
11. It provides for staggered terms for members of the whitewater guides advisory board so that not all terms expire at the same time;
12. It corrects several provisions of law to decriminalize certain fish and wildlife violations;
13. It repeals the requirement that the Department of Inland Fisheries and Wildlife adopt by rule a schedule of fines for the improper operation of a fishway; and
14. It removes the enforcement of the laws concerning sales of snowmobiles and all-terrain vehicles from the jurisdiction of the game wardens and places the provisions with the franchise laws.

Public Law 2001, chapter 387 was enacted as an emergency measure effective June 12, 2001.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1726

**An Act to Clarify Laws Pertaining to the Permit Process for
Wildlife Possession**

PUBLIC 269

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CARPENTER	OTP-AM	H-385

LD 1726 proposed to amend the section of the Maine Revised Statutes, Title 12 that deals with possessing, breeding, exhibiting, purchasing, selling, importing and transporting wildlife. Currently, all of the possession authorities are within separate sections of the law. This bill proposed to repeal 14 sections of Title 12 and place them into one section with the issuance, fees, rule-making authority and permit administration being addressed. The bill also proposed to authorize the Department of Inland Fisheries and Wildlife to adopt rules for each specific permit.

Committee Amendment "A" (H-385) proposed to change the fee structure for permits to possess wildlife and corrects cross-references. This amendment also proposed to clarify which species are affected by the bill. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 269 amends the section of the Maine Revised Statutes, Title 12 that deals with possessing, breeding, exhibiting, purchasing, selling, importing and transporting wildlife. This Public Law repeals 14 sections of Title 12 and places them into one section with the issuance, fees, rule-making authority and permit administration being addressed. This Public Law also authorizes the Department of Inland Fisheries and Wildlife to adopt rules for each specific permit.

LD 1732

**An Act to Establish for an Additional Two Years the Commission
to Study the Needs and Opportunities Associated with the
Production of Salmonid Sport Fish in Maine**

**PUBLIC 462
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-180 S-386 GOLDTHWAIT

Part A of LD 1732 proposed to create a fish hatchery maintenance fund within the Department of Inland Fisheries and Wildlife to be used by the Commissioner of Inland Fisheries and Wildlife to fund or assist in funding maintenance, repair or capital improvements at fish hatcheries and feeding stations owned by the State. The fund could not be used to fund personnel services costs or general operating costs of a fish hatchery. The fund would be initially capitalized by a \$100,000 transfer from the department's carrying account. The commissioner would be directed to report back to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2002 with recommendations on mechanisms to raise revenue for the fund.

Part A also proposed to reallocate \$182,000 from the Department of Inland Fisheries and Wildlife to the fish hatchery study commission to allow the commission to hire consulting engineers to assist in the design and

Joint Standing Committee on Inland Fisheries and Wildlife

assessment of statewide fish hatchery production and distribution needs and for the per diem expenses of 4 annual meetings of the commission. Those funds are part of a \$500,000 appropriation originally made to the department in 2000 for similar purposes.

Part B of this bill proposed to authorize for an additional 2 years a study commission originally established by the 119th Legislature by Resolve 1999, chapter 82. The purpose of this commission would be to study the needs and opportunities associated with the production of salmonid sport fish in this State.

Part B proposed to appoint all the members of the commission originally appointed in 1999, except that it would require the President of the Senate to appoint 2 additional members of the Senate and require the Governor to fill 2 vacancies among public members appointed by the Governor in 1999.

Part B also proposed to carry forward into fiscal year 2001-02 all unexpended balances appropriated to the Department of Inland Fisheries and Wildlife for fiscal year 2000-01 for fish hatchery engineering work.

Committee Amendment "A" (S-180) proposed to transfer unexpended funds appropriated by the 119th Legislature for engineering analyses of fish hatcheries to a newly created fish hatchery maintenance fund in the Department of Inland Fisheries and Wildlife. The amendment also proposed to allocate from that fund funds necessary for the per diem and expenses of study commission members. The amendment also proposed to remove the provision that transfers \$100,000 from the carrying balance to the fish hatchery maintenance fund. The amendment also proposed to add an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-573) proposed to authorize the Speaker of the House to appoint a member of the House to the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine. The amendment also proposed to provide that the Speaker of the House should give a preference to a House member who sits on the Joint Standing Committee of Inland Fisheries and Wildlife. This amendment also proposed to strike and replace the allocation.

Senate Amendment "A" to Committee Amendment "A" (S-386) proposed to incorporate House Amendment "A" to Committee Amendment "A" and further provide that the member of the House of Representatives appointed by the Speaker of the House serve as cochair and specify that the initial meeting of the commission be held by August 15, 2001. It also proposed to limit payment of a per diem for attendance at commission meetings to Legislators.

Enacted law summary

Public Law 2001, chapter 462, Part A, creates a fish hatchery maintenance fund within the Department of Inland Fisheries and Wildlife to be used by the Commissioner of Inland Fisheries and Wildlife to fund or assist in funding maintenance, repair or capital improvements at fish hatcheries and feeding stations owned by the State. This Public Law also transfers unexpended funds appropriated by the 119th Legislature for engineering analyses of fish hatcheries to the fish hatchery maintenance fund and further provides that expenses for four meetings in 2001-02 and four meetings in 2002-03 of the commission including the per diem expenses for legislators attending commission meetings, be paid from this fund.

Part B of this Public Law authorizes for an additional 2 years a study commission originally established by the 119th Legislature by Resolve 1999, chapter 82. The purpose of this commission is to study the needs and opportunities associated with the production of salmonid sport fish in this State. Part B also appoints all the members of the commission originally appointed in 1999, except that it requires the President of the Senate to

Joint Standing Committee on Inland Fisheries and Wildlife

appoint 2 additional members of the Senate, the Speaker of the House to appoint one member and requires the Governor to fill 2 vacancies among public members appointed by the Governor in 1999.

Public Law 2001, chapter 462 was enacted as an emergency measure effective June 28, 2001.

LD 1776 **Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife** **RESOLVE 40
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1776 proposed to provide for legislative review of Portions of Chapter 21: Licensing and Registration Agents, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Enacted law summary

Resolve 2001, chapter 40 approves Chapter 21: Licensing and Registration Agents, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Resolve 2001, chapter 40 was enacted as an emergency measure effective May 29, 2001.

LD 1785 **An Act Concerning Disabled Hunters, Trappers and Anglers** **PUBLIC 223**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1785 proposed to allow the Commissioner of Inland Fisheries and Wildlife to authorize special exceptions for individuals with a permanent physical disability that allow those persons to lawfully hunt, trap or fish at times or in a manner that would otherwise be prohibited by laws or rules administered by the Department of Inland Fisheries and Wildlife. The bill proposed to require the commissioner to authorize only the minimum special exceptions necessary to overcome the applicant's disability and to prohibit the commissioner from granting exceptions to allow persons to exceed bag or size limits; to fish for or take a fish or wildlife species for which a license is not otherwise issued; to fish, trap or hunt more than 7 days before or after the regular open season for a particular species or to fish, trap or hunt in any area permanently closed to those activities.

The bill proposed to provide criteria that the commissioner and applicants must follow in granting any special exceptions pursuant to this bill.

Enacted law summary

Joint Standing Committee on Inland Fisheries and Wildlife

Public Law 2001, chapter 223, which was a committee bill, allows the Commissioner of Inland Fisheries and Wildlife to authorize special exceptions for individuals with a permanent physical disability that allow those persons to lawfully hunt, trap or fish at times or in a manner that would otherwise be prohibited by law.

LD 1787 **An Act to Implement Municipal Recommendations Regarding** **PUBLIC 241**
Surface Water Use on Great Ponds

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

LD 1787 proposed to prohibit the use of personal watercraft on Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known as Silver Pond, in the Town of Phippsburg, Sagadahoc County; South Branch Lake in the Plantation of Seboeis and the Township T2 R8 NWP, Penobscot County; Spring Lake, in Spring Lake Township, Somerset County; Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township, Franklin County; and Nicatous Lake, in the Townships of T40 MD, T41 MD and T3 ND in Hancock County.

Enacted law summary

Public Law 2001, chapter 241, which was reported out of committee pursuant to joint order, prohibits the use of personal watercraft on Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known as Silver Pond, in the Town of Phippsburg, Sagadahoc County; South Branch Lake in the Plantation of Seboeis and the Township T2 R8 NWP, Penobscot County; Spring Lake, in Spring Lake Township, Somerset County; Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township, Franklin County; and Nicatous Lake, in the Townships of T40 MD, T41 MD and T3 ND in Hancock County.

Chapter 241 was later repealed by section D-28 of Public Law 2001, chapter ..., the Judiciary Committee's "Errors and Omissions" bill, and re-enacted in that bill as an emergency measure so that these provisions would take effect prior to the 2001 boating season.

LD 1796 **An Act to Facilitate the Implementation of Maine's On-line** **PUBLIC 294**
Sportsman's Electronic System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-406 DUNLAP

LD 1796 proposed to make changes to the laws regarding agents, agent fees and watercraft, snowmobile and ATV registrations in order to facilitate the transition to Maine's On-line Sportsman's Electronic System, MOSES. The bill proposed to authorize the Commissioner of Inland Fisheries and Wildlife to appoint agents to issue trapping licenses and charge a \$2 fee for each license. The bill also proposed to allow the commissioner to charge a \$1 fee for each trapping license and watercraft registration issued by a department employee. The bill proposed to

Joint Standing Committee on Inland Fisheries and Wildlife

remove the requirement that hunters apply by written application for a turkey permit and provide that hunters must apply for a turkey permit in a manner to be prescribed by the commissioner.

The bill proposed to provide that the commissioner may appoint agents other than municipal clerks or persons designated by a municipality to issue watercraft, snowmobile and ATV registrations and remove current statutory requirements that the commissioner must follow to appoint agents not associated with a municipality. The bill also proposed to remove the requirement that agents issuing snowmobile, watercraft and ATV registrations must submit reports to the commissioner and provides that agents may charge \$1 for each watercraft, snowmobile or ATV registration renewal and \$2 for original registrations. Additionally, the bill proposed to require that the commissioner penalize agents who issue watercraft, snowmobile or ATV registrations that are delinquent in forwarding the commissioner's funds to the commissioner by a date set forth by rule.

The bill proposed to provide that anyone who obtains an original snowmobile or ATV registration after March 31st may pay \$30 or \$15, respectively, to receive a registration that covers the remainder of the year plus an additional year. The same opportunity would be provided for anyone obtaining an original watercraft registration after September 30th, in which case the person pays 125% of the registration fee.

House Amendment "A" (H-406) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 294 makes changes to the laws regarding agents, agent fees and watercraft, snowmobile and ATV registrations in order to facilitate the transition to Maine's On-line Sportsman's Electronic System, MOSES. This public law authorizes the Commissioner of Inland Fisheries and Wildlife to appoint agents to issue trapping licenses and sets fees that can be charged by agents and department employees for issuing trapping licenses.

Public Law 2001, chapter 294 provides that the commissioner may appoint agents other than municipal clerks or persons designated by a municipality to issue watercraft, snowmobile and ATV registrations and sets fees that agents can charge for issuing these registrations. This public law requires the commissioner penalize agents who issue watercraft, snowmobile or ATV registrations that are delinquent in forwarding the commissioner's funds to the commissioner by a date set forth by rule.

Public Law 2001, chapter 294 provides that anyone who obtains an original snowmobile or ATV registration after March 31st may pay \$30 or \$15, respectively, to receive a registration that covers the remainder of the year plus an additional year. The same opportunity is provided for anyone obtaining an original watercraft registration after September 30th, in which case the person pays 125% of the registration fee.

HP 613

**JOINT ORDER – To Recodify the Maine Revised Statutes
Title 12, Chapters 701 to 721**

PASSED

Sponsor(s)
DUNLAP

Committee Report
OTP

Amendments Adopted

HP 613 requires the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to jointly prepare a bill for submission to the Joint Standing Committee on Inland Fisheries and Wildlife to the Second Regular

Joint Standing Committee on Inland Fisheries and Wildlife

Session of the 120th Legislature that recodifies the Maine Revised Statutes Title 12, Chapters 701 to 721 to eliminate archaic terms and confusing language, update cross-references and make non-substantive technical changes to improve the readability and accessibility of Title 12, Chapters 701 to 721. HP 0613 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to work with the Department of Inland Fisheries and Wildlife and the District Attorney's offices in preparing the proposed recodification and to submit the proposed recodification to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2002.

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Joint Standing Committee on Judiciary

LD 30

An Act to Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 471
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-749 H-750 LAVERDIERE

LD 30 proposed to make technical corrections to Maine Laws.

Committee Amendment "A" (H-749) proposed to make both technical corrections and substantive changes.

House Amendment "A" to Committee Amendment "A" (H-750) proposed additional technical and substantive changes.

Enacted law summary

Public Law 2001, chapter 471 makes technical and substantive corrections and changes to the laws of Maine. Parts A, B and F make technical corrections. Changes contained in Parts C, D, E and G make changes that may be considered or are substantive changes.

Public Law 2001, chapter 471 was enacted as an emergency measure effective June 29, 2001.

LD 56

An Act to Provide the Right to a Jury Trial in Civil Actions for
Civil Rights Violations

PUBLIC 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-73

LD 56 proposed to provide the right to a trial by jury in civil actions for violations of constitutional rights under the Maine Civil Rights Act.

Committee Amendment "A" (H-73) proposed to replace the bill. It proposed to restructure the sections of the Maine Civil Rights Act relating to actions by the Attorney General and private citizens to make the sections easier to read. It also proposed to incorporate changes made by the bill to specify where private actions must be brought and to provide for a right to a jury trial in actions under the Act. Finally, it proposed to amend the language of the bill to provide that the right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 50 provides that a person has a right to a jury trial in a civil action by the Attorney General or by an aggrieved person under the Maine Civil Rights Act. The right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction. The law also specifies where actions by aggrieved persons must be brought and restructures the sections of the Act relating to civil actions to make the law easier to read.

LD 85 **An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation** **ONTP**

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

LD 85 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

Committee Amendment "A" (H-462) is the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a mandate preamble and a fiscal note to the bill. (Not adopted)

LD 119 **An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save the Life of the Mother** **ONTP**

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

LD 119 proposed to prohibit a physician from performing a partial birth abortion during a mother's 3rd trimester of pregnancy unless it is necessary to preserve the life of the mother. Partial birth abortion was defined and a civil penalty of up to \$5,000 was specified.

See also LD 135.

LD 128 **An Act to Amend the State Autopsy Law** **ONTP**

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

LD 128 proposed to require a medical examiner to perform an autopsy when the family of a deceased person suspects that the person did not die of natural causes and requests the autopsy. The bill proposed to require the expenses of such an autopsy to be paid from the Victims' Compensation Fund.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-202) is the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a fiscal note to the bill. (Not adopted)

LD 135

An Act to Ban Partial Birth Abortion

ONTP

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

LD 135 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime.

See also LD 119.

LD 162

An Act to Change the Criteria for Intervenor Status

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MCALEVEY	OTP-AM	H-74

Under current law, the court is required to grant standing and intervenor status if it finds, in addition to other criteria, that a grandparent has an existing relationship or has made sufficient effort to establish a relationship with a child. LD 162 proposed to provide that this requirement need not be met when the child is six months old or younger at the time of the initial petition.

Committee Amendment "A" (H-74) proposed to rewrite the current law governing the criteria for standing and intervenor status of grandparents in child protective cases to clarify that all three criteria are required except when the child is no more than six months old at the time of the initial child protection petition. If the child is that young, the grandparents would not have to satisfy the criteria of an existing relationship with the child or sufficient efforts to establish a relationship.

Enacted law summary

Under current law, the court is required to grant standing and intervenor status in a child protection action if it finds, in addition to other criteria, that a grandparent has an existing relationship or has made sufficient effort to establish a relationship with the child. Public Law 2001, chapter 58 provides that this requirement need not be met when the child is six months old or younger at the time of the initial petition.

Joint Standing Committee on Judiciary

LD 164

An Act to Provide Immunity for Guardians Ad Litem

ONTP

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

LD 164 proposed to provide immunity to guardians ad litem appointed by a court in child protection proceedings.

See also LD 724.

LD 178

An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM REP	H-96
	OTP-AM REP	
	ONTP REP	

LD 178 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000. LD 178 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to provide counseling and other mental health services to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. These services would be provided at no cost to the service recipients.

Committee Amendment "A" (H-96) was the majority report of the Joint Standing Committee on Judiciary. It proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-97) was a minority report of the Joint Standing Committee on Judiciary. It proposed to repeal on January 1, 2007 the language requiring the provision of services to former students at the Maine School for the Deaf and the Governor Baxter School for the Deaf. It also proposed to add a fiscal note to the bill. (Not adopted)

See also LD 271 and LD 293.

Enacted law summary

Private and Special Law 2001, chapter 12 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

Joint Standing Committee on Judiciary

Private and Special Law 2001, chapter 12 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to provide counseling and other mental health services to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. These services must be provided at no cost to the service recipients.

Private and Special Law 2001, chapter 12 was enacted as an emergency measure effective May 2, 2001.

LD 195

An Act to Place a Time Limit on the Award of Spousal Support

ONTP

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

LD 195 proposed to limit the payment of spousal support to a term not to exceed 1/2 the length of a marriage for parties who have been married up to 40 years and limit the payment of spousal support to 20 years for parties who have been married for more than 40 years.

Committee Amendment "A" (H-88), the minority report of the Judiciary Committee, proposed to limit the effect of the original bill to allow general spousal support to continue beyond the time limits stated in the bill if the former spouse receiving the spousal support is or becomes incapacitated to the extent that the former spouse can not be self-supporting financially once the payments end. If this occurs during the last six months of the scheduled payments, the obligee spouse may petition the court to modify the order, which the court may do after notice and a hearing. (Not adopted)

LD 202

An Act to Improve Maine's Jail Diversion Programs

CARRIED OVER

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

LD 202 proposed to authorize the Judicial Department to establish mental health treatment programs in the Superior Courts and District Courts, possibly in conjunction with the drug courts.

This bill has been carried over to the Second Regular Session.

Joint Standing Committee on Judiciary

LD 221

An Act to Improve Allowances for Jury Duty

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-22

LD 221 proposed to require courts to reimburse jurors for parking expenses and to give jurors an allowance of \$10 a day for meals.

Committee Amendment "A" (S-22) proposed to add an appropriation section to fund the meal allowance for jurors. An appropriation was not needed for parking expenses because funding for parking expenses was included in the Part I budget bill, LD 300, Public Law 2001, chapter 358.

LD 242

An Act to Amend the Freedom of Access Laws

ONTP

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

LD 242 proposed to allow a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General fails to bring an action within 30 days after receiving a complaint of a violation.

LD 264

An Act Regarding the State's Land Use Mediation Program

PUBLIC 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-130

LD 264 proposed to remove sunset provisions that, effective October 1, 2001, repeal the State's Land Use Mediation Program, administered by the Judicial Department's Court Alternative Dispute Resolution Service. The bill also proposed to provide for a biennial report from the Land and Water Resources Council to the Legislature, Governor and Judicial Department on the program's effectiveness.

Committee Amendment "A" (S-130) proposed to repeal the whole paragraph pertaining to the repeal of the land use mediation program. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 184 removes sunset provisions that, effective October 1, 2001, repeal the State's Land Use Mediation Program, administered by the Judicial Department's Court Alternative Dispute Resolution Service.

Joint Standing Committee on Judiciary

The bill also provides for a biennial report from the Land and Water Resources Council to the Legislature, Governor and Judicial Department on the program's effectiveness.

LD 270 **An Act to Create a Resource within State Government to Protect the Privacy of Personal Information** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 270 was a concept draft proposing to create a resource, e.g., an ombudsman, within state government to protect the privacy of personal data. The bill was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 270 was indefinitely postponed prior to being referred to a committee. See also LD 298, 299, 872 and 1681.

LD 271 **An Act to Establish the Baxter Compensation Program** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 271 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

The bill proposed to create the Baxter Compensation Authority, which would establish the Baxter Compensation Program to pay compensation to the former students who were sexually or physically abused while attending the Governor Baxter School for the Deaf or its predecessor, the Maine School for the Deaf.

The bill, along with changes recommended by the Judiciary Committee, was incorporated into the Part II Budget, LD 855, Public Law 2001, chapter 439 as Part T. Funding for the program, proposed in LD 293, is also included in Part T.

LD 273 **An Act to Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions** **PUBLIC 365**

<u>Sponsor(s)</u> LAVERDIERE MARTIN		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-560
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LD 273 proposed to provide that a person who accesses property to pursue recreational or harvesting activities is liable for any violations or infractions of state environmental laws. State agencies would be required to exercise due diligence in finding and prosecuting these violators.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-560), the majority report of the committee, proposed to replace the bill. It proposed to provide that an owner, lessee, manager, easement holder or occupant of premises is not subject to criminal penalties or civil penalties or forfeitures for violation of laws or rules enforced by the Maine Land Use Regulation Commission or the Department of Environmental Protection if that person provides substantial, credible evidence that the violation was committed by a 3rd party who is not an employee, contractor or agent of the owner, lessee, manager, easement holder or occupant. The amendment proposed to require the department and the commission to investigate substantiated allegations that a 3rd party committed the violation. It also proposed to clarify that this does not exempt the owner, lessee, manager, easement holder or occupant from the obligation to remediate or abate the environmental hazard or damage caused by the violation. Finally, the amendment proposed to provide that the exemption does not apply to a person who is designated a "responsible party" under the laws relating to oil discharge, tire stockpiles and uncontrolled hazardous substance sites.

Enacted law summary

Public Law 2001, chapter 365 provides that an owner, lessee, manager, easement holder or occupant of premises is not subject to criminal penalties or civil penalties or forfeitures for violation of laws or rules enforced by the Maine Land Use Regulation Commission or the Department of Environmental Protection if that person provides substantial, credible evidence that the violation was committed by a 3rd party who is not an employee, contractor or agent of the owner, lessee, manager, easement holder or occupant. The department and the commission are required to investigate substantiated allegations that a 3rd party committed the violation. Chapter 365 does not exempt the owner, lessee, manager, easement holder or occupant from the obligation to remediate or abate the environmental hazard or damage caused by the violation. Finally, the exemption in chapter 365 does not apply to a person who is designated a "responsible party" under the laws relating to oil discharge, tire stockpiles and uncontrolled hazardous substance sites.

LD 293

An Act to Implement the Funding Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-413

LD 293 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

This bill proposed to provide an additional \$5,000,000 to the Governor Baxter School for the Deaf Student Trust Fund to be used to pay compensation and to cover the costs of the operation of the Baxter Compensation Program.

Committee Amendment "A" (H-413) proposed to replace the bill. It proposed to require the State Controller to transfer \$5,000,000 from the Maine Rainy Day Fund into the Governor Baxter School for the Deaf Student Trust Fund. The trust fund would be used to pay compensation to former students of the Maine School for the Deaf and the Governor Baxter School for the Deaf for abuse they suffered while students at either school.

Joint Standing Committee on Judiciary

The funding for the Baxter Compensation Program is included in Part T of the Part II Budget, LD 855, Public Law 2001, chapter 439.

LD 298 **An Act to Include Analysis and Review of Information Practices in the State Government Evaluation Act Process** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 298 proposed to require state agencies to include a review of agency information practices and implementation of information technology as part of their self-evaluation under the Governmental Evaluation Act. LD 298 was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 298 was indefinitely postponed prior to being referred to a committee, but the substance of LD 298 was included in LD 1681 and enacted as Public Law 2001, chapter 321. See also LD 270 and 299.

LD 299 **An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy** **INDEF PP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 299 proposed to require state and local agencies that maintain Internet web sites to develop policies regarding the collection, maintenance and use of personal information and to post those information practices policies on their web sites. It also proposed to create a commission to study Internet and information policy issues, including development of a comprehensive information practices law. LD 299 was a recommendation of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. LD 299 was indefinitely postponed prior to being referred to a committee, but the requirement that state and local agencies post information practices policies on their web sites was included in LD 1681 and enacted as Public Law 2001, chapter 321. See also LD 270, 298, 872 and 1681.

LD 301 **An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM MAJ		S-40
		ONTP MIN		

LD 301 proposed to implement certain recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. LD 301 proposed that the maximum retirement benefit of all judges appointed on or after December 1, 1984 be 70% of average final compensation. Current law provides a

Joint Standing Committee on Judiciary

formula for determining the maximum benefit percentage that results in judges with significant service prior to 1998 having a lower maximum benefit percentage than judges whose service began after 1997. This bill proposed to bring the maximum level for all judges appointed after December 1, 1984 to the 70% level. The substance of LD 301 was enacted as Part VV of the Part II budget bill, Public Law 2001, chapter 439.

LD 307

An Act to Clarify Arrest Powers under Certain Bench Warrants

ONTP

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

LD 307 proposed to require police officers to verify within 24 hours of the execution of a bench warrant issued for reason of an unpaid fine for an underlying Class D or Class E offense that the fine is still unpaid or the arrestee must be released.

See also LD 1073.

LD 309

An Act Regarding Statute of Limitations for Attorneys

PUBLIC 115

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-196

LD 309 proposed to provide a 20-year statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. The 20-year statute of limitations would begin to run the date an opinion is rendered.

Committee Amendment "A" (H-196) proposed to replace the bill. It proposed to clarify current law setting forth the time when the statute of limitations begins to run for claims of professional malpractice, negligence or breach of contract against attorneys. Under current law and the amendment, the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. This amendment proposed to change current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within six years of discovery, but not more than 20 years from the rendering of the title opinion.

The amendment proposed to provide that a cause of action relating to a title opinion that was rendered more than 20 years before the effective date of the law change, which would otherwise be barred by the law change, could be brought within two years from the effective date of the law change or within the statute of limitations already applicable, whichever is earlier.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 115 clarifies and amends the law relating to the statute of limitations for actions alleging professional negligence of attorneys in the rendering of real estate title opinions. It clarifies current law that provides that the statute of limitations for actions against attorneys begins to run when the negligence, breach of contract or malpractice occurs, except that, in actions relating to wills and rendering of title opinions, the statute of limitations begins to run when the negligence or malpractice is discovered. Chapter 115 changes current law by setting an outside limit on when a cause of action for negligence in rendering a title opinion may be brought. Such an action must be brought within six years of discovery, but not more than 20 years from the rendering of the title opinion. A cause of action relating to a title opinion that was rendered more than 20 years before the effective date of chapter 115, which would otherwise be barred by chapter 115, may be brought within two years from the effective date of chapter 115 or within the statute of limitations already applicable, whichever is earlier.

LD 361 **An Act to Adopt the Model Business Corporation Act in Maine** **CARRIED OVER**

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

LD 361 is a concept draft that proposed to update the State's business corporation act following a comprehensive review of the act by the Corporate Law Revision Committee of the Business Law Section of the Maine State Bar Association. That Committee proposes to recommend revisions after reviewing the most recent model corporations act and other states' laws and working with representatives of the Office of the Secretary of State.

This bill has been carried over to the Second Regular Session.

LD 363 **An Act to Clarify the Law Regarding Name Changes** **PUBLIC 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C LONGLEY	OTP-AM	H-280

LD 363 proposed to give the probate court judge discretion concerning whom to notify when a person petitions the court for a name change. If the person showed that the person is or was a victim of domestic abuse by the person's spouse, the judge would not be required to notify the spouse of the name change.

Committee Amendment "A" (H-280) proposed to replace the bill. It proposed to repeal and replace the current law governing changes of name to change the format. It proposed to give the probate court judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 163 gives the Probate Court Judge the authority to limit the amount of notice that is required before the judge orders a change in a person's name when the purpose is to protect the person's safety. The person must first show by a preponderance of the evidence that the person is a victim of abuse and that the person is currently in fear of his or her safety. The Probate Court Judge will determine the appropriate amount of notice that must be given based on the facts of the case. If the judge limits the notice that must be given, the judge may seal the records of the name change. The fee for filing the name change petition is not changed.

LD 364

Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation

RESOLVE 32

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS CATHCART	OTP-AM	H-342

LD 364 proposed to give nonprofit corporation status to the Phi Eta Kappa Building Association and allow the board of directors of the corporation to amend the bylaws to conform to the Maine Nonprofit Corporation Act.

Committee Amendment "A" (H-342) proposed to require the Phi Eta Kappa Building Association to file its restated Articles of Incorporation with the Secretary of State by December 31, 2001. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 32 gives nonprofit corporation status to the Phi Eta Kappa Building Association and allows the board of directors of the corporation to amend the bylaws to conform to the Maine Nonprofit Corporation Act. It also requires the Phi Eta Kappa Building Association to file its restated Articles of Incorporation with the Secretary of State by December 31, 2001. This creates the appropriate paper trail for public disclosure of the conversion of the association from a for-profit corporation to a nonprofit corporation made by this resolve.

LD 396

An Act to Update the Abandoned Property Laws

DIED BETWEEN BODIES

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

The Maine Revised Statutes, Title 14, section 6013 establishes the procedure for disposal of property with a value of less than \$500 that is abandoned by a tenant. LD 396 proposed to extend application of this procedure to property with a value of less than \$750.

This bill was not referred to a committee.

Joint Standing Committee on Judiciary

LD 400

An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Per Diem Compensation

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-55
	ONTP MIN	

LD 400 proposed to implement certain recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices as follows: (1) Chief Justice of the Supreme Judicial Court: from \$111,000 to \$124,840; (2) Associate Justices of the Supreme Judicial Court: from \$96,000 to \$108,556; (3) Chief Justice of the Superior Court and Chief Judge of the District Court: from \$94,000 to \$106,385; (4) Associate Justices and Judges: from \$90,000 to \$102,043; and (5) Deputy Chief Judge of the District Court: from 90,000 to \$104,214. It also proposed to increase the per diem rate for Active Retired Judges and Justices from \$200 to \$300 for a full day and from \$125 to \$175 for a half-day.

Committee Amendment "A" (S-55) proposed to delete the provisions of the bill to increase the salaries of Supreme Judicial Court and Superior Court Justices and District Court Judges. It proposed to retain provisions that increase the per diem compensation for active retired Superior Court Justices and District Court Judges.

Provisions to increase the per diem compensation for active retired Superior Court Justices and District Court Judges were enacted as Part DDD of the Part II budget bill, Public Law 2001, chapter 439.

LD 423

An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs

**PUBLIC 318
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W DAGGETT	OTP-AM	H-500

LD 423 proposed to allow a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. This bill also proposed to allow the court to impose sanctions if the defendant violates the condition.

Committee Amendment "A" (H-500) proposed to replace the bill. It proposed to allow the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition.

Enacted law summary

Public Law 2001, chapter 318 allows a court to order participation in a drug and alcohol treatment program as a condition of post-conviction bail. It also allows the court to suspend an order of bail, resulting in a period of detention of up to 7 days, if the defendant violates the condition. The defendant will have an opportunity to

Joint Standing Committee on Judiciary

personally address the court prior to any suspension of the order of bail, but will not have the right to a formal hearing. The period of suspension of bail is a period of detention under the Maine Revised Statutes, Title 17-A, section 1253, subsection 2.

Public Law 2001, chapter 318 was enacted as an emergency measure effective May 30, 2001.

LD 459 **An Act to Expand the Authority of Maine Prosecutors to Coordinate the Prosecution of Drug Cases** **ONTP**

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

LD 459 proposed to repeal the requirement in current law that the Attorney General appoint one assistant attorney general to supervise drug prosecution.

LD 472 **Resolve, to Establish a Fatherhood Issues Study Commission** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER CLARK	OTP-AM	

LD 472 was a concept draft pursuant to Joint Rule 208. It proposed to establish a study commission to examine various issues associated with being a father in Maine.

Committee Amendment “A” (H-87), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill with a resolve to create the Commission on Fatherhood Issues consisting of 11 members appointed by the President of the Senate and the Speaker of the House of Representatives. The resolve proposed that the commission study issues concerning the barriers to being an involved father in Maine.

This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

LD 483 **An Act to Revise the Sewer Lien Laws** **PUBLIC 319**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENNETT	OTP-AM	H-460

LD 483 was jointly referred to the Utilities and Energy Committee and the Judiciary Committee. The Judiciary Committee reviewed the language proposed by the Utilities Committee and voted unanimously to support it.

Joint Standing Committee on Judiciary

LD 483 proposed to revise the law concerning sanitary district liens in 2 ways.

1. It proposed to provide that a sanitary district lien must be placed on a mobile home and not on the land when the mobile home is located on the land of another person and the owner of the mobile home is directly obligated to the district to pay the sewer rate.
2. It proposed to require the district to notify the owner of the real estate subject to a lien prior to foreclosure in the same manner as current law requires a municipality to notify prior to foreclosure the owner of real estate on which a tax lien has been placed.

Committee Amendment "A" (H-460) proposed to do the following.

1. Remove that portion of the bill that requires that a sanitary district lien be placed on a mobile home;
2. Add to the provision of the bill requiring a district to notify a person of the impending foreclosure of any lien placed the person's property by establishing the form of the notice; and
3. Add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 319 revises the law concerning sanitary district liens. It requires a district to notify the owner of real estate subject to a lien prior to foreclosure in the same manner as a municipality must provide such notice prior to foreclosure of a tax lien.

LD 512

An Act to Encourage HIV Testing of Pregnant Patients

ONTP

Sponsor(s)
MARRACHE
MITCHELL B

Committee Report
ONTP

Amendments Adopted

LD 512 proposed to allow physicians to test pregnant women for HIV after obtaining oral consent to testing, rather than written consent as is required under current law, and after providing less extensive counseling about the test than is required under current law.

LD 559

An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court

PUBLIC 17

Sponsor(s)
LAVERDIERE

Committee Report
OTP

Amendments Adopted

Joint Standing Committee on Judiciary

LD 559 proposed to provide greater uniformity and consistency in the appeal process for civil cases by allowing the Supreme Judicial Court to set, by rule, the time periods and conditions for direct appeals from the District and Superior Courts to the Law Court. Statutes regarding appeals by criminal defendants already provide that time periods and manner of appeal are set by rule.

Enacted law summary

Public Law 2001, chapter 17 allows the Supreme Judicial Court to set, by rule, the time periods and conditions for direct appeals of civil cases from the District and Superior Courts to the Law Court. Statutes regarding appeals by criminal defendants already provide that time periods and manner of appeal are set by rule.

LD 561 **An Act to Correct the Judicial Retirement Laws Regarding
Administrative Court Judges**

**PUBLIC 12
EMERGENCY**

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

LD 561 proposed to correct inadvertent revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. LD 561 would ensure that the judicial retirement laws continue to cover retired Administrative Court judges.

Enacted law summary

Public Law 2001, chapter 12 corrects inadvertent revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. Public Law 2001, chapter 12 ensures that the judicial retirement laws continue to cover retired Administrative Court judges.

Public Law 2001, chapter 12 was enacted as an emergency measure effective April 6, 2001.

LD 614 **An Act to Exempt Persons at Least 70 Years of Age from Jury
Service at Their Discretion**

ONTP

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

LD 614 proposed to allow persons 70 years of age and older who do not wish to serve on a jury to be excused from jury service.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-37) proposed to require a court to excuse a person 70 years of age or older from jury service if that person does not wish to serve on a jury, rather than giving the court an option to excuse such a person. (Not adopted)

LD 629 **An Act to Allow a Mortgagor to Select a Land Title Company to Perform the Title Search** **ONTP**

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

LD 629 proposed to require that a financial institution or credit union that accepts an application for a residential mortgage for one to four residential units and require a title search on the property subject to the mortgage must permit the prospective mortgagor to select a land title company to perform the title search.

Committee Amendment "A" (H-276) was the minority report of the Joint Standing Committee on Judiciary. It proposed to amend the Maine Consumer Credit Code to be consistent with the bill concerning the right of a mortgagor to select a land title company.

This amendment also proposed to correct a reference to closing services provided to a financial institution. It also proposed to add a fiscal note to the bill. (Not adopted)

LD 651 **An Act to Restore the Maine Court Facilities Authority** **DIED BETWEEN BODIES**

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

LD 651 proposed to replace the Maine Governmental Facilities Authority with the Maine Court Facilities Authority and limit the projects for which the authority may issue securities to the acquisition, construction, improvement, reconstruction or equipping of court facilities. The bill proposed to place a limit of \$25,000,000 on the amount of securities that may be issued by the authority of \$25,000,000 to provide that the amount may be changed only by a 2/3 vote of each House of the Legislature.

This bill was not referred to a committee.

Joint Standing Committee on Judiciary

LD 683 **An Act to Allow Godparents as Intervenors in Child Custody Cases with the Department of Human Services** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 683 proposed to extend intervenor status to godparents in any child protection proceeding.

See also LD 1793 and HP 1385.

LD 684 **An Act to Require Courts to Take Federal Disability Payments into Account when Determining Child Support Awards** **ONTP**

<u>Sponsor(s)</u> PINKHAM		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 684 was a concept draft pursuant to Joint Rule 208. LD 684 proposed to establish guidelines that a court must use in determining awards of child support that would take into account federal disability payments received by the individual against whom the award is made. At a minimum, these guidelines would prohibit an award against an individual who is 100% disabled for more money than allowed under current federal standards regarding disability benefits.

LD 698 **An Act to Prohibit Discrimination** **ONTP**

<u>Sponsor(s)</u> PERKINS LEMONT		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 698 proposed to repeal references to protected classes in portions of the Maine Human Rights Act and replace them with a general prohibition against discrimination in the areas specified in current law subject to certain exceptions.

Committee Amendment "A" (H-333) was the minority report. It proposed to add a fiscal note. (Not adopted)

LD 709 **An Act Regarding Ancient Execution Liens** **PUBLIC 275**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-411
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Joint Standing Committee on Judiciary

LD 709 proposed to provide for the creation of a lien that continues for a period of 20 years from date of recording. The lien proposed to protect the creditor by having available a renewal for a period of 20 years. The lien also had a transition renewal time period of two years from the date of enactment of this bill.

Committee Amendment "A" (H-411) proposed to provide that an execution lien continues for a period of 20 years from the date of the filing or recording of the writ of execution. Language would be added to clarify that the renewal writ of execution may also be designated an alias or pluries writ of execution. A change would be made to the Maine Revised Statutes, Title 14, section 4653 to clarify that such renewal writs may properly be issued within 10 years after the day of issuance of the preceding writ of execution.

Part B of the amendment proposed to update the laws that validate real estate titles despite the presence of certain technical defects in acknowledgement or content of documents.

Enacted law summary

Public Law 2001, chapter 275 provides that an execution lien continues for a period of 20 years from the date of the filing or recording of the writ of execution, as such writs may not only be recorded at the registry of deeds but may also be filed with the Secretary of State. The renewal writ of execution may also be designated an alias or pluries writ of execution. Such renewal writs may properly be issued within 10 years after the date of issuance of the preceding writ of execution.

Part B of chapter 275 updates the laws that validate real estate titles despite the presence of certain technical defects in acknowledgement or content of documents.

LD 721 **Resolve, Establishing a Panel for Repeal of Unnecessary or Archaic Laws** **ONTP**

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

LD 721 proposed to establish a panel for repeal of unnecessary or archaic laws.

Committee Amendment "A" (H-285) was the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add an appropriation section and a fiscal note to the resolve. (Not adopted)

Joint Standing Committee on Judiciary

LD 724

An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee

PUBLIC 253

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

Public Law 1995, chapter 405, "An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved," requested the Supreme Judicial Court to develop a program to train, certify and supervise guardians ad litem. The court appointed a committee to oversee these tasks and the committee proposed rules and standards for guardians ad litem to the court, which were adopted in 1999.

In the course of its work, the committee identified a number of provisions of law that it felt needed to be corrected by appropriate legislation to harmonize existing provisions of the Maine Revised Statutes, Title 19-A and Title 22 of the Maine statutes.

Committee Amendment "A" (H-339) was the minority report. It proposed to delete the language providing quasi-judicial immunity to guardian ad litem in child protective cases. (Not adopted)

Enacted law summary

Public Law 2001, chapter 253 contains the recommendations of the Supreme Judicial Court's committee to oversee the development of a program to train, certify and supervise guardians ad litem. Chapter 253: amends the laws governing the Court Appointed Special Advocate Program, or "CASA," to clarify that court appointed special advocates have quasi-judicial immunity as do other guardians ad litem, and that, if a CASA volunteer is sued the volunteer is entitled to a defense by the Department of the Attorney General; clarifies the law to provide that a guardian ad litem's report in domestic relation cases is fully admissible and subject to a party's rights to cross-examine the guardian ad litem or call rebuttal witnesses as in cases arising under child protective laws; and amends the law to clarify that guardians ad litem in child abuse cases have quasi-judicial immunity, as in cases arising under the domestic relations laws.

LD 744

An Act to Allow Private Maintenance of Public Easements

ONTP

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

LD 744 proposed to allow persons who are directly benefited by a public easement to utilize a statutory procedure in the Maine Revised Statutes, Title 23, section 3101 for collecting funds to maintain the public easement. This bill was referred to the Judiciary Committee from the Transportation Committee. See also LD 1016.

Joint Standing Committee on Judiciary

LD 745

**An Act to Require the Audio Recording of Interviews of Children
by the Department of Human Services**

ONTP

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

LD 745 proposed to require the Department of Human Services to make an audio recording of all interviews with children subject to child protective proceedings. If a recording is not made, the department would not be able to use the information in a child protective proceeding unless a judge decides that exigent circumstances exist to require the information to be used. The department would be required to provide the parent of the child a copy of the recording before the proceeding in which the information is used.

See also LD 1793 and HP 1385.

LD 751

An Act to Amend the Maine Tort Claims Act

ONTP

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

LD 751 proposed to amend the Maine Tort Claims Act to allow a person to sue a governmental entity when its employees, with malicious intent, act or fail to act in a manner that causes injury to that person.

Committee Amendment "A" (H-338) was the minority report. It proposed to add an appropriation and fiscal note. (Not adopted)

LD 783

An Act to Update the Probate Code

PUBLIC 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER MENDROS	OTP-AM	S-37

LD 783 proposed to increase the homestead allowance from \$5,000 to \$10,000. The bill also proposed to increase the exempt property from an estate allowed to a surviving spouse from \$3,500 to \$7,000. The bill also proposed to increase the spouse or family allowance from periodic installments of \$500 a month to \$1,000 a month.

Committee Amendment "A" (S-37) proposed to increase the maximum lump sum amount for the family allowance from the deceased's estate to \$12,000. This would be consistent with the increase of the periodic payments, up to \$1,000 per month for one year, contained in the bill.

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Enacted law summary

Public Law 2001, chapter 57 increases the homestead allowance from \$5,000 to \$10,000, increases the exempt property from an estate allowed to a surviving spouse from \$3,500 to \$7,000, increases the spouse or family allowance from periodic installments of \$500 a month to \$1,000 a month; and increases the maximum lump sum amount for the family allowance from the deceased's estate to \$12,000.

LD 789

An Act to Discourage Frivolous Appeals

PUBLIC 81

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

LD 789 proposed to allow the Superior Court to award treble costs to the prevailing party in an appeal if the court finds that the appeal was frivolous.

Enacted law summary

Public Law 2001, chapter 81 allows the Superior Court to award treble costs to the prevailing party in an appeal if it finds that the appeal was frivolous.

LD 791

**An Act to Allow a District Attorney to Appeal Court Rulings
Without Attorney General Approval**

ONTP

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

Current law allows an assistant district attorney to appeal an adverse decision only with the written approval of the Attorney General. LD 791 proposed to allow both the Attorney General and the district attorney for the district in which the appeal is taken to approve the appeal of cases prosecuted by an assistant district attorney.

LD 807

**An Act to Provide for Plenary Proceedings in Actions for Forcible
Entry and Detainer**

PUBLIC 133

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

LD 807 proposed to allow a plaintiff in an action for forcible entry and detainer of personal property to choose whether to proceed by summary proceeding or by plenary proceeding. The summary proceeding is the current

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procedure in which the time between the service of papers initiating the case and the trial may be as few as seven days. In the plenary proceeding, the case would proceed as any other civil action, except in certain respects pertaining to appeals, joinder of other actions, venue, removal, issuance of a writ of possession and stays on appeal, and the parties would be allowed to attempt to avoid trial by seeking judgment by default or by motion where the essential facts of the case can be shown to be uncontested.

Enacted law summary

Public Law 2001, chapter 133 allows a plaintiff in an action for forcible entry and detainer of personal property to choose whether to proceed by summary proceeding or by plenary proceeding.

LD 822 **An Act to Protect the Rights of Maine Citizens and Industries from Influences Outside of Maine** **ONTP**

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

LD 822 proposed to protect the State's right to reject any regulatory decision by the Federal Government relating to natural resources existing within state borders in favor of any regulatory decision relating to natural resources that is made by State Government.

LD 836 **An Act to Grant Foster Parents Intervenor Status in Child Protection Proceedings** **ONTP**

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

Currently, a court may grant intervenor status to a foster parent if the child has been in the foster parent's home for at least 120 days. LD 836 proposed to give intervenor status to a foster parent who has had the child who is the subject of a child protection proceeding in the foster parent's home for at least 60 days.

See also LD 1793 and HP 1385.

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LD 849

An Act Regarding Social Security Numbers Used for Identification Purposes

ONTP

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

LD 849 proposed to prohibit all businesses, organizations, governmental entities and all other entities operating in the State from requesting a person's social security number, unless necessary to disperse social security funds or federal law requires the Federal Government to obtain a person's social security number from the business. Employers would be permitted to request an employee's social security number without these limitations. The Attorney General would have authority to enforce the prohibition.

LD 851

An Act to Prohibit the Recording of Private Telephone Conversations Without Consent

ONTP

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

LD 851 proposed to amend laws governing the interception and recording of wire and oral communications. With certain narrow exceptions, current law prohibits a person from intercepting or recording communications between others. This bill proposed to amend the law to prohibit any person who is a sender or receiver of a telephony communication from intentionally or knowingly recording or procuring another person to record the communication without the consent of all parties to the communication. It also proposed to create an exception for calls made to emergency services providers and to clarify current law with respect to an exception provided to law enforcement agencies conducting investigations.

LD 862

An Act to Prohibit Appointment of Referees in Protection from Abuse and Protection from Harassment Actions

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE SAWYER	OTP-AM MAJ ONTP MIN	H-334

LD 862 proposed to require that protection from harassment proceedings and protection from abuse proceedings may be referred to a referee only if all the parties agree and the court provides the equivalent of court security for the proceedings conducted by the referee.

Committee Amendment "A" (H-334) proposed to replace the bill. It proposed to clarify that a court does not have the authority to refer the issues of abuse and harassment in protection from abuse and protection from harassment actions to a referee.

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The amendment proposed that if the protection from harassment action is joined with any other proceeding, the court may refer issues, other than harassment, that are part of the other proceeding to a referee.

The amendment proposed that if the protection from abuse action is joined with a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance, the court may refer issues, other than abuse, that are part of the other proceeding to mediation or a referee.

Enacted law summary

Public Law 2001, chapter 243 provides that a court does not have the authority to refer the issues of abuse and harassment in protection from abuse and protection from harassment actions to a referee. If the protection from harassment action is joined with any other proceeding, the court may refer issues, other than harassment, that are part of the other proceeding to a referee. If the protection from abuse action is joined with a proceeding for divorce, dissolution of marriage, legal separation or separate maintenance, the court may refer issues, other than abuse, that are part of the other proceeding to mediation or a referee.

LD 872

Resolve, to Create the Commission to Study Privacy Laws

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W MARTIN	OTP-AM MAJ ONTP MIN	H-606

LD 872 proposed to establish the Commission to Study Privacy Laws to review privacy laws nationwide and consult with the InforME Board regarding current policy and practices involving Internet use.

Committee Amendment "A" (H-606) proposed to change the membership and expand the duties of the proposed Commission to Study Privacy Laws. It proposed to create a commission with seven members: two Senators and five members of the House of Representatives. It proposed to expand the duties of the commission to include the study of issues recommended by the Blue Ribbon Commission to Establish a Comprehensive Internet Policy, such as development of a comprehensive information practices law for state and local governments.

LD 876

An Act to Require the Department of Human Services to Provide Automatic Discovery to Opposing Attorneys

ONTP

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

LD 876 proposed to require the Department of Human Services to disclose relevant information in its records to the parent of a child who is the subject of a child protective investigation or proceeding or to the parent's attorney.

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See also LD 1793 and HP 1385.

LD 922 **An Act Requiring the Court System to Notify Credit Rating Companies of Debt Clearances** **ONTP**

<u>Sponsor(s)</u> WATSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 922 was a concept draft that proposed to require state courts to notify credit rating companies that debts have been cleared when certain cases involving debt or bankruptcy are resolved.

LD 928 **An Act to Reform the Selection of Probate Judges** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 928 proposed to repeal the current law that permits judges of probate to be elected. Instead, this bill proposed to require that the Governor appoint at least one probate judge for each county, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature.

LD 952 **An Act to Correct Errors in the Laws Regarding Court Unification** **PUBLIC 69
EMERGENCY**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-95
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Public Law 1999, chapter 731, Part ZZZ, section 3, concerning court unification, repealed and replaced the Maine Revised Statutes, Title 4, section 105, providing for the civil jurisdiction of the Superior Court. That legislation eliminated the jurisdiction of a single Justice of the Supreme Judicial Court to sit in the Superior Court. This bill proposed to add to Title 4, section 2-A the authority of the Chief Justice of the Supreme Judicial Court to appoint a single Justice of the Supreme Judicial Court to sit in the Superior Court.

Committee Amendment "A" (H-95) proposed to strike out 2 unnecessary sections of the bill. They would have been necessary only if the bill had been passed and effective prior to March 15, 2001, the effective date of the law concerning the transfer of the duties of the Administrative Court.

Enacted law summary

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Public Law 1999, chapter 731, Part ZZZ, section 3, concerning court unification, repealed and replaced the Maine Revised Statutes, Title 4, section 105, providing for the civil jurisdiction of the Superior Court. That legislation eliminated the jurisdiction of a single Justice of the Supreme Judicial Court to sit in the Superior Court. Title 4, section 2-A currently provides for the Chief Justice of the Supreme Judicial Court to assign a justice or active retired justice to sit in the District Court and the Administrative Court until March 15, 2001, and the District Court effective March 15, 2001. Instead of amending Title 4, section 105 to correct the inadvertent error in the court unification legislation, Public Law 2001, chapter 69 places in Title 4, section 2-A the authority of the Chief Justice of the Supreme Judicial Court to appoint a single Justice of the Supreme Judicial Court to sit in the Superior Court.

Public Law 2001, chapter 69 was enacted as an emergency measure effective May 2, 2001.

LD 953

An Act Relating to Discovery Procedures under the Maine Unfair Trade Practices Act

PUBLIC 370

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE RAND	OTP-AM MAJ ONTP MIN	H-335

LD 953 proposed to amend the Attorney General's civil investigative and discovery (CID) procedures under the Maine Unfair Trade Practices Act. It proposed to repeal language exempting trade secrets from the requirement to provide information requested by the Attorney General, but it proposed to allow the Superior Court to grant a protective order with respect to trade secrets or any other matter consistent with court rules. The bill proposed to allow the Attorney General to disclose information in court filings. LD 953 also proposed to repeal the provision of law requiring a person to provide information even if it would incriminate that person, but prohibiting the Attorney General from using the information in a criminal proceeding other than a proceeding for perjury, false testimony or failure to comply with a notice under the Act. Instead, it proposed to prohibit use of information obtained through the CID procedure in a criminal prosecution for substantially identical transactions.

Committee Amendment "A" (H-335) proposed to delete the provisions expanding the Attorney General's authority to use in a criminal proceeding information acquired during a civil investigation under the Unfair Trade Practices Act. Under current law, information obtained by the Attorney General under the criminal investigative demand process may not be used in any criminal proceeding, other than a prosecution for perjury, giving a false statement or failing to comply with the investigative demand. The bill would have allowed use of the information in any criminal prosecution other than one for a transaction substantially identical to the one at issue in the Unfair Trade Practices investigation. The amendment proposed to return the language to its original form, allowing use only for perjury, false statements and failure to comply with the demand. It also proposed to return the language prohibiting a person from refusing to give information on the grounds that it may incriminate the person or subject the person to a penalty or forfeiture.

Enacted law summary

Public Law 2001, chapter 370 amends the Attorney General's civil investigative and discovery procedures under the Maine Unfair Trade Practices Act. It repeals the provision allowing a person to refuse to disclose trade secrets to the Attorney General, but allows the Superior Court to grant a protective order with respect to that information or

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any other matter consistent with court rule. Chapter 370 also allows the Attorney General to disclose information obtained during the CID process in court filings without the consent of the person who produced the information.

LD 954 **An Act to Amend the Protection from Abuse and Protection from Harassment Laws** **PUBLIC 134**

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

LD 954 proposed to make the changes recommended by the Judicial Department's committee on protection from abuse and protection from harassment.

Enacted law summary

Public Law 2001, chapter 134 makes the following changes to the laws governing protection from abuse and protection from harassment.

It extends the definition of "harassment" to conduct constituting stalking and violation of privacy. It also expands the definition of "harassment" by adding the term "course of conduct" to accommodate the inclusion of stalking.

It makes violations of provisions in permanent protection from harassment orders that direct a defendant to refrain from having contact with a plaintiff punishable criminally by conferring express authority for these provisions.

It allows the clerk of court to seal identifying information in protection from abuse and protection from harassment cases.

It criminalizes the use, attempted use or threatened use of physical force in violation of a protection from abuse order by conferring express authority for such a provision.

LD 955 **An Act to Ensure Accountability in the Department of Human Services** **ONTP**

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

LD 955 proposed to require the responsible employees of the Department of Human Services to pay the parent's or custodian's attorney's fees and costs when a court finds that a child was physically removed from the home when the child was not in jeopardy. This would be an exception to the Maine Tort Claims Act.

See also LD 1793 and HP 1385.

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LD 966

An Act to Amend the Maine Tort Claims Act

PUBLIC 249

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM MAJ ONTP MIN	H-279

LD 966 proposed to amend the Maine Tort Claims Act to provide that if the claimant is a minor when the cause of action accrues, the notice to a governmental entity may be presented within 180 days of the minor's attaining 18 years of age and the action may be brought within two years of the minor's attaining 18 years of age.

Committee Amendment "A" (H-279) proposed to add an application section to the bill to enable any person whose statute of limitations has not yet expired to take advantage of the law change.

Enacted law summary

Public Law 2001, chapter 249 amends the Maine Tort Claims Act to provide that if the claimant is a minor when the cause of action accrues, the notice to a governmental entity may be presented within 180 days of the minor's attaining 18 years of age and the action may be brought within two years of the minor's attaining 18 years of age. A minor whose statute of limitations has not run out by the effective date of Chapter 249 has 180 days after attaining 18 years of age to give notice of an action and two years after attaining 18 years of age to bring the action.

LD 974

An Act to Create the Civil Rights in Public Employment, Education and Contracting Act

ONTP

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

LD 974 proposed to prohibit the State and its subdivisions and instrumentalities from discriminating against or granting preferential treatment to any person in the operation of public employment, education or contracting on the basis of race, sex, color, ethnicity or national origin.

Committee Amendment "A" (H-336), the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

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LD 1009 **An Act to Amend the Child and Family Services and Child Protection Act** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1009 proposed to clarify the definition of "foster parent" and amend the notification required to be given to foster parents, preadoptive parents and relatives in reviews or hearings on protection orders and termination of parental rights.

See also LD 1793 and HP 1385.

LD 1016 **An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways** **ONTP**

<u>Sponsor(s)</u> MCKEE NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1016 proposed to reverse the current law regarding retention of a public easement when a municipality discontinues a road. Current law provides that a public easement is retained unless the order of abandonment otherwise specifies. LD 1016 proposed that a municipality retains a public easement in a discontinued road only if the discontinuance order states that a public easement is retained.

LD 1018 **An Act to Amend the Civil Court Procedure as it Pertains to Execution Liens** **PUBLIC 117**

<u>Sponsor(s)</u> SMITH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-112
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LD 1018 proposed to make a creditor liable to a debtor for damages caused when the creditor knowingly files or fails to discharge an execution filed on the debtor's property that is exempt from attachment and execution. The bill also proposed to entitle the debtor to reasonable attorney's fees and costs incurred in enforcing the discharge of the execution.

Committee Amendment "A" (H-112) proposed to provide that a creditor is liable for actual damages caused by the failure to discharge an execution against exempt property of the debtor only if the debtor has given written notice and proof to the creditor that the property is exempt and the creditor fails to discharge the execution within 15 days after receiving the notice and proof. The amendment proposed to delete language making the creditor liable for knowingly filing an execution against exempt property. The amendment also proposed to clarify when a debtor is entitled to recovery of attorney's fees and costs.

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Enacted law summary

Public Law 2001, chapter 117 provides that a creditor is liable to a debtor for actual damages caused by the debtor's failure to discharge an execution against exempt property of the debtor. Liability applies only if the debtor has given written notice and proof to the creditor that the property is exempt and the creditor failed to discharge the execution within 15 days after receiving the notice and proof. A debtor who prevails in an action to recover such damages is entitled to recovery of attorney's fees and costs.

LD 1023 **An Act to Enhance the Quality and Accessibility of HIV Services and Prevention Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	

LD 1023 proposed to require the Department of Human Services to offer public information about, and prevention and treatment services for, HIV and AIDS and to make the information and services available statewide. LD 1023 also proposed to appropriate \$368,500 in each of the fiscal years 2001-02 and 2002-03 to fund the increase in services and information.

This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1025 **An Act to Allow a Person to Take the Bar Examination without Attending Law School** **ONTP**

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

LD 1025 proposed to allow a person to take the bar examination without first attending law school.

Committee Amendment "A" (H-113) is the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill to retain the current law school attendance requirements for taking the bar examination and add one more option. The new option would be to allow a person to take the bar exam without attending or graduating from law school if the person has studied law in the office of an attorney in the State for at least 3 years. (Not adopted)

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LD 1064

An Act Regarding Property Tax Liens

INDEF PP

<u>Sponsor(s)</u> MURPHY E		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1064 proposed to require a lien on real estate to be placed in the name of the new owner if the assessor or person placing the lien possesses written notice of the change in ownership.

This bill was not referred to a committee.

LD 1066

An Act to Protect Children and Incapacitated or Dependent Adults

PUBLIC 345

<u>Sponsor(s)</u> SULLIVAN LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-498
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LD 1066 proposed to impose a duty on every person to report suspected cases of abuse, neglect or exploitation of an incapacitated, dependent or elderly adult or of any child to either the Department of Human Services or a law enforcement agency. The bill proposed to repeal the laws authorizing optional reporting of abuse.

Committee Amendment "A" (H-498) proposed to replace the bill. It proposed to revise the mandatory reporting laws for both child abuse and neglect and incapacitated or dependent adult abuse, neglect and exploitation to require a person who has full, intermittent or occasional responsibility for the care or custody of the child or the adult to report suspected abuse, neglect or exploitation.

Enacted law summary

Public Law 2001, chapter 345 revises the mandatory reporting laws for both child abuse and neglect and incapacitated or dependent adult abuse, neglect and exploitation to require a person who has full, intermittent or occasional responsibility for the care or custody of the child or the adult to report suspected abuse, neglect or exploitation. This applies whether or not the person is being paid for the services. The new language includes babysitters and day care providers and all other persons who provide similar care.

See also LD 1793 and HP 1385.

LD 1068

An Act to Clarify the Laws Relating to Corporate and Other Entities

PUBLIC 66

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-75
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LD 1068 proposed to make several minor changes to the laws relating to filing of corporation and other business entity documents with the Secretary of State.

Committee Amendment "A" (H-75) proposed to clarify that the resignation of a registered agent takes effect when the certificate is filed with the Secretary of State.

Enacted law summary

Public Law 2001, chapter 66 clarifies the requirement for listing the management of a corporation when restating its articles of incorporation, changes the fee for a foreign corporation when it changes its registered or principal office, further clarifies the information required in an affidavit for the resignation of a registered agent for limited partnerships and limited liability partnerships, and clarifies that the resignation of a registered agent takes effect when the certificate is filed with the Secretary of State.

LD 1070

An Act to Require Background Checks for Adoptions

PUBLIC 52

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-54

LD 1070 is a recommendation of the Family Law Advisory Commission.

LD 1070 proposed to require prospective adoptive parents to undergo a background check, including child protective and criminal history checks, prior to finalization of the adoption.

Committee Amendment "A" (H-54) proposed to clarify that the new language requiring background checks for prospective adoptive parents who are not the biological parents of the child would not give the Probate Court the authority to order the background check for the biological parent who is also currently the legal parent of the child.

Enacted law summary

Public Law 2001, chapter 52 is a recommendation of the Family Law Advisory Commission. It requires prospective adoptive parents to undergo a background check prior to finalization of the adoption. The probate judge shall request the Department of Human Services to review the child protective files and shall request the State Bureau of Identification to conduct a criminal history background check. The cost of reviewing the child protective services files by the Department of Human Services will be included in the adoption filing fee. The criminal history background check is based on the prospective adoptive parent's fingerprints and includes both Maine conviction data and national criminal history information from the Federal Bureau of Investigation. The State Police will identify appropriate local law enforcement agencies to take the fingerprints. The cost of doing the background checks will be included in the adoption petition filing fee.

The Department of Human Services and the State Police will report back to the probate judge with the results of the child protection records check and the criminal history background check. The probate judge will use the information obtained to determine if the adoption is in the best interests of the child. The information is confidential.

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and can not be used for any other purposes, except in compliance with the mandatory child abuse reporting requirements.

If one of the prospective adoptive parents is the child's biological parent, that person is not required to undergo the background check.

LD 1071 **An Act to Prohibit the Exclusion of Legal Counsel as a Condition of Settlement** **PUBLIC 108**

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

LD 1071 proposed to prohibit a condition in a litigation settlement that prohibits an attorney representing a party in that litigation from representing other persons that are similarly situated in a related action involving a party that the attorney opposed in the settled litigation.

Enacted law summary

Public Law 2001, chapter 108 voids a condition in a litigation settlement that prevents an attorney representing a party in the settled litigation from representing similarly situated clients in a related action against a party that the attorney opposed in the settled litigation.

LD 1073 **An Act to Provide Compensation to a Person Detained on the Basis of a Warrant Issued in Error** **ONTP**

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

LD 1073 proposed to allow a person who is detained on the basis of a defective or baseless warrant or warrant issued in error to sue the state court administrator to recover liquidated damages of \$50 for every hour that the person is wrongfully detained. A successful plaintiff in an action would be entitled to reasonable attorney's fees and costs incurred in connection with that action.

Committee Amendment "A" (H-330) was the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a fiscal note to the bill. (Not adopted)

See also LD 307.

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LD 1074

An Act to Require that any Proceedings Initiated by the Department of Human Services to Terminate Parental Rights Be Open

ONTP

<u>Sponsor(s)</u> O'BRIEN J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1074 proposed to require that hearings on petitions to terminate parental rights in child protection proceedings must be open to the public unless a parent of the child objects.

See also LD 1793 and HP 1385.

LD 1079

An Act to Protect Families by Easing the Standard of Proof for Certain Child Protection Hearings

ONTP

<u>Sponsor(s)</u> MENDROS DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1079 proposed to amend the Child and Family Services and Child Protection Act to increase the standard of proof from a preponderance of the evidence to clear and convincing evidence that a court uses in determining whether to grant a preliminary child protection petition, a jeopardy order or the review of a jeopardy order.

See also LD 1793 and HP 1385.

LD 1080

An Act to Amend Article 9-A of the Uniform Commercial Code

**PUBLIC 286
EMERGENCY**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-412
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LD 1080 proposed to amend the Maine Revised Statutes, Title 11, Article 9-A governing secured transactions to incorporate proposals of the Revised Article 9 Study Group convened by the Secretary of State.

Committee Amendment "A" (H-412) proposed to provide that an amendment to a Uniform Commercial Code financing statement that is recorded in a registry of deeds must contain the name of the debtor and the secured party. This amendment also proposed to correct incorrect statutory references.

Enacted law summary

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Public Law 2001, chapter 286 amends the Maine Revised Statutes, Title 11, Article 9-A to incorporate proposals of the Revised Article 9 Study Group convened by the Secretary of State. Chapter 286 provides that an amendment to a Uniform Commercial Code financing statement that is recorded in a registry of deeds must contain the name of the debtor and the secured party.

Public Law 2001, chapter 286 was enacted as an emergency effective May 25, 2001. Article 9-A of the Uniform Commercial Code takes effect July 1, 2001.

LD 1111 **An Act to Increase the Civil Liability of Parents for the Criminal Conduct of their Children** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1111 proposed to increase the cap on liability of a parent or guardian of a minor who intentionally causes damage to a person or property from \$800 to \$10,000.

LD 1136 **An Act to Treat All Children with Dignity** **PUBLIC 217**

<u>Sponsor(s)</u> FULLER LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-281
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LD 1136 proposed to remove from the Maine Revised Statutes the references to "illegitimate" or "bastard" child and substitute the phrase "child born to an unwed mother."

Committee Amendment "A" (H-281) proposed to replace the bill. It proposed to repeal a section dealing with warrants issued pursuant to bastardy actions and remove a reference to bastardy cases in the Probate Code.

Enacted law summary

Public Law 2001, chapter 217 repeals a section of Maine Statutes dealing with warrants issued pursuant to bastardy actions and removes a reference to bastardy cases in the Probate Code. The statutes governing bastardy actions, which were used to require the father of a child born out wedlock to support the child, were repealed and replaced by the Uniform Act on Paternity in 1967.

Joint Standing Committee on Judiciary

LD 1143

An Act to Allow Members, Managers and Authorized Employees to Appear in Court for a Limited Liability Company

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TUTTLE	OTP-AM	S-56

LD 1143 proposed to give managers, members and authorized employees of limited liability companies who are not lawyers the same power to represent their companies in certain court actions as is currently provided for officers and authorized employees of corporations, partnerships and other business entities who are not lawyers. It also proposed to expand the list of court actions in which those persons may represent their organizations to include forcible entry and detainer actions.

Committee Amendment "A" (S-56) proposed to delete the proposed addition of forcible entry and detainer actions to the list of court actions in which a person who is not an attorney may appear on behalf of the person's organization.

Enacted law summary

Public Law 2001, chapter 119 gives managers, members and authorized employees of limited liability companies who are not lawyers the same power to represent their companies in certain court actions as is currently provided for officers and authorized employees of corporations, partnerships and other business entities who are not lawyers.

LD 1171

An Act to Authorize the Maine Indian Tribal-State Commission to Organize Assemblies of State and Tribal Leaders

PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-284 H-311 LAVERDIERE

Resolve 1997, chapter 45 authorized the Maine Indian Tribal-State Commission to submit legislation as part of its reporting to the Legislature about the impact of Maine's civil laws on the Wabanaki. This bill proposed to authorize the commission to introduce legislation on an ongoing basis.

Resolve 1997, chapter 45 also required the commission to organize an Assembly of Governors and Chiefs. This bill proposed to require the commission to organize an assembly of governors and chiefs on an annual basis and require the commission to organize a tribal-state legislative assembly on a biennial basis.

Committee Amendment "A" (H-284) was the majority report of the Joint Standing Committee on Judiciary. It proposed to add a ratification provision as required when amending the Act to Implement the Maine Indian Claims Settlement. Both the Passamaquoddy Tribe and the Penobscot Nation must approve of the changes included in the bill in order for the changes to be effective.

Joint Standing Committee on Judiciary

House Amendment "A" (H-311) proposed to remove language from the bill that authorizes the Maine Indian Tribal-State Commission to introduce legislation.

Enacted law summary

Public Law 2001, chapter 173 requires the Maine Indian Tribal-State Commission to organize an assembly of governors and chiefs on an annual basis and requires the commission to organize a tribal-state legislative assembly on a biennial basis.

LD 1181 **An Act to Reduce Frivolous Protection from Harassment Actions** **ONTP**

<u>Sponsor(s)</u> MCDONOUGH	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1181 proposed to allow a court that dismisses a petition for a protective order to require the plaintiff to pay court fees or reasonable attorney's fees.

Committee Amendment "A" (H-331) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill. It proposed to authorize the court in a protection from harassment action to order the plaintiff to pay reasonable attorney's fees if the court determines that the petition was frivolous or dilatory. (Not adopted)

LD 1195 **An Act to Strengthen Penalties for Minors Displaying False Identification** **ONTP**

<u>Sponsor(s)</u> PERRY O'GARA	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1195 proposed to add motor vehicle license suspension as a penalty option for minors who use false identification to obtain tobacco or alcohol. A court could impose a one-month to 3-month suspension for a first offense, a 3-month to 6-month suspension for a 2nd offense and a one-year suspension for any subsequent offense.

LD 1204 **An Act to Preserve the Life and Health of Women** **ONTP**

<u>Sponsor(s)</u> KNEELAND	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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Joint Standing Committee on Judiciary

LD 1204 proposed to prohibit abortions of pregnancies that have progressed at least 20 weeks since the pregnant woman's last menstrual period. It proposed to require the pregnant woman's physician to carefully determine the age of the fetus and request the opinion of a 2nd physician if necessary. If the pregnant woman had a life-threatening physical condition if the pregnancy progressed and the fetus was at least 20 weeks old, the physician could either induce labor or perform a caesarean to deliver the baby. A 2nd physician would be notified to attend the delivery and take medical care of the baby.

The bill proposed that a physician who knowingly performs an abortion when the fetus is at least 20 weeks old would commit a Class D crime.

LD 1222

An Act Conforming Maine Digital Signature Law to Federal Law

PUBLIC 121

<u>Sponsor(s)</u> NORBERT MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-195
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LD 1222 proposed to repeal the provisions of law that exempt certain documents from the law validating electronic or digital signatures. It proposed to repeal the exemptions for durable powers of attorney or deeds, mortgages or other documents affecting title to real property in order to allow for the use of electronic or digital signatures on those documents.

Committee Amendment "A" (H-195) proposed to delete the section of the bill that would have validated electronic signatures on durable powers of attorney.

Enacted law summary

Public Law 2001, chapter 121 repeals the law that exempts deeds, mortgages and other documents affecting title to real property from the law validating electronic or digital signatures, in order to bring Maine law into conformity with federal law.

LD 1238

An Act to Allow the Filing of a Declaration of Homestead

ONTP

<u>Sponsor(s)</u> ANDREWS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1238 proposed to create the homestead estate, which would protect a home, including real property and buildings, from most attachments and seizures of up to \$100,000, or up to \$200,000 if the estate holder is an elderly or disabled person.

Joint Standing Committee on Judiciary

LD 1286 **An Act to Extend Landowner Limited Liability to Environmental Liability** **ONTP**

<u>Sponsor(s)</u> MARTIN CRABTREE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1286 proposed to limit liability for civil damages and to create an affirmative defense to criminal actions for owners and occupiers of land for environmental damage if the owner or occupant can show by a preponderance of the evidence that the damage was caused by 3rd persons without knowledge of the owners or occupiers. See also LD 273.

LD 1324 **An Act to Adopt the Uniform Computer Information Transactions Act** **INDEF PP**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1324 was a concept draft pursuant to Joint Rule 208. It proposed to adopt the Uniform Computer Information Transactions Act.

This bill was not referred to a committee.

LD 1347 **An Act to Restrict the Issuance of Recreational Licenses for Nonpayment of Child Support** **ONTP**

<u>Sponsor(s)</u> TRACY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1347 proposed to require the Department of Inland Fisheries and Wildlife to collect and report to the Department of Human Services licensing information required by the child support statutes, which would include: applicant's name and address; federal employer number; type of license; the date the license takes effect and expires; and the active or inactive status of the license. The bill proposed to make a person who is found by a court or an administrative agency to be in noncompliance with a child support order ineligible to hold or obtain a license, permit or registration issued by the Department of Inland Fisheries and Wildlife.

Joint Standing Committee on Judiciary

LD 1355

An Act to Prohibit the Use of Memorandum Decisions

ONTP

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

LD 1355 proposed to prohibit a court from issuing a memorandum decision, which is a decision of the court that does not contain a formal opinion or reasons of the court for arriving at that decision.

LD 1364

An Act to Decrease the Length of Time a Person Has to Make Child Support Payments Before Being Considered Not In Compliance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL O'GARA	ONTP	

LD 1364 proposed to decrease from 60 days to 30 days the amount of time that a person required to pay child support may take to pay before being considered not in compliance with the support order with regard to license suspension procedures. If a person has the child support payment directly withdrawn from the person's bank account or paycheck, then the payment would be considered to have been made on the day of the withdrawal.

LD 1366

An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors

PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D PENDLETON	OTP-AM	H-414

LD 1366 proposed to require a conservator to file an annual report with the court. It also proposed to impose a fine of \$100 for each day that a conservator fails to file a completed inventory with the court.

Committee Amendment "A" (H-414) proposed to replace the bill. It proposed to repeal and replace the section of the current Probate Code dealing with inventory and records of a conservator of a protected person's estate.

Enacted law summary

Public Law 2001, chapter 280 updates current law and restructures the format covering the inventory and other records of the conservator of a protected person's estate. It provides a sanction for failing without good cause to file the inventory. The probate court may order the conservator to pay to the estate a minimum of \$100 and a maximum of the amount the court determines is the damage suffered by the estate because of the failure to file the inventory. These payments are in addition to any other remedy for fiduciary misconduct of the conservator. Similar changes are made to the section of the Probate Code dealing with accountings by conservators.

Joint Standing Committee on Judiciary

LD 1376

An Act Concerning the State Court Library System

PUBLIC 250

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1376 proposed to implement the recommendations of the Study Group to the State Library Committee. The bill proposed to repeal the current 4-tier system under which libraries received differing levels of resources and to replace it with a list of 17 locations at which libraries must be located. It proposed to establish regional library centers to require representation from less populous counties and to require the County Law Library Committees, in conjunction with the State Court Library Committee, to establish local operating policies.

Enacted law summary

Public Law 2001, chapter 250 implements the recommendations of the Study Group to the State Court Library Committee. It repeals the current 4-tier system under which libraries received differing levels of resources and replaces it with a list of 17 locations at which law libraries must be located. It establishes Portland and Bangor as regional law library centers with additional resources, and provides equal resources for the other libraries. Chapter 250 requires that one of the four attorney members on the State Court Library Committee be chosen from a county having a census population of from 45,000 to 120,000 and that one be chosen from a county having a census population of less than 45,000 persons. It also adds Kennebec County to the list of available law library locations and requires all County Law Library Committees, in conjunction with the State Court Library Committee, to establish local operating policies.

LD 1391

An Act to Ensure Safety and Health Standards in Outpatient
Medical or Surgical Facilities

ONTP

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1391 proposed to define facilities, other than hospitals, in which abortions are performed as ambulatory surgical facilities, thus subjecting the facilities to the licensing and inspection requirements and standards applicable to such facilities.

Committee Amendment "A" (H-233) was the minority report of the Joint Standing Committee on Judiciary. It proposed to add a fiscal note to the bill. (Not adopted)

Joint Standing Committee on Judiciary

LD 1396

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

PUBLIC 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP A	
CATHCART	ONTP B	
	OTP-AM C	

LD 1396 proposed to amend the Maine Human Rights Act to declare that a mother has the right to breast-feed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location.

Committee Amendment "A" (H-278) was the minority report of the Joint Standing Committee on Judiciary. It proposed to provide a mother to breast feed in a place only if both she and the child are otherwise authorized to be in that place. (Not adopted)

Enacted law summary

Public Law 2001, chapter 206 amends the Maine Human Rights Act to declare that a mother has the right to breast-feed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location.

LD 1405

An Act to Encourage Joint Child Rearing Between Divorced Parents

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORR	OTP-AM	H-499

LD 1405 proposed to establish the policy that parents should be awarded shared parental rights and responsibilities unless the court finds that the joint responsibility would not be in the child's best interest. The bill proposed to require the court to provide that the parents equally share the responsibility for providing their child's residential care, unless the court makes a finding that the equal sharing is not in the child's best interest.

Committee Amendment "A" (H-499) proposed to retain section 1 of the bill, which contains statements regarding the State's public policy concerning minor childrens' frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing to effect this policy.

This amendment proposed to replace the rest of the bill and include changes in the law concerning primary residential care of a child.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 329 states the State's public policy to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing to effect this policy. Chapter 329 provides that if one or both of the parents request shared primary residential care for a child, the court must consider shared primary residential care. If shared primary residential care is requested and the court does not make that award, the court must include in the order the reasons why shared primary residential care is not in the child's best interest.

LD 1406

An Act Creating Offenses Against Unborn Children

ONTP

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

LD 1406 proposed to create new crimes against unborn children. Punishment for intentionally or knowingly causing the death of an unborn child would be the same as for murder. Voluntary manslaughter of an unborn child would be a Class A crime. Recklessly causing the death of an unborn child would be a Class B crime, except that it would be reduced to a Class C crime if the death was caused by the reckless operation of a motor vehicle. Assault and aggravated assault on an unborn child would be Class D and Class C crimes, respectively.

These crimes would not apply to an abortion to which the pregnant woman has consented, nor would they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes would not apply to the pregnant woman.

Committee Amendment "A" (H-235) was the minority report of the Joint Standing Committee on Judiciary. The amendment proposed to add a fiscal note to the bill.

LD 1450

An Act to Protect Parents from Undue Influence in Child Protective Actions

ONTP

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

LD 1450 proposed to require the Department of Human Services to provide written warnings to parents or custodians of children in child protective proceedings.

See also LD 1793 and HP 1385.

Joint Standing Committee on Judiciary

LD 1453

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution

PUBLIC 306

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

LD 1453 proposed to double the amount of property value of a residence or a motor vehicle that is exempt from attachment and execution and exempt for purposes of a bankruptcy proceeding. It proposed to provide that a payment or account under an individual retirement account or similar plan or contract is generally exempt to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater.

Enacted law summary

Public Law 2001, chapter 306 amends the laws that govern what property is exempt from attachment and execution and exempt for purposes of a bankruptcy proceeding. It increases the exemption for a residence from \$12,500 to \$25,000 and from \$25,000 to \$50,000 if minor dependents live with the debtor. It increases the exemption for a motor vehicle from \$2,500 to \$5,000. It provides that a payment or account under an individual retirement account or similar plan or contract is generally exempt to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater. Current law provides that such a payment or account is exempt to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

LD 1455

An Act to Implement the Recommendations of the Committee to Study Further Decriminalization of the Criminal Laws of Maine

PUBLIC 421

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-604

LD 1455 is the legislative recommendations of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine, created by 1999 Joint Order H.P. 1914.

Committee Amendment "A" (H-604) proposed to revise the statute of limitations language and the provisions governing the prosecution of civil violations. It proposed to revise the general license suspension provisions, as well. It also proposed changes with regard to the decriminalization of marine resources and fisheries and wildlife violations.

Enacted law summary

Public Law 2001, chapter 421 is the legislative recommendations of the Committee to Study the Further Decriminalization of the Criminal Laws of Maine, created by 1999 Joint Order H.P. 1914.

Joint Standing Committee on Judiciary

Public Law 2001, chapter 421 creates general statutes applicable to all civil violations. These include:

A three-year statute of limitations for bringing a prosecution for certain civil violations;

Specifically providing the district attorneys with the responsibility for prosecuting certain civil violations;

Providing for restitution as a possible result of a civil violation; and

Establishing general authority for each department and agency to suspend or revoke licenses, permits and certifications issued by the department or agency based on a crime or civil violation.

This bill also revises many offenses that are currently crimes, and makes them civil violations. These offenses are within the jurisdictions of the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Professional and Financial Regulation and the Department of Agriculture, Food and Rural Resources. Additional fish and game offenses were decriminalized in the Errors and Inconsistencies bill, LD 30, Public Law 2001, chapter 471.

Public Law 2001, chapter 421 takes effect January 1, 2002.

LD 1457 **An Act to Exclude Credit Balances Between Business Associations from Unclaimed Property** **DIED BETWEEN BODIES**

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

LD 1457 proposed to exclude from unclaimed property credit balances, uncashed checks, advance payments, overpayments, refunds and credit memoranda arising in the ordinary course of business between business associations. Credit balances owed to individuals would remain under the definition of property subject to abandonment.

Committee Amendment "A" (H-605) is the majority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill and amend the definition of "property" in the abandoned property laws to exclude credit balances issued to a commercial customer account by a business association in the ordinary course of business. Credit balances that fall under the description of demand, savings or time deposits would still be subject to the application of the unclaimed property laws.

Joint Standing Committee on Judiciary

LD 1473

An Act to Make Uniform the Language Governing Parental Rights and Responsibilities in the Maine Revised Statutes

PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-415

LD 1473 proposed to revise language concerning child custody in the protection from abuse laws to use terms consistent with the language governing parental rights and responsibilities in other situations.

Committee Amendment "A" (H-415) proposed to amend the provisions governing the award of parental rights and responsibilities or rights of contact with minor children after such an award has already been made as part of a protection from abuse order.

Enacted law summary

Public Law 2001, chapter 273 revises language concerning child custody in the protection from abuse laws to use terms consistent with the language governing parental rights and responsibilities in other situations. Specifically, this bill replaces the word "custody" to reflect the proper use of the terms "parental rights and responsibilities" and "rights of contact" as used elsewhere in the Maine Revised Statutes, Title 19-A. Chapter 273 also amends the provisions governing the award of parental rights and responsibilities or rights of contact with minor children after such an award has already been made as part of a protection from abuse order. It requires the court in a parental rights and responsibilities action to determine the proper award de novo and to not rely on the award made in the protective order as precedent.

LD 1482

An Act to Authorize a School Board to Deliberate in Private

ONTP

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

LD 1482 proposed to amend the freedom of access laws to allow a school board to take testimony about the suspension or expulsion of a student in executive session, as well as holding executive session for the board's deliberations as allowed under current law. It also proposed to allow the school board to exclude the student and the student's legal counsel and parents or guardians from executive session at which the school board is deliberating; such exclusion is not allowed under current law.

Joint Standing Committee on Judiciary

LD 1494

An Act to Require Parental Notification of Abortion

ONTP

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

LD 1494 proposed to require parental notification before an abortion is performed or induced on a pregnant minor.

The bill proposed to require that notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, a stepparent or a sister or brother who is 21 years of age or older.

The bill also proposed to allow for alternative procedures whereby the minor may seek court approval for the proposed abortion and proposed to establish the procedures for judicial review and appeals.

Committee Amendment "A" (H-234) was the minority report of the Joint Standing Committee on Judiciary. The amendment proposed to add a fiscal note to the bill. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-264) proposed to provide a 3rd option besides parental notification or judicial review. Under this amendment, if the pregnant minor alleged abuse or neglect such that notifying the minor's parent was not in the minor's best interest, an abortion could be performed if the minor were accompanied by an adult counselor to the physician's office. The amendment proposed to provide a definition of "counselor" that ensures that the counselor may have no affiliation with an organization that makes abortion referrals or provides abortion services. This amendment proposed to correct a reference in the bill. (Not adopted)

LD 1522

An Act to Clarify the Status of Support Obligations if an Obligor Begins to Receive Public Assistance

PUBLIC 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-332

LD 1522 was a recommendation of the Family Law Advisory Commission.

Current law provides that a parent obligated under a court or administrative order to pay child support is not required to pay the support while receiving public assistance. This bill proposed to retain that effect by explicitly establishing a rebuttable presumption that an obligor receiving certain public assistance has no capacity to pay child support. The bill also proposed to provide, however, the opportunity for the person who is to receive the support under the order, the obligee, to have the court or hearing officer review whether the obligor actually has no capacity to pay child support. This bill proposed to use the existing definition of "public assistance," except that it does not apply if the public assistance provided is medical care only.

The Department of Human Services would be required to provide notices to the obligee and the obligor about the obligor's status, the presumption of no capacity to pay child support, the child support obligation resulting from the

Joint Standing Committee on Judiciary

application of the presumption, the obligee's opportunity to modify the effect of the presumption and the location where forms for modification proceedings can be obtained. Blank forms for initiating modification actions would be required to be included with the notices.

Committee Amendment "A" (H-332) was the majority report of the Joint Standing Committee on Judiciary. It is recommended by the Family Law Advisory Commission, which proposed the bill. The amendment proposed to remove the proposed presumption concerning the obligor's capacity to pay child support and replace it with a suspension of the child support obligation for an obligor who receives supplemental security income or public assistance for the benefit of a child of that obligor.

Enacted law summary

Public Law 2001, chapter 255 is a recommendation of the Family Law Advisory Commission. Current law provides that a parent obligated under a court or administrative order to pay child support is not required to pay the support while receiving public assistance. Chapter 255 suspends the child support obligation for an obligor who receives supplemental security income or public assistance for the benefit of a child of that obligor. The law also provides, however, the opportunity for the person who is to receive the support under the order, the obligee, to have the court or hearing officer review whether the obligor actually has no capacity to pay child support. The Department of Human Services is required to provide notices to the obligee and the obligor about the obligor's status, the lack of capacity to pay child support, the child support obligation resulting from the application of the suspension, the obligee's opportunity to modify the effect of the suspension and the location where forms for modification proceedings can be obtained. Blank forms for initiating modification actions must be included with the notices.

LD 1525

An Act Concerning Real Estate Titles

ONTP

Sponsor(s)
NORBERT
BROMLEY

Committee Report
ONTP

Amendments Adopted

LD 1525 proposed to provide for the creation of a lien that continues for a period of 10 years from date of recording. The lien would protect the creditor by having available a renewal for a period of 10 years. The lien also would have had a transition renewal time period of two years from the date of enactment of this bill.

See also LD 709.

Joint Standing Committee on Judiciary

LD 1530

An Act to Improve the Health Care and Forensic Response for Victims of Sexual Assault

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT MICHAUD MH	OTP-AM MAJ OTP-AM MIN	H-550

LD 1530 proposed to establish, within the Department of the Attorney General, the Sexual Assault Forensic Examiner Advisory Board. The purpose of the board is to promote the statewide creation, growth and sustainability of sexual assault forensic examiner programs by providing advice and assistance regarding training, technical assistance, standards and resources to the sexual assault forensic examiner programs.

The bill also proposed an appropriation section to fund one position and related costs to administer the sexual assault forensic examiner program. The program currently exists but would be moved under the jurisdiction of the Department of the Attorney General.

Committee Amendment "A" (H-550) is the majority report of the Joint Standing Committee on Judiciary.

This amendment proposed to add four members to the Sexual Assault Forensic Examiner Advisory Board: one from a statewide association of hospitals; one forensic pediatric health care provider; and two as public members.

This amendment also proposed to revise language referring to specific organizations that have not been created by statute to refer to these organizations in general terms.

Committee Amendment "B" (H-551) is the minority report of the Joint Standing Committee on Judiciary. It differs from the majority report in that it would fund the bill from funds that would otherwise be used to fund the civil rights team within the Department of Attorney General. (Not adopted)

The contents of this bill and Committee Amendment "A" were incorporated into Part 7 of the Part II Budget, Public Law 2001, chapter 439.

LD 1550

An Act to Bring the Takings Law into Compliance with the Constitution of Maine and the United States Constitution

ONTP

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

LD 1550 proposed to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases in all situations involving real property, including the taking or purchase of rights-of-way and easements.

Committee Amendment "A" (H-277) was the minority report of the Joint Standing Committee on Judiciary. The amendment proposed to add a fiscal note to the bill. (Not adopted)

Joint Standing Committee on Judiciary

LD 1573

An Act to Enact the Uniform Principal and Income Act of 1997

CARRIED OVER

Sponsor(s)
NORBERT
RAND

Committee Report

Amendments Adopted

LD 1573 proposed to amend the Probate Code to include the Uniform Principal and Income Act of 1997, adopted by the National Conference of Commissioners on Uniform State Laws in 1997. The Act provides rules for handling trust principal, income, receipts and disbursements.

This bill has been carried over to the Second Regular Session.

LD 1581

An Act to Allow the Department of Human Services Abuse and Neglect Investigators Access to Certain Baxter School for the Deaf Records

PUBLIC 265

Sponsor(s)
LONGLEY

Committee Report
OTP-AM

Amendments Adopted
S-177

LD 1581 proposed to give the out-of-home abuse and neglect investigating team established in the Maine Revised Statutes, Title 22, section 4088 the authority to obtain access to personnel records for persons licensed by the Department of Education, including those in the Baxter School for the Deaf.

Committee Amendment "A" (S-177) proposed to replace section 4 of the bill and specifically limit the information that the out-of-home abuse and neglect investigating team may review relating to a person at the Governor Baxter School for the Deaf who is subject to licensure by the Department of Education.

Enacted law summary

Public Law 2001, chapter 265 gives the out-of-home abuse and neglect investigating team established in the Maine Revised Statutes, Title 22, section 4088 the authority to obtain access to personnel records for persons licensed by the Department of Education, including those in the Governor Baxter School for the Deaf.

The Governor Baxter School for the Deaf and the Department of Education must disclose to the team records related to the following:

Background checks related to the person who is the subject of the investigation. The team can review the information that the school or the department has collected or note when a background check was not completed;

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The person's credentials. The team can review the education, training and experience of the person to help understand the context of the alleged conduct, as well as review whether the person had the appropriate background for the position;

Any conduct on the part of the person related to the allegation. The team will be able to determine if the alleged conduct was an isolated occurrence or simply one episode in a series of similar or escalating instances; and

Any action the school or the Department of Education took in response to the conduct of any person at the school that is similar to the conduct alleged. This allows the team to review what sanctions, if any, have been imposed upon similar conduct.

LD 1599

An Act to Clarify the Maine Human Rights Act Concerning Responsibility for Employment Discrimination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	ONTP A	
TURNER	OTP-AM B	
	OTP-AM C	

LD 1599 proposed to clarify whether individuals acting in the interest of an employer are personally liable for employment discrimination under the Maine Human Rights Act. In April 2000, the Maine Law Court issued an opinion in the case of Gordan v. Cummings (Docket #Cum-99-254, April 19, 2000) that found a supervisor individually liable for employment discrimination. However, the Court reconsidered that opinion and issued an opinion in July 2000 declining to decide the question of whether supervisors are individually liable under the Act. LD 1599 proposed to state that individuals are not personally liable. The Judiciary Committee issued three reports on the bill: two "ought to pass as amended" reports, and one "ought not to pass" report.

Committee Amendment "A" (H-561) proposed to replace the bill with language that more clearly ensures that individual employees, such as supervisors, are not personally liable for employment discrimination. It also removed language from the bill that may have changed the law in Maine regarding when employers are responsible for actions of their employees and other agents. (Not adopted)

Committee Amendment "B" (H-562) proposed to replace the bill with language providing for individual liability only when the individual supervisor or other agent created a hostile work environment, and only if such an environment was created with malice or reckless disregard of the rights of an individual protected by the Maine Human Rights Act. Remedies against the individual could include civil penal damages, cease and desist orders and a requirement to pay costs and attorney's fees to the complainant and would be in addition to any remedies against the employer. (Not adopted)

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LD 1602

An Act to Prevent Violence Against Pregnant Mothers

ONTP

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

LD 1602 proposed to create a new crime against unborn children and pregnant mothers. Voluntary manslaughter of an unborn child would be a Class A crime and consist of intentionally or knowingly causing the death of an unborn child when the perpetrator knows the woman is pregnant and the woman wishes to continue the pregnancy.

These crimes would not apply to an abortion to which the pregnant woman has consented, nor would they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes would not apply to the pregnant woman.

Committee Amendment "A" (H-236) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill.

It proposed to amend the existing aggravated assault law to include a prohibition against intentionally, knowingly or recklessly causing bodily injury to a person who is pregnant when the actor knew the person was pregnant and the actor intended to terminate the pregnancy. The bodily injury would not have to result in the termination of the pregnancy. The crime would not apply to an abortion to which the pregnant person has consented. Such an aggravated assault would be a Class B crime.

It also proposed to amend the existing elevated aggravated assault law to include a prohibition against intentionally or knowingly causing serious bodily injury to a person that the actor knows is pregnant, and the actor has the intent to terminate the pregnancy. "Serious bodily injury" would specifically include the termination of the pregnancy. The new provisions would not apply to an abortion to which the pregnant woman consented. (Not adopted)

LD 1609

An Act to Provide a Family Bill of Rights

ONTP

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

LD 1609 proposed to amend the Child and Family Services and Child Protection Act concerning requirements governing guardians ad litem, intervener status of long-term foster parents, the confidentiality of proceedings,

Joint Standing Committee on Judiciary

services provided by the Department of Human Services, and the inclusion of relatives in conferences to determine the placement of a child.

See also LD 1793 and HP 1385.

LD 1611 **Resolve, to Establish a Task Force to Study Parenting Alienation Syndrome and Related Issues** **ONTP**

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

LD 1611 proposed to establish a task force to study parent alienation syndrome and related issues of custodial parents, the actions and responsibilities of the Department of Human Services and domestic violence.

LD 1624 **An Act Concerning the Payment of Child Support** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAWES O'GARA		

LD 1624 proposed to provide an additional child support collection tool for the Department of Human Services. It proposed to require that employers who hire persons on a contract basis for \$2,500 or more report the names, addresses and social security numbers to the Department of Human Services. It also proposed that increases in collections of debt owed the department and not owed to anyone else over \$7,406,560 must be used to increase TANF and Parents as Scholars Program cash assistance levels until Maine's maximum level for a family of three reaches the New England average.

This bill has been carried over to the Second Regular Session.

LD 1645 **An Act to Address Confidentiality of Records in the Medical Examiner Act** **PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE RAND	OTP-AM	H-282

LD 1645 proposed to amend the Medical Examiner Act to address issues of confidentiality.

In addition to incorporating those records currently made confidential, the bill proposed to significantly broaden current law by including as confidential communications with the office of a district attorney relating to a medical

Joint Standing Committee on Judiciary

examiner case, report documents, as defined, photographs and transparencies, histological slides, videotapes and other like items and mechanical or electronic data compilations relating to a medical examiner case. It proposed to expressly address access to or dissemination of records made confidential, and define "person" for those purposes. Each provision authorizing access or dissemination reflects current practice. The bill also proposed to authorize testing for HIV when determined necessary by the Chief Medical Examiner and disclosure of test results notwithstanding current law governing the testing for HIV and the disclosure of the results of those tests.

Committee Amendment "A" (H-282) proposed to remove report documents as defined in the Maine Revised Statutes, Title 22, section 3035, subsection 2 from the listing and treatment of information that the bill declares is confidential. A new subsection proposed to provide for the unique handling of such documents by treating report documents as "investigative information" relative to which access and dissemination is governed by Title 16, section 614. Release is further made contingent upon a person's request specifying a specific decedent or decedents and the payment of any fee required under Title 22, section 3035.

This amendment proposed to move the paragraph defining the term "person" to the end of Title 22, section 3022.

This amendment proposed to remove from the list of confidential information "mechanical or electronic data compilations" because whether mechanical or electronic data compilations are to be treated as confidential is not determined by their physical forms but instead by the information they contain.

Enacted law summary

Public Law 2001, chapter 221 amends the Medical Examiner Act as follows.

Confidentiality of records in the possession or custody of a medical examiner of the Office of Chief Medical Examiner is comprehensively addressed. In addition to incorporating those records currently made confidential, the law significantly broadens current law by including as confidential communications with the office of a district attorney relating to a medical examiner case, photographs and transparencies, histological slides, videotapes and other like items and data compilations relating to a medical examiner case.

Access to or dissemination of records made confidential is expressly addressed and "person" is defined for those purposes. Each provision authorizing access or dissemination reflects current practice.

Testing for HIV when determined necessary by the Chief Medical Examiner and disclosure of test results are expressly authorized notwithstanding current law governing the testing for HIV and the disclosure of the results of those tests.

Report documents are treated as "investigative information" relative to which access and dissemination is governed by Title 16, section 614. Release is further made contingent upon a person's request specifying a specific decedent or decedents and the payment of any fee required under Title 22, section 3035.

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LD 1650

An Act to Require Substance Abuse Assessment and Treatment for Parents of Children Referred to Child Protective Services

ONTP

<u>Sponsor(s)</u> DAGGETT BRANNIGAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1650 proposed to require substance abuse assessments and treatments to be available and ordered when necessary for parents who are referred to child protective services. It also proposed to provide \$3,000,000 over the biennium to provide those assessments and services.

LD 1658

An Act Regarding Passamaquoddy Land in Township 19, M.D.

PUBLIC 251

<u>Sponsor(s)</u> SOCTOMAH SHOREY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1658 proposed to amend the Act to Implement the Maine Indian Claims Settlement Act concerning the Trust Lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States would have until January 31, 2020 to acquire and place in trust on behalf of the Passamaquoddy Tribe all purchased land in Township 19, Middle District.

Enacted law summary

Public Law 2001, chapter 251 amends the Act to Implement the Maine Indian Claims Settlement Act concerning the territory of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2020 to acquire and place in trust on behalf of the Passamaquoddy Tribe all purchased land in Township 19, Middle District. If that deadline is met, the purchased land becomes part of the Indian Territory of the Passamaquoddy Tribe.

LD 1670

An Act Regarding Child Abandonment

CARRIED OVER

<u>Sponsor(s)</u> KILKELLY O'BRIEN L	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1670 proposed to amend the law to deal with infants abandoned by their parents. It proposed to create an affirmative defense to the crime of abandonment of a child if the child was 31 days or younger and the person charged delivered the child to a hospital emergency room or to a police officer, firefighter, medical services

Joint Standing Committee on Judiciary

provider or hospital staff member. This bill proposed to ensure anonymity for the person delivering the child and terminating the parental rights and responsibilities of the parent delivering the child.

This bill has been carried over to the Second Regular Session.

LD 1681

An Act Relating to Personal Privacy and Governmental Information Practices

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-461
	ONTP MIN	

LD 1681 proposed to implement several of the recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It proposed to require state and local governments to include notice of their information practices on their publicly accessible sites on the Internet. The notice would inform the public about what information is being collected via the Internet site, how it will be used, how to access and correct information and what security measures are taken by the governments to prevent improper use of that information.

The bill also proposed to require state agencies to include in their review under the State Government Evaluation Act an analysis of their information practices and their use of information technology. Finally, the bill proposed to create a commission to examine public concern about collection of personal information by governmental entities and to create a comprehensive information practices law governing collection and management of personal information by governmental entities.

Committee Amendment "A" (H-461) proposed to strike the Part of the bill creating a commission to review governmental information policy. The issues to be studied by the commission were assigned to the study commission proposed in LD 872.

Enacted law summary

Public Law 2001, chapter 321 relates to personal privacy and governmental information practices, and is based on recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. Chapter 321 requires state and local governments to include notice of their information practices on their publicly accessible sites on the Internet. The notice would inform the public about what information is being collected via the publicly accessible site on the Internet, how it will be used, how to access and correct information and what security measures are taken by the governments to prevent improper use of that information. Chapter 321 also requires state agencies to include in their review under the State Government Evaluation Act an analysis of their information practices and their use of information technology.

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LD 1689

An Act to Amend the State's Abortion Reporting Law

ONTP

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

LD 1689 proposed to revise the abortion reporting law to require the reporting of very specific information about each abortion performed while maintaining the confidentiality of the patients and physicians. It proposed to require the Department of Human Services to compile the information and make a report available on an annual basis. Failure to report as required would be a Class D crime. Falsifying or altering a reporting form could result in a forfeiture of up to \$1,000.

Committee Amendment "A" (S-103) was the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

LD 1696

An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-340
LONGLEY		

LD 1696 proposed to add a new provision to the Medical Examiner Act to allow the Chief Medical Examiner to assume responsibility for proper disposition of dead bodies of identified nonresidents or unidentified dead bodies that are the subject of medical examiner cases when no other person or governmental unit is willing to take responsibility for disposition.

Committee Amendment "A" (H-340) proposed to replace the bill and proposed to do the following:

Clarify that the Chief Medical Examiner's responsibility for disposition of an identified deceased nonresident or unidentified body is conditioned upon the Chief Medical Examiner, after reasonable inquiry, being unsuccessful in either locating next of kin in the context of a deceased nonresident, another person or a governmental unit legally responsible for disposition or locating another person or governmental unit willing to undertake responsibility notwithstanding the absence of a legal duty; and

Specify that any necessary expenses incurred by the Chief Medical Examiner for proper disposition are the responsibility of the Department of Human Services, except in the event that a deceased nonresident is an illegal alien or the deceased is not identified but the Chief Medical Examiner, after reasonable inquiry, determines the deceased is an illegal alien. In those special circumstances, the necessary expenses incurred by the Chief Medical Examiner for proper disposal are the responsibility of the Department of the Attorney General.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2001, chapter 292 adds a new provision to the Medical Examiner Act to allow the Chief Medical Examiner to assume responsibility for proper disposition of dead bodies of identified nonresidents or unidentified dead bodies that are the subject of medical examiner cases when no other person or governmental unit is willing to take responsibility for disposition. The necessary expenses incurred by the Chief Medical Examiner are to be paid by the Department of Human Services or the Department of the Attorney General.

LD 1699 **An Act to Make Certain Changes in the Child Welfare Laws** **ONTP**

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

LD 1699 proposed to amend the law concerning disclosure in the investigation of the abuse or neglect of a child to authorize that disclosure if a child has nearly died. The bill proposed to add foster parents to the list of persons who must report suspected child abuse and neglect. The bill also proposed to provide for ongoing judicial review when a child is placed with a foster parent.

See also LD 1066, LD 1793 and HP 1385.

LD 1705 **An Act to Make Certain Technical and Clarifying Changes to the Medical Examiner Act** **PUBLIC 222**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE LONGLEY	OTP-AM	H-283

LD 1705 proposed to amend the Medical Examiner Act by making grammatical changes and correcting gender-specific language; replacing, in the context of medical examiner cases, the term "violence" with the more readily understandable phrase "physical injury;" clarifying the reporting requirements of suspected medical examiner cases by including the definition of "person;" clarifying the procedures for investigations by law enforcement officers; clarifying that the current rule-making authorization delegated to the Chief Medical Examiner is in the category of routine technical rules; and modifying the limitation on civil liability of certain persons permanently or temporarily appointed or retained under the Medical Examiner Act to make clear that all such persons, while undertaking their duties, are each an "employee" for the purposes of the Maine Tort Claims Act.

Committee Amendment "A" (H-283) proposed to remove section 9 of the bill to avoid a conflict with another bill amending the same provision of statute slightly differently.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2001, chapter 222 amends the Medical Examiner Act as follows.

It replaces, in the context of medical examiner cases, the term "violence" with the more readily understandable phrase "physical injury."

It clarifies the reporting requirements of suspected medical examiner cases by including the definition of "person."

It clarifies the procedures for investigations by law enforcement officers.

It clarifies that the current rule-making authorization delegated to the Chief Medical Examiner has been assigned the category of routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

It modifies the limitation on civil liability of certain persons permanently or temporarily appointed or retained under the Medical Examiner Act to make clear that all such persons, while undertaking their duties, are each an "employee" for the purposes of the Maine Tort Claims Act.

LD 1716

An Act to Improve Child Support Services

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS MILLS	OTP-AM	H-343

LD 1716 proposed to make several changes to the laws concerning child support.

Committee Amendment "A" (H-343) proposed to address four issues in the bill: extraordinary medical expenses, pro rata share of health insurance premiums, tax exemptions and a new hearsay exception.

Enacted law summary

Public Law 2001, chapter 264 makes several changes to the laws concerning child support. It revises the definition of "extraordinary medical expenses," and includes the actual costs of health insurance premiums paid by a party in the child support obligation and allows the hearing officers to obligate the responsible parent for that parent's proportionate share of the health insurance premium that is paid by the other parent. It includes the self-support reserve for certain obligors. It changes the criteria related to tax consequences as the child support tables assume the primary residential care provider receives all the tax benefits. It removes the incremental cost of health insurance as this is included in the child support obligation. It authorizes the court to consider which party may benefit the most from the allocation of tax exemptions for the children. It amends the law concerning interstate cooperation to conform to a federal mandate that child support orders be established in accordance with child support guidelines and not be based on the amount of public assistance expended. It states specifically that spousal support is also assigned to the Department of Human Services when the person receives public assistance, as

Joint Standing Committee on Judiciary

required by federal law, 42 United States Code, Section 608. It adds a new hearsay exception that allows responses from employers, businesses and financial institutions to be introduced in court without the need for the employer's, business's or financial institution's presence for verification, as the records are held in the ordinary course of business.

LD 1721 **An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner** **PUBLIC 291**

<u>Sponsor(s)</u> MARTIN BERRY R		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1721 proposed to allow the Chief Medical Examiner to expressly authorize a person to conduct the investigation and examination on any case reported to the Office of Chief Medical Examiner.

Enacted law summary

Public Law 2001, chapter 291 allows the Chief Medical Examiner to expressly authorize a person to conduct the investigation and examination on any case reported to the Office of Chief Medical Examiner.

LD 1734 **An Act to Promote Safe Schools** **CARRIED OVER**

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1734 proposed to allow a student who is harassed or assaulted on school grounds or during a school supervised activity for reasons of the race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of the student to sue the school administrative unit for failing to prevent the abuse.

This bill has been carried over to the Second Regular Session.

LD 1751 **An Act to Amend the Maine Commission on Domestic Abuse** **PUBLIC 240**

<u>Sponsor(s)</u> NORBERT RAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-341
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LD 1751 proposed to make changes to the composition of the Maine Commission on Domestic Abuse and require the commission to report biennially to the Legislature.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-341) proposed to replace the bill in order to change the name and duties of the Maine Commission on Domestic Abuse to cover both domestic and sexual abuse. The proposed new name of the commission is the Maine Commission on Domestic and Sexual Abuse.

The amendment proposed to correct the reference to members appointed by the Governor to represent the coalition of sexual assault centers.

The amendment proposed to add one member, appointed by the Governor, who has experience working with batterers' intervention programs.

The amendment proposed to clarify the language to require the commission to report to the joint standing committee of the legislature having jurisdiction over judiciary matters every two years, beginning January 30, 2002.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 240 adds members to the membership of the Maine Commission on Domestic Abuse, and requires the commission to report biennially to the Legislature. The Commission becomes the Maine Commission on Domestic and Sexual Abuse.

LD 1770 An Act Regarding Conversions of Nonprofit Entities to For-profit Entities CARRIED OVER

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

LD 1770 proposed to amend statutes relating to the oversight of public charities by the Attorney General and to enact or amend laws relating to conversions of nonprofit entities to for-profit entities, management of institutional funds, duties and authority of directors and officers of nonprofit corporations, standards of conduct for directors and other matters relating to nonprofit corporations.

This bill has been carried over to the Second Regular Session.

LD 1793 Resolve, to Establish the Commission to Review the Child Protective System DIED ON ADJOURNMENT

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

Joint Standing Committee on Judiciary

LD 1793 was reported out by the Joint Standing Committee on Judiciary pursuant to Joint Order, HP 1303. The Resolve proposed to establish a study commission to examine certain elements of the child protective system. LD 1793 was replaced by Joint Order, HP 1385.

SP 423 **Joint Study Order to Establish the Joint Study Committee to Study the Need for Additional Civil Legal Resources** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP ONTP		<u>Amendments Adopted</u>
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This Joint Order proposed to create a six-member committee of legislators to study the need, if any, for additional civil legal resources.

HP 1385 **Joint Study Order to Establish the Commission to Review the Child Protective System** **READ AND PASSED**

<u>Sponsor(s)</u> SAXL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Enacted law summary

This Joint Order creates a study commission to examine many factors about the child protective system. It takes the place of LD 1793, which was reported out of the Joint Standing Committee on Judiciary to replace several bills that were proposed to amend the child protective system. The study commission consists of 10 members, appointed by the President of the Senate and the Speaker of the House of Representatives, plus the Commissioner of the Department of Human Services is requested to appoint a child protective caseworker or supervisor to serve as a member. The Chief Justice of the Supreme Judicial Court is requested to appoint a District Court Judge to participate with the commission.

The commission's duties include reviewing the issues raised by the many bills introduced into the First Regular Session of the 120th Legislature and to review and investigate specific problems and questions in the child protective system. These duties focus mainly on the legal rights and duties of parents, guardians ad litem, the Department of Human Services and other participants in the child protective legal system. The commission is charged with making recommendations for changes in laws, rules and procedures and to report back to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may report out legislation related to the report.

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Joint Standing Committee on Labor

LD 25

**An Act to Establish the Administrative Operating Budget for the
Maine State Retirement System for the Fiscal Year Ending June 30,
2002**

**P & S 4
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 25 presented the Maine State Retirement System's operating budget for fiscal year 2001-02 to the Legislature for approval as required by law. Section 1 of the bill identifies the retirement system's personal services costs and its costs for all other operating expenses. Section 2, provided for information purposes, attributes expenses of the system to 3 categories: General Fund, Non-General Fund and Participating Local Districts.

Enacted law summary

Since July 1, 1993, the Maine State Retirement System has been required by statute to present its annual administrative operating budget to the Legislature for approval. Private and Special Law 2001, chapter 4 establishes the system's annual administrative operating budget for fiscal year 2001-02 in the amount of \$9,053,246.

Private and Special Law 2001, chapter 4 was enacted as an emergency measure effective July 1, 2001.

LD 41

An Act Relating to Employment Contracts

ONTP

Sponsor(s)
BRYANT
MICHAUD MH

Committee Report
ONTP

Amendments Adopted

LD 41 proposed to invalidate a contract that prevents an employer from rehiring employees displaced during a labor dispute and from removing workers who were hired to replace those employees. It proposed to specify that no cause of action lies in state courts to require an employer to retain an employee or employees hired to replace workers who participate in a labor dispute.

LD 57

**An Act to Require That Certain Employees Be Paid on a Weekly
Basis**

ONTP

Sponsor(s)
TWOMEY

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 57 proposed to reenact the law repealed in 1999, which required that certain employees be paid on a weekly basis.

Joint Standing Committee on Labor

LD 62 **An Act to Create a Uniform Standard Governing Legislative Leaves of Absence** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 62 proposed to establish a uniform rule regarding leaves of absence to serve as a legislator that would apply to all employees in the State. Under current law, employers, except school units, with more than 5 employees are required to grant an employee a leave of absence so that employee may serve as a Legislator for a single 2-year legislative term. After that 2-year term of service, the employer is not obligated to provide an additional leave of absence for successive terms. School units are obligated to provide leaves of absence for a school teacher who is a Legislator, and there is no limit on the number of terms for which the leaves must be granted. The bill proposed to treat teachers like other employees for purposes of legislative leaves of absence.

LD 83 **An Act to Ban Permanent Replacement Workers in a Labor Dispute** **VETO SUSTAINED**

<u>Sponsor(s)</u> PINEAU EDMONDS		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 83 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute. Superior Court Chief Justice Morton A. Brody declared those provisions were preempted by the National Labor Relations Act in 1989. The bill proposed to retain only those provisions that relate directly to deterrence of violence during a labor dispute.

The bill also proposed to require that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work the replacement workers will not be retained in preference to the strikers.

LD 96 **An Act to Extend the Hours that a Minor May Be Employed** **ONTP**

<u>Sponsor(s)</u> TREADWELL MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 96 proposed to extend until 9 p.m. the time until which a minor under 16 years of age may work during the school year.

Joint Standing Committee on Labor

LD 98

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

**PUBLIC 443
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KILKELLY	OTP-AM	H-133

LD 98 proposed to increase from \$10,000 to \$15,000 the limit on compensation that may be earned by the beneficiary of a disability retirement benefit under the Maine State Retirement System without incurring a reduction in benefit during the following year.

Committee Amendment “A” (H-133) replaced the bill and proposed to raise from \$10,000 to \$20,000 the annual limit on earnings that a disability retiree under the Maine State Retirement System may earn without causing a deduction in the following year's benefits. The amendment also proposed to suspend under the applicable disability plan administered by the retirement system the permanent reduction in disability benefits due to a determination of increased capacity to earn based on review of a benefit recipient's actual earnings record. The proposed suspension would be retroactive for calendar years 1999 and 2000 and remain in effect until January 1, 2003. The temporary suspension would allow the retirement system and the Legislature to develop a permanent solution to disability benefit issues while alleviating the hardship imposed on recipients by current law. The amendment also added an emergency preamble, emergency clause and fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 443 increases from \$10,000 to \$20,000 the annual limit on earnings that a recipient of a disability retirement benefit under the Maine State Retirement System may earn without incurring a deduction from the following year's benefit payment. The \$10,000 limit was established and has not been updated since 1981. The law also suspends for one of the disability plans administered by the retirement system the permanent reduction in disability benefits due to a determination of increased capacity to earn based on a benefits recipient's actual earnings record. The suspension is retroactive for calendar years 1999 and 2000 and is effective until January 1, 2003. The temporary suspension will allow the retirement system and the Legislature to develop a permanent solution while alleviating the hardship imposed on recipients under the current law.

Public Law 2001, chapter 443 was enacted as an emergency measure effective June 27, 2001.

LD 121

An Act Raising the Minimum Wage

ONTP

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

LD 121 proposed to raise the minimum wage to \$5.75 per hour starting January 1, 2002 and \$6.25 per hour starting January 1, 2003. It also proposed to increase the minimum wage for inflation every 3rd January and to send the bill to public referendum. See also LD 1247 and LD 1591.

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LD 152 **An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DAGGETT	OTP-AM	H-132

LD 152 proposed to require the State to pay Medicare Part B premiums for state retirees, retired teachers and retirees from participating local districts. The bill which was amended to add appropriations and allocation sections and a fiscal note was passed in the House but died on the Appropriations Table.

LD 196 **An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System** **ONTP**

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

LD 196 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who would be selected from a list of 3 nominees submitted by the Maine Association of Retirees.

LD 979, a similar bill, was also reported ONTP by the committee.

LD 198 **An Act to Provide Notice of Termination Status** **PUBLIC 242**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT GAGNON	OTP-AM MAJ ONTP MIN	H-172

LD 198 proposed to require an employer to post in a conspicuous place the terms under which an employee may be terminated. The bill proposed to prohibit an employer from retaliating against an employee if the employee signs or files an affidavit, petition or complaint or gives information or testimony against the employer. The bill also proposed to require the Department of Labor to include the "at-will" employee notice in the next reprinting of the regulation of employment poster.

Committee Amendment "A" (H-172) proposed to replace the bill. It proposed to move to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also proposed to add to the poster or notice language explaining that, unless covered by a collective bargaining

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agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law.

Enacted law summary

Public Law 2001, chapter 242 moves to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also adds to the poster or notice language explaining that, unless covered by a collective bargaining agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law.

LD 237

An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit

PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B WESTON	OTP-AM	S-61

LD 237 proposed to reduce from 15 to 5 the number of years of creditable service a state employee, teacher or participating local district employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credits for service in the Armed Forces of the United States. It also proposed to remove a requirement that members joining the state retirement system after January 1, 1976 have served in a federally recognized period of conflict to be eligible to purchase military service credits.

Committee Amendment "A" (S-61) proposed to strike the provisions of the bill and, thereby, retain the current law governing the purchase of military time for retirement credit by state employees, teachers and employees of participating local districts. Under current law, members of the Maine State Retirement System must have at least 15 of years creditable service, have served in a federally recognized period of conflict and have received a discharge other than a dishonorable discharge to be eligible to buy credit for up to 4 years of credit for their full-time military service. The amendment also proposed to provide an additional option allowing any member who doesn't have the required 15 years of creditable service or the necessary service during a recognized period of conflict or who lacks both to buy credit for military service by paying the actuarial cost of the portion of the retirement benefit based on the additional creditable service.

LD 268, which was similar to the original LD 237, was reported out favorably by the Legal and Veterans Affairs Committee but died on the Appropriations Table.

Enacted law summary

Public Law 2001, chapter 114 provides an additional option for state employees, teachers and participating local district employees wishing to purchase credit for military service performed prior to membership in the Maine State Retirement System. Chapter 114 allows any member who doesn't have the 15 years of creditable service or the necessary service during a federally recognized period of conflict required under current law or who lacks both to buy credit for up to 4 years of military service by paying the actuarial cost of the portion of the retirement benefit based on the additional creditable service.

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LD 253

An Act to Amend the Law Pertaining to the Solvency of the Unemployment Compensation Fund

ONTP

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

LD 253 proposed to decrease the unemployment tax rate paid by a new employer for the first 2 years in which the employer is a contributing employer.

LD 280

An Act Concerning Recordkeeping in Relation to Employment of Minors

PUBLIC 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM	H-36

LD 280 proposed to allow employers to disregard up to 5 minutes of time before and after each assigned work shift in determining whether a minor's work hours comply with the law.

Committee Amendment "A" (H-36) proposed to replace the bill. It proposed to provide an exception to the strict liability penalty for violations of child labor laws. It proposed to allow the Department of Labor, Bureau of Labor Standards to disregard de minimis violations of the laws defining what time a minor may begin and end work, how many hours may be worked each day and the maximum number of hours worked in a week. De minimis violations consist of up to 10 minutes per day or 50 minutes in a week. Knowing and intentional violations may not be disregarded.

Enacted law summary

Public Law 2001, chapter 46 provides an exception to the strict liability penalty for violations of child labor laws. It allows the Department of Labor, Bureau of Labor Standards to disregard de minimis violations of the laws defining what time a minor may begin and end work, how many hours may be worked each day and the maximum number of hours worked in a week. De minimis violations consist of up to 10 minutes per day or 50 minutes in a week. Knowing and intentional violations may not be disregarded.

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LD 297

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

**RESOLVE 49
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	S-266

LD 297 proposed to increase the cap on the Workers' Compensation Board's assessment by \$700,000 to provide additional funding necessary to maintain the current level of services provided by the board.

Committee Amendment "A" (S-266) proposed to replace the bill. It proposed to authorize the Workers' Compensation Board to use up to \$700,000 from its reserve account to fund expenses only in fiscal year 2001-2002. It also proposed to direct the Department of Administrative and Financial Services to administer a feasibility study of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in its operational structure and processes. The cost of the study, and of the committee formed to advise the Department, would be borne by the Workers' Compensation Board reserve account. Results of the study would be provided to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor would be authorized to report out any recommended legislation relating to the report to the Second Regular Session of the 120th Legislature.

Enacted law summary

Resolve 2001, chapter 49 directs the Department of Administrative and Financial Services to administer a feasibility study of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in its operational structure and processes. The Resolve authorizes the department to enter into contracts for consulting services to assist in carrying out the study and provides for funding of up to \$125,000 from the Workers' Compensation Board reserve account. The department is directed to consult with an advisory committee composed of members of the Legislature, the Workers' Compensation Board, the Department of Labor, the Department of Professional and Financial Regulation and the Governor's office and to report its findings to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor may report out any recommended legislation relating to the report of the Department of Administrative and Financial Services to the Second Regular Session of the 120th Legislature.

The Resolve also authorizes the Workers' Compensation Board to use up to \$700,000 from its reserve account to fund board expenses in fiscal year 2001-2002.

Resolve 2001, chapter 49 passed as an emergency measure effective June 8, 2001.

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LD 356

An Act to Adjust the Unemployment Compensation Fund Cap

ONTP

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

LD 356 proposed to change the cap on total employer contributions to the Unemployment Compensation Fund from 21 months of benefits to 14 months of benefits.

LD 373

An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers

ONTP

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

LD 373 proposed to remove from the law the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

LD 380

**An Act to Restore an Injured Employee's Right to Sue an Employer DIED BETWEEN
for Damages**

BODIES

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

LD 380 proposed to restore to an injured employee the right to sue his or her employer for damages if the injury is due to the gross negligence or illegal act of the employer. Any recovery would be in addition to that available to the employee under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-525) proposed to replace the bill. Instead of allowing an injured employee to sue the employer outside the workers' compensation system, the amendment proposed to increase the percentage of wages payable as a benefit to an employee whose serious injury, disease or death was caused by a health hazard that constitutes a violation of the Occupational Safety and Health Act, provided the employer had notice of the hazard prior to the injury, disease or death. The percentage would be increased from 80% to 100% of after-tax wages.

House Amendment "A" to Committee Amendment "A" (H-702) proposed to limit the scope of Committee Amendment "A" to cases of death caused by a private employer's willful violation of a standard adopted by the federal Occupational Safety and Health Administration or by a public employer's willful violation of a standard adopted by the state safety board, provided the private or public employer was cited for the violation.

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LD 399 **An Act to Encourage Parental Involvement in Schools** **ONTP**

<u>Sponsor(s)</u> EDMONDS NORTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 399 proposed to expand the family and medical leave law to allow a parent to annually use up to 24 hours of the family medical leave available for attending parent-teacher conferences in that parent's child's school. See also LD 1466.

LD 442 **An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits** **ONTP**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 442 proposed to eliminate the limitation on earnings of Maine State Retirement System retirees who have reached normal retirement age and have returned to service in employment covered by the retirement system as state employees, educators or participating local district employees.

See also similar LDs 1255, 1314 and 1102. LD 1255 was enacted.

LD 461 **An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects** **ONTP**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 461 proposed to require that wage and benefit records of contractors and subcontractors working on a public works project must be filed with the public authority that entered into the contract, as well as being maintained at the job site. It also proposed to require that the record be open at all reasonable hours to the inspection of any aggrieved party or resident of this State.

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LD 489

An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL	OTP-AM	S-188

LD 489 is a concept draft that proposed to address the manner in which the existing state and federal law requiring equal pay for equal work is implemented and enforced.

Committee Amendment "A" (S-188) proposed to replace the bill. It proposed to designate the first Tuesday in April as Equal Pay Day and to require the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

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Enacted law summary

Public Law 2001, chapter 304 designates the first Tuesday in April as Equal Pay Day and requires the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

LD 499

An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-111
JACOBS	ONTP MIN	

LD 499 proposed to amend the workers' compensation law relating to a "second opinion" examination, which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

LD 499 proposed to limit employers to one second-opinion examination and to allow active practice to be demonstrated by spending at least 50% of the provider's time treating patients. It also proposed to ensure that employees and their health care providers are informed of information used in the examination and the results of the examination.

Committee Amendment "A" (S-111) proposed to remove from the bill the language limiting employers to a single 2nd opinion and the language prohibiting physicians from relying on information acquired after examination of the patient in preparing the medical opinion. It also proposed to repeal current law allowing a physician, surgeon or chiropractor to conduct a 2nd-opinion examination if that provider discontinued active practice within 2 years of the exam. It proposed to remove the provision requiring 50% of a provider's time to be spent on treating patients and provide that a person may use hospital privileges to demonstrate that the person has an active practice of treating patients only if the privileges are active clinical privileges. Finally, it proposed to require a health care provider conducting a 2nd-opinion examination to give a copy of the results to the employee's health care provider only if the employee requests that it be given to the provider.

Enacted law summary

Public Law 2001, chapter 278 amends the workers' compensation law relating to a "second-opinion examination," which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

Public Law 2001, chapter 278 repeals the provision allowing providers who do not have an active practice at the time of the examination to conduct second-opinion examinations and provides that hospital privileges may be used to demonstrate an active practice only if those privileges are active clinical privileges. Chapter 278 also requires the second-opinion provider to inform the employee of all records and communications the provider has available in

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conducting the exam, to advise the employee and the employee's provider of the scope and purpose of the exam, and to provide the same report that the provider sends to the employer to the employee and, if the employee requests, to the employee's health care provider.

LD 511 **An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives** **PUBLIC 43**

<u>Sponsor(s)</u> ROSEN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-35
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Under current law, a minor under 16 years of age may not work in any theater or moving picture house. LD 511 proposed to specifically exempt from that prohibition nonprofit moving image archives and nonprofit community theaters.

Committee Amendment "A" (H-35) proposed to remove the language proposing to allow minors under 16 years of age to work in any nonprofit community theater and instead proposes to allow minors under 16 years of age to work in nonprofit educational film archives and theaters associated with those archives.

Enacted law summary

Under current law, a minor under 16 years of age may not work in any theater or moving picture house. Public Law 2001, chapter 43 specifically exempts from that prohibition nonprofit educational film archives and theaters associated with those archives.

LD 513 **An Act to Permit Grievance Mediation by the Panel of Mediators** **PUBLIC 92
EMERGENCY**

<u>Sponsor(s)</u> DUPLESSIE MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-120
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LD 513 proposed to authorize the Panel of Mediators to attempt to resolve disputes concerning the meaning of public sector collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The bill also proposed to provide that collective bargaining proposals to include grievance mediation as a required step in the grievance resolution process would be a permissive, rather than a mandatory, subject of bargaining.

Committee Amendment "A" (H-120) proposed to add an emergency preamble and emergency clause, a fiscal note and an allocation section to the bill. The allocation would enable the Maine Labor Relations Board to use fees paid by participants in mediation to fund the Panel of Mediators.

Enacted law summary

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Public Law 2001, chapter 92 authorizes the Panel of Mediators to attempt to resolve disputes concerning the meaning of collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The law also provides that such use of grievance mediation is a permissive, rather than a mandatory, subject of bargaining.

Public Law 2001, chapter 92 was enacted as an emergency measure effective May 8, 2001.

LD 534

An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits

PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH EDMONDS	OTP-AM	H-109

Current law prohibits employers from delaying or refusing payment of health or disability benefits due an employee because the employee filed a workers' compensation claim based on the same injury or disease. LD 534 proposed to extend that prohibition to 3rd-party insurers.

Committee Amendment "A" (H-109) proposed to rewrite the language of the bill to clarify that provisional payments are required only from insurers under disability and medical insurance policies, not from all 3rd-party insurers. The amendment proposed to prohibit the delay or refusal of provisional payments from a disability or medical insurance policy, regardless of whether the person seeking payment is covered under the employer's policies or those of another person such as a spouse or the spouse's employer.

Enacted law summary

Current law prohibits an employer from delaying or refusing payment of provisional benefits under an insured disability or medical plan on the grounds that the employee has filed a workers' compensation claim for the same injury or disease for which coverage is claimed under the disability or medical plan. This law has been interpreted to apply only when the disability or medical payment policy is held by the employer. Public Law 2001, chapter 103 expands the provision to prohibit any person from delaying or refusing to make provisional payments under a disability or medical insurance policy because of the filing of a workers' compensation claim, regardless of whether the person seeking payment is covered under the policy held by that person's employer or under any other such policy, including policies held by a spouse or the spouse's employer. Provisional payments may be recovered from the employee if it is later determined that workers' compensation coverage applies.

LD 536

An Act to Define and Revise Noncompete Employment Contracts

CARRIED OVER

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

Joint Standing Committee on Labor

LD 536 is a concept draft that proposed to define noncomplete employment contracts and to provide reasonable standards for their use.

LD 536 has been carried over to the Second Regular Session.

LD 538 **An Act to Require a Recommendation from a Physician Before
Being Eligible for Disability Benefits** **ONTP**

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

LD 538 proposed to amend the law relating to disability benefits under the Maine State Retirement System to require that a person receive a written finding of disability from a physician in order to receive disability benefits.

LD 544 **An Act to Eliminate Unnecessary Paperwork for Wage-hour
Compliance** **PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL DAVIS P	OTP-AM MAJ ONTP MIN	H-114

LD 544 proposed to exempt automobile body shop technicians and automobile service writers who are paid on an incentive basis rather than an hourly rate from the law requiring payment of time-and-a-half for overtime.

Committee Amendment "A" (H-114) proposed to replace the bill. Instead of adding 2 new categories of workers to the list of employees exempt from the overtime law, the amendment proposed to require the Department of Labor to interpret the current exempt categories in a manner consistent with the exemptions under federal law. Federal law exempts employees with the same title as state law, but the federal interpretation covers more types of employees and may cover at least some of the employees who would have been exempted by the bill.

Enacted law summary

Public Law 2001, chapter 336 requires the Department of Labor to follow federal interpretation of comparable terms when determining whether automobile mechanics, parts clerks and salesmen are exempt from the state law requiring payment of time-and-a-half for overtime hours.

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LD 647

An Act to Expand Parental Control of a Minor Child

ONTP

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

LD 647 proposed to direct the Department of Labor to adopt rules setting forth a process under which minors may be exempted from laws limiting the type of work they may perform and the hours and conditions under which they may work. The exemption would only be effective if the potential employer and the minor's parent, guardian or custodian give permission to the exemption.

LD 663

An Act to Provide Funding for Positions to Provide Computer Services to the Blind

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-200
NORBERT	ONTP MIN	

LD 663 proposed to require the Division for the Blind and Visually Impaired to fill a vacant position assigned to the Iris Network computer access program.

Committee Amendment "A" (S-200) proposed to provide a \$200,000 appropriation to the Division to support the cost of 3 computer access service positions to blind and visually impaired consumers.

Although LD 663 was not enacted, Part LLL of the "Part II" budget bill, Public Law 2001, chapter 439, appropriates \$67,000 a year for one new computer access specialist position.

LD 670

An Act to Strengthen Maine's Worker Advocate Program

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-262 NUTTING J
BERRY R	ONTP MIN	

LD 670 proposed to allocate funds for 7 additional positions at the Workers' Compensation Board to provide more resources for the worker advocate program. It also proposed to increase the cap on the annual assessment for the Workers' Compensation Board Administrative Fund by \$300,000. The bill also proposed to require troubleshooters within the workers' compensation system to conduct factual investigations and gather medical records as part of their required attempts to resolve disputes over worker injuries.

Committee Amendment "A" (S-189) proposed to replace the bill with a resolve. Instead of increasing the number of worker advocates and staff at the Workers' Compensation Board, the amendment proposed to reduce the workload of existing advocates by improving board efforts to identify and penalize companies that are misusing and

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overloading the system by unreasonably contesting claims. It proposed to authorize the board to use up to \$40,000 of its reserve account to improve technology for the audit, enforcement and monitoring program. It also proposed to require the board to report to the Joint Standing Committee on Labor its plan for improving implementation of the law that imposes penalties on insurers, self-insurers and 3rd-party administrators who engage in questionable claims-handling practices and in repeated, unreasonable contesting of claims. This amendment was not adopted.

Senate Amendment "B" (S-262) proposed to replace the bill and the committee amendment. It proposed to increase the cap on the Workers' Compensation Board assessment by \$300,000 only for fiscal year 2001-02 and to allocate funds to the Workers' Compensation Board to allow it to contract for services of worker advocates and support staff for the worker advocate program. It also proposed to incorporate the provisions of the committee amendment to allow the board to use \$40,000 from its reserve account to fund technology improvements and to require the board to submit a written plan to improve implementation of the auditing program.

Enacted law summary

Public Law 2001, chapter 393 increases the cap on the Workers' Compensation Board assessment by \$300,000 for fiscal year 2001-02 and allocates funds to the Workers' Compensation Board to allow it to contract for worker advocates and clerical support in the worker advocate program in 2001-2002. It also allows the board to use \$40,000 from its reserve account to fund technology improvements in the auditing, enforcement and monitoring program and requires the board to submit a written plan to improve implementation of that program.

LD 691 **An Act to Allow Unemployment Recipients to Declare Estimated Income for Part-time Work** **ONTP**

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

LD 691 proposed to allow a claimant for unemployment compensation to estimate earnings during a claim week, rather than requiring a claimant to produce pay stubs or other proof of earnings, if the claimant has not yet been paid for the work during that claim week.

LD 705 **An Act to Increase the State's Share of Retired Teacher Health Insurance** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G EDMONDS	OTP-AM	H-366

LD 705 proposed to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2002 and from 35% to 40% beginning January 1, 2003. The bill died on the Appropriations Table, but a percentage increase to 35% beginning 7/1/02 was included in the Part II Budget—Public Law 2001, chapter 439, Part QQ.

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Committee Amendment "A" (H-366) added an appropriation section and a fiscal note to the bill.

See related LDs 211 (referred to the Appropriations Committee) and 1629. LD 1629 was carried over by the Labor Committee.

LD 706 **Resolve, Requiring the Department of Labor, Bureau of Labor Standards to List its Mailing Address and Telephone Number on the Card Used to File for Unemployment** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO SAWYER	ONTP	

LD 706 proposed to direct the Department of Labor to revise the initial unemployment compensation claim form by adding the telephone number and address of the Department.

LD 728 **An Act to Ensure Continued Health Insurance Coverage for the Spouse and Dependents of a Teacher or State Employee who Dies** **PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	OTP-AM	H-546

LD 728 proposed to require that all benefits paid on the death of a participating member of the Maine State Retirement System be paid to the surviving spouse of that member. The spouse of a member could waive the payment by filing a waiver with the Board of Trustees of the Maine State Retirement System. If the participating member is not married, then the beneficiary designated by that member would receive the benefits.

Committee Amendment "A" (H-546) replaced the bill and proposed to require that a state employee's spouse or other dependents covered by the state group health plan or a teacher's spouse or dependents covered by a group health insurance plan provided by a school board have an opportunity to continue coverage under the group plan after the death of the state employee or teacher. The spouse or dependent would be responsible for paying the premium for the coverage.

Enacted law summary

Public Law 2001, chapter 341 requires that a state employee's spouse or other dependents covered by the state group health plan or a teacher's spouse or dependents covered by a group health insurance plan provided by a school board have an opportunity to continue coverage under the group plan after the death of the state employee or teacher. The spouse or dependent would be responsible for paying the premium for the coverage.

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LD 747

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units

PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ ONTP MIN	S-328 EDMONDS

LD 747 proposed to amend a 1997 budget bill to clarify the bargaining unit status of a state employee who is placed in a limited period position to enable the person to return to employment following a work-related injury. The bill proposed that the person is a member of the same bargaining unit of which the person was a member prior to the injury.

Committee Amendment "A" (H-547) proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" (S-328) proposed to replace the bill. Rather than amending the 1997 budget bill, it proposed to add a section to the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. The amendment proposed to state that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

Enacted law summary

Public Law 2001, chapter 427 amends the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. Chapter 427 provides that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation by the bargaining unit representative does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

LD 748

An Act to Lower the Early Withdrawal Penalty on Teacher Retirement to 2 1/2 Percent

ONTP

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

LD 748 proposed to lower the early retirement reduction for teachers who retire before normal retirement age from 6% to 2 1/2% for each year of early retirement. LD 748 was one of several bills that proposed to restore benefits or compensate state employees and teachers for benefit reductions passed in 1993 affecting the so-called "cliff employees". The others were LDs 890, 1469 1631 and 1211. LD 1211 was carried over by the Labor Committee.

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LD 757

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Medical Payment Coverage

PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH	OTP-AM A	H-173
MARTIN	OTP-AM B	
	ONTP C	

Under current law, agricultural and aquacultural employers are exempt from the provisions of the Maine Workers' Compensation Act of 1992 if, among other things, the employers maintain medical payment coverage of \$1,000. This bill proposed to increase the required medical payment coverage to \$25,000.

Committee Amendment "A" (H-173), the majority report of the committee, proposed to set the minimum medical payment coverage at \$5,000 rather than \$25,000 as proposed in the bill.

Committee Amendment "B" (H-174), a minority report of the committee, proposed to set the minimum medical payment coverage at \$2,500 rather than \$25,000 as proposed in the bill. It also proposed to delete language that appears to require that the minimum liability coverage of \$100,000 per employee be provided in a single employer's liability policy. This change in language would allow an employer to meet the requirement for minimum liability coverage by use of an umbrella insurance policy that includes employer's liability coverage. This amendment was not adopted.

Enacted law summary

Under current law, employers of employees engaged in agriculture or aquaculture are exempt from the provisions of the Maine Workers' Compensation Act of 1992 if, among other things, the employers maintain medical payment coverage of \$1,000. Public Law 2001, chapter 235 increases the required medical payment coverage to \$5,000.

LD 804

An Act to Transfer Health Insurance Eligibility to the Spouse of a Deceased Teacher

ONTP

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

LD 804 proposed to allow the surviving spouse of a retired teacher to participate in the group insurance plan and require the State to pay 30% of the share of the costs of the insurance for that surviving spouse. Current law requires the State to pay 30% of the cost of group health insurance for a retired teacher.

LD 728 is a related bill.

Joint Standing Committee on Labor

LD 844

An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ	H-244
EDMONDS	ONTP MIN	

LD 844 proposed to state that medical treatment provided by an employee or direct contractor of an employer constitutes a benefit payment by the employer for purposes of determining when an injured employee must file a petition with the Workers' Compensation Board.

Committee Amendment "A" (H-244) proposed to rewrite the language of the bill to make it more specific. It proposed to clarify that an employer has made a payment of benefits with respect to an injury or illness if:

1. The employee is treated by an in-house health care provider;
2. The treatment continues on at least 6 occasions within a year of the first treatment; and
3. The employer or the provider knew or should have known that the injury or illness was work-related.

Classifying this type of treatment as a payment extends the period within which the employee may file a petition for benefits from 2 years from the date of injury to 6 years from the date of the last payment made voluntarily by the employer.

Enacted law summary

Public Law 2001, chapter 435 amends the Workers Compensation Act of 1992 to specify that the provision of medical treatment by an in-house health care provider constitutes the payment of a workers' compensation benefit if the treatment continues on at least 6 occasions within a year of the first treatment and the employer or the provider knew or should have known that the injury or illness was work-related. Classifying this type of treatment as a "payment" extends the period of time within which the employee may file a petition for benefits from 2 years from the date of injury to 6 years from the date of the last treatment or other payment made voluntarily by the employer.

LD 847

An Act to Examine Issues Regarding the Canadian Workforce

CARRIED OVER

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

LD 847 is a concept draft that proposed to study issues regarding the Canadian workforce and the ability of workers in Maine to effectively compete with the Canadian workforce.

LD 847 has been carried over to the Second Regular Session.

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LD 871

An Act to Clarify Work Search

ONTP

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

LD 871 proposed to amend the provisions in current law for providing total compensation for workplace injuries to provide that employees who lack the ability to work on a full-time basis in the ordinary competitive labor market in their communities are entitled to be paid benefits for total incapacity under the Maine Revised Statutes, Title 39-A, section 212.

LD 890

An Act to Provide a Reduction in the Early Retirement Penalty for Teachers and State Employees

ONTP

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

LD 890 proposed to provide a reduction in the early retirement reduction for teachers who retire before age 62 from 6% per year to the reduction that was in place before the 1993 amendments—approximately 2 1/8%. LD 890 was one of several bills that proposed to restore benefits or compensate state employees and teachers for benefit reductions passed in 1993 affecting the so-called “cliff employees”. The others were LDs 748, 1469 1631 and 1211. LD 1211 was carried over by the Labor Committee.

LD 911

An Act to Expand the Catch-up Provisions of the Deferred Compensation Plan for State Employees

ONTP

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

LD 911 proposed to direct the Department of Administrative and Financial Services to reinstate its prior policy to allow participants to maximize contributions under the Section 457 state-deferred compensation plan by permitting catch-up contributions in the 3 years prior to retirement by state employees based on serving the minimum number of years necessary to qualify for an early retirement. The purposes of the bill were attained by administrative action of the department.

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LD 943

An Act to Ensure that the Annual Inflation Adjustment for Partial Compensation for Injuries occurring Prior to November 20, 1987 is Fully Recognized and Paid

PUBLIC 390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS	OTP-AM MAJ ONTP MIN	H-616

LD 943 proposed to require the Workers' Compensation Board to audit claims for partial incapacity for workers injured prior to November 20, 1987, to ensure that the annual adjustments required under former Title 39, sections 55 and 55-A have been made.

Committee Amendment "A" (H-616) proposed to replace the bill. Rather than requiring that the Workers' Compensation Board audit insurers to ensure compliance with the law requiring annual adjustment of benefits for injuries prior to November 20, 1987, the amendment clarifies how the adjustment is to be calculated.

Enacted law summary

Workers' compensation benefits payable to employees injured prior to November 20, 1987 must be adjusted for inflation, under the provisions of former Title 39, sections 55 and 55-A. Public Law 2001, chapter 390 clarifies how the adjustment is to be calculated and overturns the decision of the Maine Supreme Judicial Court on this issue in Bernard v. Mead Publishing Paper Division, 2001 ME 15. Chapter 390 requires that the pre-injury wage be adjusted for inflation before being compared to the post-injury wage.

LD 962

Resolve, Establishing a Minimum Pay Grade Increase for State Police Officers

ONTP

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

LD 962 proposed to require that the State, in its negotiations of the successor agreement to the agreement between the State and the Maine State Troopers Association, State Police Unit expiring on June 30, 2001, may not negotiate less than a pay grade increase for all covered employees equivalent to 4 grades from the grade level established by the current agreement.

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LD 971

An Act to Exempt Retired Persons Who Work as Substitute Teachers from Paying into the Maine State Retirement System

ONTP

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

LD 971 proposed to exempt substitute teachers who receive a pension from the definition of "teacher" under Maine State Retirement System laws. The desired result was that retirees could work as substitute teachers in public schools without having to contribute to the Maine State Retirement System. After discussing the issue with Social Security Administration, Maine State Retirement System and public school officials, the committee determined the bill would not have the desired effect. Any retiree other than a retiree under the retirement system would have to join Social Security. This would result in an additional cost to school units since the State pays the employer share of the MSRS contribution for teachers.

LD 975

An Act to Establish an Exemption to the Exclusivity Provisions of the Maine Workers' Compensation Act of 1992

ONTP

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

LD 975 proposed to amend the law establishing workers' compensation law as the exclusive remedy for actions involving injury to or death of an employee. This bill proposed to authorize the estate of a utility lineworker to sue the employer if the lineworker was working in an emergency situation to restore power during widespread storm outages and had worked in excess of 24 consecutive hours. This legislation would apply retroactively to December 11, 1999.

LD 976

An Act Concerning Workers' Compensation Health Care Providers

PUBLIC 60

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	H-51

LD 976 proposed to add nurse practitioners and physician's assistants to the list of health care providers authorized to provide second opinions under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-51) proposed to replace the bill. The intent of the sponsor to ensure that nurse practitioners and physician's assistants receive reimbursement from the workers' compensation system for their services is already met by current law. The amendment proposed to correct one section of the workers' compensation law relating to prescribing of drugs to recognize the fact that nurse practitioners as well as physicians are authorized under Maine law to prescribe drugs.

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Enacted law summary

Public Law 2001, chapter 60 amends a medical benefits provision of the Workers' Compensation Act of 1992 to recognize the fact that nurse practitioners as well as physicians are authorized under Maine law to prescribe drugs.

LD 979 **An Act to Require an Additional Labor Representative on the Board of Trustees of the Maine State Retirement System** **ONTP**

<u>Sponsor(s)</u> MUSE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 979 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who would be appointed by the governing body of the American Federation of State, County and Municipal Employees and who would be a member of the retirement system through a participating local district.

LD 196, a similar bill, was also reported ONTP by the committee.

LD 981 **An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission** **CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE SAWYER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 981 proposed to change the membership of the Unemployment Compensation Commission, require the commission to report yearly to the Legislature and require the commission to be located in Augusta. This bill has been carried over to the Second Regular Session.

LD 1015 **An Act Regarding Health Insurance for Firefighters** **CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1015 proposed to make active and retired career municipal firefighters in the State eligible as a class to participate in the state employee health insurance program.

This bill has been carried over to the Second Regular Session of the 120th Legislature so that the Firefighters Advisory Committee may develop better data and funding options.

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LD 1039 **An Act to Change the Compensation of the Panel of Mediators** **ONTP**

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

LD 1039 proposed to change the compensation for the panel of mediators from \$100 to \$200 for up to 4 hours of mediation services.

LD 1051 **Resolve, Directing the Maine State Retirement System to Report on the Establishment of a Universal Special Retirement Plan for Law Enforcement Officers** **ONTP**

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

LD 1051 proposed to direct the Maine State Retirement System to report to the Joint Standing Committee on Labor on the establishment a universal special retirement plan for all levels of government law enforcement officers. The committee would have been authorized to introduce related legislation in the Second Regular Session of the 120th Legislature.

LD 1065 **An Act to Amend the Membership of the Workers' Compensation Board** **ONTP**

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

LD 1065 proposed to change the membership of the Workers' Compensation Board by requiring that 2 of the 4 labor representatives on the board must be selected by the Governor from the labor population at large and may not be representatives of any labor organization or association of employees.

LD 1082 **An Act to Amend the State's Overtime Law** **PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MATTHEWS	OTP-AM MAJ ONTP MIN	S-323 PENDLETON

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LD 1082 proposed to prevent a licensed nurse or other health care worker who provides direct care to patients from being disciplined for refusing to accept overtime work.

Committee Amendment "A" (S-114) proposed to rewrite the bill to clarify the circumstances under which a nurse or other health care worker is protected from discipline for refusing to work overtime. The nurse or other health care worker would be protected from discipline if the refusal to work overtime is based on that person's determination, in the exercise of professional judgment, that he or she may not be able to provide quality care to patients during those overtime hours because of fatigue or other factors. This protection would apply even if the person had worked fewer than the limit on overtime hours allowed under the law, but it would not apply when overtime is mandated because of an emergency declared by the Governor or when overtime is necessary to protect public health or safety and is outside the normal course of business. The committee amendment was replaced by Senate Amendment "A" (S-323).

Senate Amendment "A" (S-323) proposed to replace the bill and the committee amendment. It proposed to prohibit an employer from disciplining a nurse for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision would not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

Enacted law summary

Public Law 2001, chapter 401 amends the law limiting mandatory overtime, which prohibits employers from requiring more than 80 hours of overtime in a 2-week period. Chapter 401 provides that, in addition to the 80-hour limit, a nurse may not be disciplined for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision does not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

LD 1086

An Act to Improve Limits on Mandatory Overtime

**DIED BETWEEN
BODIES**

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

LD 1086 proposed to limit the amount of mandatory overtime to 60 hours of overtime in any consecutive 2-week period.

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LD 1102 **An Act to Address the Critical Shortage of Teachers and School Administrators in Maine Public Schools** **ONTP**

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

LD 1102 proposed to allow retired teachers, school administrators and other licensed or certified educational employees to return to work for up to 3 years in a school in the capacity in which they are certified or licensed. During that time, they would receive full retirement benefits from the Maine State Retirement System. No additional service credit toward retirement is accrued during that time.

See also similar LDs 1255, 1314 and 442. Ld 1255 was enacted.

LD 1169 **An Act to Amend the Requirements of the Workers' Compensation Law** **ONTP**

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

LD 1169 proposed to change the method of determining the duration of workers' compensation benefits for partial and total incapacity.

LD 1175 **An Act to Require that Benefits for Disability be Continued During a Period of Vocational Rehabilitation under the Workers' Compensation Act** **VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM MAJ ONTP MIN	H-365 S-302 EDMONDS

LD 1175 proposed to ensure that an injured worker who is in rehabilitation under the Workers' Compensation Law is presumed to be eligible for total disability benefits for as long as that employee continues in that rehabilitation program.

Committee Amendment "A" (H-365) proposed to limit application of the bill to employees in full-time rehabilitation programs.

Senate Amendment "A" to Committee Amendment "A" (S-302) proposed that an injured employee in full-time rehabilitation is presumptively entitled to partial incapacity benefits.

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LD 1197 **An Act to Amend the Limits on Earnable Compensation for State Employee Retirement** **ONTP**

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

LD 1197 proposed to increase the cap on increases in earnable compensation for purposes of determining average final compensation under the Maine State Retirement System law from 10% over the 3 highest years of earnings to 15% over the 3 highest years of earnings. The annual cap of 5% would remain in place.

See also LD 1631 which proposed to exclude certain types of payment increases from application of the caps.

LD 1205 **An Act to Improve Enforcement of Wage and Hour, Safety and Other Labor Laws** **ONTP**

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

LD 1205 proposed to authorize a representative of a construction labor union to inspect a work site and records relating to the work site to investigate complaints of possible violations of wage and hour, safety or other labor laws.

LD 1211 **An Act to Supplement Benefits for State Employees and Teachers whose Pensions are Subject to Reductions Enacted in 1993** **CARRIED OVER**

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

LD 1211 is a concept draft pursuant to Joint Rule 208. The concept the bill proposed was to create a new defined contribution plan as a supplemental retirement benefit for those state employees and teachers who are subject to benefit reductions enacted in 1993 -- so-called "cliff employees"-- and who are in service under the Maine State Retirement System on or after January 1, 2001.

1. The new plan would not cover:
 - A. A member who was in service and had 10 years of creditable service on July 1, 1993;
 - B. A member covered by the 1998 Special Plan; or

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- C. A member covered by the plan for Maine State Police officers.
- Contributions to the plan would be at the rate of 2% of an employee's salary or wages earned after December 31, 2000. The bill proposed to deduct that amount from the employee's existing required contribution to the Maine State Retirement System but the employee's defined benefits under the Maine State Retirement System would 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 and, for state employees, apportioned across the entire payroll for state employees covered under the Maine State Retirement System whether or not they are covered by the new plan.
 - Amounts contributed to the plan would be managed by or under the direction of the Maine State Retirement System 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 Internal Revenue Code.
 - Each employee's accumulated contributions and net earnings are nonlapsing and could be withdrawn or rolled over in accordance with the Internal Revenue Code when the employee dies, retires or departs from state service. The employee will have a range of annuity options for payment of benefits to the employee or the employee's spouse.

This bill has been carried over to the Second Regular Session of the 120th Legislature so that the MSRS and the committee may more fully explore ways to provide supplemental retirement benefits to “cliff employees”.

LD 1212	An Act to Improve Maine's Unemployment Compensation System for School Bus Drivers	ONTP
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<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1212 proposed to allow school bus drivers who are offered lower-paying jobs by the school district during the summer than what that drivers earn as school bus drivers during the school year to file for unemployment benefits for the difference in pay. See also LD 1537.

LD 1224	An Act to Provide Public Employees Equal Access to Personnel Files	DIED BETWEEN BODIES
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<u>Sponsor(s)</u> HUTTON EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-319
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LD 1224 proposed to include public sector employees in the law that requires an employer to provide written reasons for terminating an employee if the employee requests an explanation, that provides an employee access to

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his or her own personnel file, and that provides civil remedies and reimbursement for attorney fees for failure to comply.

LD 1235 **An Act to Speed Up the Decision Process on Workers' Compensation Claims** **ONTP**

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

LD 1235 proposed to impose 7-day deadlines on several steps of the workers' compensation dispute resolution process and to require the Workers' Compensation Board to maintain a staffed telephone number to provide assistance to employees filing claims.

Committee Amendment "A" (H-488) proposed to replace the bill. It proposed to prohibit an employer from requiring an injured employee to undergo more than one 2nd opinion examination unless the additional examination is approved by the employee or a hearing officer. It proposed to provide that the hearing officer may approve the additional examination only if it is needed to provide information on an issue that was not addressed in the first examination and that could not have been addressed in that examination.

LD 1243 **An Act to Reform Maine's Prevailing Wage Law** **ONTP**

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

LD 1243 was a concept draft that proposed to clarify the application and enforcement of laws concerning the wage and benefits required to be paid to workers on public construction jobs, also known as the "prevailing wage."

LD 1244 **An Act to Allow Maine Technical College System Faculty and Administrative Units to Participate in a Defined Contribution Plan** **ONTP**

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

LD 1244 proposed to reopen for approximately 1 year the timeframe for certain employees of the Maine Technical College System to exercise the option to participate in a defined contribution retirement plan in lieu of membership in the Maine State Retirement System under a law passed in 1998.

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LD 1245 **An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1245 proposed to require the State to pay Medicare Part B premiums for state retirees and retired teachers.

LD 152, a similar bill, was passed in the House but died on the Appropriations Table.

LD 1246 **An Act to Increase the Penalty for a Violation of Certain Occupational Health and Labor Laws** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1246 proposed to require the Department of Labor to debar from participation in state contracts for 5 years any person, partnership, corporation or other public or private entity found to have committed a serious, willful violation or serious, repeated violations of a standard under the United States Occupational Safety and Health Act of 1970, the National Labor Relations Act or the federal Fair Labor Standards Act.

LD 1247 **An Act to Increase the Minimum Wage in Maine** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1247 proposed to increase the state minimum wage from \$5.15 per hour to \$5.65 per hour beginning October 1, 2001 and to \$6.25 per hour beginning October 1, 2002. See also LD 121 and LD 1591.

LD 1253 **An Act to Require an Annual Benefit Adjustment** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1253 proposed to require an annual cost-of-living adjustment to workers' compensation benefits.

Joint Standing Committee on Labor

LD 1255

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

PUBLIC 442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM	H-437 H-483 BUNKER

LD 1255 proposed to repeal the current law that establishes a cap on the earnings of retired members of the Maine State Retirement System who return to work as state employees or teachers. The bill proposed to authorize those retirees to return to covered employment and continue to receive full retirement benefits.

See also similar LDs 442, 1314 and 1102.

Committee Amendment "A" (H-437) replaced the bill. It proposed to repeal the current law that provides for reduction in benefits of retirees under the Maine State Retirement System who return to employment covered by the retirement system if they exceed earning limitations. Under the amendment retirees could return to covered employment and keep both their full pension and their earnings. The amendment also proposed to establish the eligibility of retirees who return to such employment for certain benefits, including membership in the retirement system, participation in other retirement plans of the employer and eligibility for the state employee health insurance program. It also proposed to add a fiscal note to the bill.

House Amendment "B" to Committee Amendment " " (H-483) proposed to repeal an unnecessary provision of law and an obsolete provision of law.

Enacted law summary

Public Law 2001, chapter 442 repeals the current law that provides for reduction in benefits of retirees under the Maine State Retirement System who return to employment covered by the retirement system if they exceed earning limitations. Under chapter 442, retirees may return to covered employment and keep both their full pension and their earnings. The law also establishes the status of retirees who return to covered employment for certain benefits, including membership in the retirement system, participation in other retirement plans of the employer and eligibility for the state employee health insurance program.

LD 1257

An Act to Change the Membership of the Workers' Compensation Board

ONTP

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

LD 1257 proposed to change the composition of the Workers' Compensation Board. It proposed to create a 3-member board, with one member representing management and one representing labor, appointed by the Governor, with the chair selected by agreement of the 2 appointed members.

Joint Standing Committee on Labor

LD 1258

An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce

CARRIED OVER

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

LD 1258 proposed to amend the unemployment compensation laws in 3 ways. It proposed to provide coverage for part-time workers, to prevent a person from being disqualified if the person left a job because of the lack of dependent care or transportation, and repeal a provision that disregards work performed in seasonal industries when determining eligibility for unemployment benefits during the off-season.

Committee Amendment "A" (H-650) proposed to delete all provisions of the bill except those providing eligibility for part-time workers. The amendment proposed to change the part-time worker provisions to state that the circumstances under which a part-time worker is not made ineligible for benefits, notwithstanding the general requirement that persons be able and available for full-time work.

LD 1258 has been carried over to the Second Regular Session.

LD 1276

An Act to Allow County Corrections Personnel to Participate in the Same Retirement Plan as Other Corrections Personnel

**PUBLIC 368
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAVIS P	OTP-AM	H-568

LD 1276 proposed to provide the option to county government of providing a special retirement plan for county correctional employees identical to the retirement plans available to county sheriffs and deputy sheriffs.

Committee Amendment "A" (H-568) proposed to make corrections to the bill to carry out the intent of the bill to provide an option to county governments to provide retirement benefits for county correctional employees identical to the retirement benefits available to county sheriffs and deputies.

Enacted law summary

Public Law 2001, chapter 368 provides the option to county government of providing a special retirement plan for county correctional employees identical to the retirement plans available to county sheriffs and deputy sheriffs.

Public Law 2001, chapter 368 was enacted as an emergency measure effective June 8, 2001.

Joint Standing Committee on Labor

LD 1281 **An Act to Amend the Laws Governing the Administration of Workers' Compensation Hearings** **ONTP**

<u>Sponsor(s)</u> SHOREY BRUNO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1281 proposed to change the administration of workers' compensation hearings by creating the position of chief hearing officer and providing that the chief hearing officer appoints hearing officers whose tenure is limited to 3 years.

LD 1311 **An Act to Amend the Workers' Compensation Laws Regarding Contracts for Services to Administer Reimbursement Requests** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1311 proposed to allow the Workers' Compensation Board to delegate administration of the extended benefits reimbursement function of the Employment Rehabilitation Fund to a contracted service provider. The bill also proposed to create an oversight committee to monitor the performance of the entity hired to administer the reimbursement requests. See also LD 1413.

LD 1314 **An Act to Remove the Penalty for Education Retirees Who Work After Retirement** **ONTP**

<u>Sponsor(s)</u> MITCHELL B STEDMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1314 proposed to eliminate for 5 years the reduction in benefits a retired teacher other school employee receives if the retiree returns to covered service under the Maine State Retirement System.

See also similar LDs 442, 1255 and 1102. Ld 1255 was enacted.

Joint Standing Committee on Labor

LD 1326

An Act to Support Continued Operation of the Workers' Compensation Board

ONTP

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

LD 1326 proposed to create automatic adjustments to the cap on the Workers' Compensation Board assessment. The cap on the Board's "All Other" budget would increase by an amount equivalent to the inflation factor set by the Revenue Forecasting Committee and the Board's "Personal Services" budget would increase by an amount equal to increases in employee salaries and benefits.

LD 1332

An Act to Improve Retirement Benefits for Marine Patrol Officers

ONTP

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

LD 1332 proposed to remove from the 1998 Special Plan and establish a new special retirement plan for marine patrol officers that provides full retirement benefits after 25 years of service with no minimum retirement age requirement. The special plan would apply to all newly hired marine patrol officers and would be retroactive for current officers.

See similar bills, LDs 1436, 1468 and 1584.

The majority report of the Labor Committee on LD 1584 combined this bill with that LD providing the same special retirement plan for Game Wardens. LD 1584 was folded into the Part II budget bill at the end of the session. The provisions are found in Public Law 2001, chapter 439, Part HHHH. Funding for the special retirement benefits is dependent on the availability of funds in the unappropriated surplus of the General Fund at the end of the current and the next fiscal years.

LD 1335

An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL SAWYER	OTP-AM	H-363

LD 1335 proposed to exempt from unemployment compensation laws the services of an owner-operator of a truck or truck tractor when the truck or tractor is leased to a motor carrier.

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Committee Amendment "A" (H-363) proposed to add that an owner-operator is exempt from state unemployment laws only if that owner-operator is not subject to federal unemployment taxes.

Enacted law summary

Public Law 2001, chapter 274 exempts from the unemployment compensation laws services provided by an owner-operator of a truck or truck tractor leased to a motor carrier if the services are not subject to federal unemployment taxes.

LD 1394 **An Act to Prohibit the Use of State Funds by Health Care Providers to Influence Union Organizing** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM MAJ ONTP MIN	H-567

LD 1394 proposed to prohibit health care providers and practitioners from spending state funds or state-administered funds to influence union organizing efforts of their employees.

Committee Amendment "A" (H-567) proposed to replace the bill. It proposed to expand current law prohibiting health care institutions from using Medicaid or Medicare funds to influence unionization to include use of any type of state funds or state-administered funds. It proposed to require the Department of Human Services to make an initial decision regarding the expenditure and to allow submission of the department's decision to an arbitrator before the decision is appealed to court. It proposed to enact a presumption that disallowed expenditures were made if an institution requires attendance at a meeting regarding unionization during the work time of employees whose salaries are paid in whole or in part by state funds. The amount of the disallowed expenditure for the meeting would be a proportion of the cost that is the same as the proportion of state funds to all revenue for the institution.

LD 1395 **An Act to Improve Working Conditions for Migrant Workers** **ONTP**

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

LD 1395 was a concept draft that proposed to create the position of a migrant worker advocate or ombudsman in the Department of Labor.

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LD 1399

**An Act to Require Reporting of Activities under the Workforce
Investment Act of 1998**

PUBLIC 366

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-634
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LD 1399 proposed to require that at least 1/3 of all federal funds received by the State under the federal Workforce Investment Act of 1998 be used for education and skills training. It further proposed to require that at least 15% of funds be used for support services such as child care and transportation for individuals enrolled in an education or training program. It also proposed to require that the Maine Department of Labor annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998.

Committee Amendment "A" (H-634) proposed to replace the bill. It proposed to delete the provision requiring that a certain portion of federal money be used for training and support services. It also proposed to revise the reporting requirement to provide better information in a more feasible format. The amendment proposed to require the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

Enacted law summary

Public Law 2001, chapter 366 requires the Maine Department of Labor to annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998. It requires the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

LD 1413

**An Act to Transfer Administration of Certain Reimbursement
Functions of the Workers' Compensation Employment
Rehabilitation Fund to a Voluntary Coalition of Parties in Interest**

PUBLIC 448

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-309
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LD 1413 proposed to transfer administration of a portion of the Employment Rehabilitation Fund from the Workers' Compensation Board to a 5-member Supplemental Benefits Oversight Committee. The Oversight Committee would administer the function of reimbursing insurers and self-insurers for payments they made to injured employees as a result of (1) the law extending the duration of benefit payments for partial incapacity, section 213, subsection 3 of the Workers' Compensation Act of 1992; and (2) the law that entitles persons with a disability of less than 15% but more than the threshold amount (currently 11.8%) to benefits for the duration of the disability, pursuant to section 213, subsection 4 of the Act. The Fund is funded by an assessment on insurers and self-insurers.

Committee Amendment "A" (S-309) proposed to divide the Employment Rehabilitation Fund into 2 separate funds, change the membership of the 5-person board, clarify several matters relating to the board and its members,

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specify how the reimbursement process will operate, and clarify the assessment process. The amendment also proposed to require the Oversight Committee to submit a report to the Joint Standing Committee on Labor by February 1, 2002 discussing implementation of the law and making any necessary recommendations for improvements. The Joint Standing Committee on Labor would be authorized to report out legislation to the Second Regular Session in response to the report.

Enacted law summary

Public Law 2001, chapter 448 transfers responsibility for reimbursing insurers and self-insurers for benefit extension payments from the Employment Rehabilitation Fund to a new fund called the "Supplemental Benefits Fund." The Supplemental Benefits Fund is funded by an assessment on insurers and self-insurers and is administered by the Supplemental Benefits Oversight Committee, a 5-member board appointed by the Governor. The Committee may delegate day-to-day administration of the Fund, and committee powers regarding reimbursement requests and assessments, to a service agent. The Committee, the Fund and the service agent do not participate in Workers' Compensation Board proceedings that determine the level or duration of benefits payable to an employee. The Committee and the service agent determine only whether insurers and self-insurers are eligible for reimbursement from the Fund for payments they made as a result of (1) the increase in the duration limit on partial incapacity benefits for injuries between January 1, 1993 and December 31, 1997; and (2) the lowering of the threshold for lifetime benefits from 15% to 11.8% for injuries between January 1, 1993 and December 31, 1999. Payments for injuries after those dates are not reimbursable from the Fund.

LD 1436

An Act to Provide Equity in the Retirement Plans for State Law Enforcement Officers and Prison Guards

ONTP

Sponsor(s)
DUNLAP

Committee Report
ONTP

Amendments Adopted

LD 1436 proposed to establish a special retirement plan for game wardens, marine patrol officers, prison guards and certain other correctional employees. As proposed, the plan would offer retirement with full benefits after 25 years of service with no minimum retirement age requirement. The plan would apply to all newly hired employees in the named categories and would be retroactive to the date of hire for game wardens, marine patrol officers and Maine State Prison guards. For prison guards at other correctional facilities and for certain other state correctional employees, it would be retroactive to January 1, 2000 when those employees were first eligible for special retirement benefits under the 1998 special retirement plan. The bill also proposed to remove the named categories of employees from the 1998 special retirement plan.

See similar bills, LDs 1332, 1468 and 1584.

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LD 1461 **An Act to Revise the Health Insurance Benefits Available to Retired Legislators** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK GAGNON	OTP	S-196 EDMONDS

LD 1461 proposed to provide that if a Legislator covered by the state-paid group health insurance plan terminated legislative service with at least 8 years of creditable service in the Maine Legislative Retirement System but did not retire at that time, the Legislator could elected to continue coverage under the group plan by paying the premium until retiring. Whether or not the Legislator exercised the option, that Legislator could elect at retirement to rejoin the group plan and to have the State pay the health insurance premiums.

LD 1465 **An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer, Firefighter or Emergency Medical Services Person Killed in the Line of Duty** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS SMALL	OTP-AM	H-384

LD 1465 proposed to grant a \$50,000 death benefit to the survivors of a law enforcement officer or firefighter killed in the line of duty.

Committee Amendment "A" (H-384) proposed to grant the death benefit to the survivors of emergency medical services persons killed in the line of duty as well as to survivors of law enforcement officers and firefighters. The amendment also proposed to pay the benefit from the State Contingent Account. The substance of LD 1465, as amended by Committee Amendment "A", was included as Part CCCCC of the "Part II" budget bill, Public Law 2001, chapter 439. The benefit would be paid from the Maine Rainy Day Fund rather than from the State Contingent Account as proposed in the committee amendment.

LD 1466 **Resolve, to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT EDMONDS	OTP-AM MAJ ONTP MIN	H-245

LD 1466 proposed to establish a study commission to study the benefits and costs of providing family and medical leave benefits to families in the State. This Resolve was replaced by a Joint Order, HP1386, which is summarized at the end of this document.

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LD 1468

An Act to Change the Retirement Plan for Marine Patrol Officers

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 1468 proposed to remove marine patrol officers from the 1998 Special Retirement Plan and establish a new special retirement plan for those officers that would provide full retirement benefits after attaining 55 years of age and 25 years of service. As proposed, the special plan would apply to all newly hired marine patrol officers and would be retroactive for current officers.

See similar bills, LDs 1332, 1436 and 1584.

LD 1469

An Act to Restore Teacher and State Employee Retirement Benefits

ONTP

Sponsor(s)
GREEN

Committee Report
ONTP

Amendments Adopted

LD 1469 proposed to restore teacher and state employee retirement benefits that were reduced for employees who had less than 10 years of creditable service on July 1, 1993 so that the same benefits would be available to all teachers and state employees when they retire. Specifically, the bill proposed to do the following:

1. Revive the ability to use up to 30 days of unused sick or vacation time in calculating earnable compensation;
2. Eliminate the delay of cost-of-living adjustments to early retirees until attainment of normal retirement age;
3. Reestablish the normal retirement age at 60 years of age; and
4. Restore the reduction for early retirement to the pre-1993 level.

LD 1479

An Act to Allow Flexibility in Payment of School Year Employee Wages

PUBLIC 156

Sponsor(s)
WESTON
MITCHELL B

Committee Report
OTP-AM

Amendments Adopted
H-170

LD 1479 proposed to amend current law to allow school year employees to receive their pay over a period of either 10 or 12 months, as determined by a written agreement between the employees and the school administrative unit.

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Committee Amendment "A" (H-170) proposed to allow payment to a school year employee to be spread out over any period up to 12 months, as provided in a written agreement between employees and the school administrative unit.

Enacted law summary

Public Law 2001, chapter 156 allows school administrative units to spread payments to school year employees over any period up to 12 months, as provided in a written agreement between employees and the school administrative unit.

LD 1509 **An Act to Clarify and Make Technical Corrections to Retirement Laws** **PUBLIC 118**

<u>Sponsor(s)</u> DOUGLASS MATTHEWS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1509 proposed to make technical corrections and clarifications in the laws governing the Maine State Retirement System. It proposed to correct cross references and insert inadvertently omitted language relating to normal retirement age, various reduced retirement benefit elections and death before service retirement.

Enacted law summary

Public Law 2001, chapter 118 makes technical corrections and clarifications in the laws governing the Maine State Retirement System. It corrects cross references and inserts inadvertently omitted language relating to normal retirement age, various reduced retirement benefit elections and death before service retirement.

LD 1527 **An Act to Provide Parity of Representation in Workers' Compensation Claims** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> HUTTON EDMONDS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1527 proposed to require an employer to pay attorney's fees for an employee in a workers' compensation case if the employee prevails in the action and the employer was represented by an attorney. If the employer was not represented by an attorney, the employee would not be entitled to attorney's fees.

Committee Amendment "A" (H-524) proposed to replace the bill. It proposed to require a hearing officer to order an employer to pay reasonable attorney's fees and expenses incurred by the employee if the hearing officer found that the employer's refusal to pay benefits was not based on any rational grounds.

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LD 1537 **An Act to Increase Access to Unemployment Compensation for School Bus Drivers** **ONTP**

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

LD 1537 proposed to repeal the provision in unemployment compensation law that makes school bus drivers employed by educational institutions or education service agencies ineligible for unemployment benefits when they are laid off between 2 successive academic years.

LD 1541 **An Act to Fund the Workers' Compensation Advocate Program** **ONTP**

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

LD 1541 proposed to allocate funds for an additional 10 positions to the Workers' Compensation Board to provide more resources for the worker advocate program. It also proposed to increase the cap on the annual assessment for the Workers' Compensation Board Administrative Fund from \$6.735 million to \$7.735 million. The bill also proposed to specify that advocates must be hired as necessary to maintain an active caseload of no more than 100 cases per advocate.

LD 1566 **An Act to Improve Pension Benefits for Employees in the Department of Environmental Protection** **PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-619
EDMONDS	ONTP MIN	

LD 1566 proposed to open membership in the 1998 Special Retirement Plan to emergency and hazardous response workers at DEP who participate in a standby work rotation. The 1998 Special Plan offers full retirement benefits at age 55 or early retirement with a benefit reduction after 25 years of service. The bill also proposed to help fund the cost of adding oil and hazardous waste materials workers to the 1998 special plan by allocating 0.25¢ per barrel of the 3¢ per barrel of oil received by the Maine Coastal and Inland Service Oil Clean-up fund to the Maine State Retirement System.

Committee Amendment "A" (H-619) proposed to make the following changes in the bill:

1. To clarify which employees are covered by provisions of the bill;
2. To retroactively extend benefits for covered employees under the 1998 special retirement plan to the date of hire for all the employees' service in covered positions;

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3. To add an allocation section that allocates funds on a prorated basis from special revenue accounts to fund the costs of the bill based on the number of employees funded under each fund; and
4. To add a fiscal note to the bill.

See related LDs 1583 and 1789. Public Law 2001, c. 471, section E-9, the Errors Bill, clarified the funding of this bill.

Enacted law summary

Public Law 2001, chapter 409 provides membership in the 1998 Special Retirement Plan for emergency and hazardous response workers at DEP who participate in a standby work rotation. The 1998 Special Plan offers full retirement benefits at age 55 or early retirement with a benefit reduction after 25 years of service. Chapter 409 covers all new employees in the designated categories and current employees retroactive to their date of hire. Funding for the bill is allocated among the 4 hazardous waste funds within the department; no General Funds are used.

LD 1583

An Act to Provide Pension Equity for Mental Health Workers

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT DUPLESSIE	OTP-AM	S-249

LD 1583 proposed to open the 1998 Special Plan to mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services. Under that existing plan a member would qualify for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service

Committee Amendment "A" (S-249) proposed to clarify the definition of "employees covered," the calculation of benefits and the employee contribution required under the 1998 Special Retirement Plan. The amendment also proposed to correct cross-references and add an appropriation section, allocation sections and a fiscal note to the bill.

The bill was adopted in the House but died on the Appropriations Table.

See related bills LDs 1566 and 1789

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LD 1584

An Act to Change the Retirement Eligibility Requirement for Game Wardens and Marine Patrol Officers

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH COLWELL	OTP-AM MAJ OTP-AM MIN	S-257

LD 1584 proposed to establish a new special retirement plan for fish and wildlife game wardens that provides full retirement benefits after 25 years of service with no minimum retirement age requirement. The special plan would apply to all newly hired game wardens and would be retroactive for current wardens. The bill also proposed to remove game wardens from the 1998 Special Retirement Plan.

See similar bills, LDs 1332, 1436 and 1468.

Committee Amendment "A" (S-257) was the majority report of the Joint Standing Committee on Labor. It proposed to add coverage for the category of marine patrol officers under the special retirement provisions for game wardens contained in the bill. Under the amendment, game wardens and marine patrol officers would be removed from the 1998 Special Plan and provided with a retirement plan that offers full retirement benefits after 25 years of service with no minimum retirement age requirement. The new plan would apply to newly hired game wardens and marine patrol officers and would be retroactive for current game wardens and marine patrol officers hired after 1984. The amendment also proposed to make technical corrections in the bill and to provide for full actuarial funding of the bill from the unappropriated surplus of the General Fund. Finally, the amendment proposed to add an emergency preamble and clause and effective date and a fiscal note to the bill.

Committee Amendment "B" (S-258) which was not adopted was the minority report of the committee. It proposed to retain the special retirement plan for Department of Inland Fisheries and Wildlife game wardens and Department of Marine Resources marine patrol officers established prospectively in 1998 and extend coverage under the special plan retroactively to date of hire for currently employed game wardens who were hired on or after September 1, 1984. Employees covered by the 1998 special plan would be able to retire with full benefits at age 55 if they have 10 years of service or to retire before age 55 with a benefit reduction if they have at least 25 years of service. Game wardens or marine patrol officers hired before September 1, 1984 would not be affected by this amendment; they may retire at any age after 20 years of service. The amendment also proposed to provide for return of contributions plus interest to game wardens and marine patrol officers who previously participated in an option to self-fund a special retirement benefit similar to that provided by this amendment. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The bill as amended by the majority committee amendment died on the Appropriations Table but was included in the Part II Budget, Public Law 2001, chapter 439, Part GGGG.

Joint Standing Committee on Labor

LD 1585

**An Act to Restore a Workers' Compensation Hearing Officer
Position in Aroostook County**

P & S 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SMITH	OTP	S-150

LD 1585 proposed to require the Workers' Compensation Board to permanently assign a full-time administrative hearing officer to the Caribou office no later than 30 days after the effective date of the bill and to implement the assignment within existing budgeted resources.

Committee Amendment "A" (S-150) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted law summary

Private and Special Law 2001, chapter 24 requires the Workers' Compensation Board to permanently assign a full-time administrative hearing officer to the Caribou office no later than 30 days after the effective date of the bill and to implement this assignment within existing budgeted resources.

LD 1591

An Act to Raise the Minimum Wage

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL	OTP-AM MAJ ONTP MIN	S-63

LD 1591 proposed to raise the minimum wage from \$5.15 per hour to \$5.65 per hour starting January 1, 2002 and \$6.15 per hour starting January 1, 2003. It proposed to provide an income tax credit for an employer who employs fewer than 15 employees equal to the lesser of 20% of health benefits paid under a health benefit plan or \$125 per employee with health benefits coverage.

It also proposed to increase the earned income credit to 10% of the federal earned income credit for the tax year that begins on January 1, 2002 and 15% of the federal earned income credit for tax years that begin on or after January 1, 2003.

Committee Amendment "A" (S-63) proposed to increase the state minimum wage from \$5.15 per hour to \$5.75 per hour beginning January 1, 2002 and to \$6.25 per hour beginning January 1, 2003. The amendment also proposed to retain language in current law providing that the state minimum wage increases to conform to any increases in the federal minimum wage, up to a maximum of \$1.00 per hour above the specified state minimum. It proposed to delete the section of the bill providing a tax credit for employers who provide health benefits and the section that increased the earned income credit.

Enacted law summary

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Public Law 2001, chapter 297 increases the state minimum wage from \$5.15 per hour to \$5.75 per hour beginning January 1, 2002 and to \$6.25 per hour beginning January 1, 2003. The amendment also retains language in current law providing that the state minimum wage increases to conform to any increases in the federal minimum wage, up to a maximum of \$1.00 per hour above the specified state minimum.

LD 1594 **An Act to Provide Disclosure and Financial Protections to Temporary Workers** **CARRIED OVER**

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

LD 1594 proposed to regulate the practices of temporary services companies and to require that such companies fully disclose wages, charges, work hours and other conditions prior to assigning temporary workers to a job. It also proposed to require an employer to pay a temporary worker the same compensation and benefits as it pays its own employees if the temporary worker has worked for that employer for at least 90 days.

LD 1594 has been carried over to the Second Regular Session.

LD 1610 **An Act to Clarify the Legal Status of Employees of the Governor Baxter School for the Deaf** **PUBLIC 239
EMERGENCY**

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

LD 1610 proposed to clarify several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. The bill proposed to provide that employees who were hired after the effective date of that law have the same rights and benefits as employees hired before, except for seniority rights in executive branch agencies. The bill proposed to provide that employees hired before and after the change in the school's status are eligible to participate in the state employee health plan and the regular state employee plan of the Maine State Retirement System.

It proposed to provide that collective bargaining agreements between the State and bargaining agents for bargaining units in state employment do not cover comparable bargaining units at the Governor Baxter School for the Deaf. However, the agreements between the State and the bargaining agents in effect at the time of the school's status change and successor agreements are evidence of the status quo at the school, which must be maintained until changed in accordance with applicable labor law principles. LD 1610 also proposed to provide that Governor Baxter School for the Deaf employees are eligible to participate in the state employee health plan and the state employee plan of the Maine State Retirement System unless a binding agreement signed by both the employee or employee representative and the school board of the Governor Baxter School for the Deaf otherwise provides.

Committee Amendment "A" (H-364) proposed to clarify when the health insurance and retirement status of employees of the Governor Baxter School for the Deaf may be changed.

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Enacted law summary

Public Law 2001, chapter 239 clarifies several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. It provides that all employees are eligible to participate in the state employee health plan and the regular state employee retirement plan, whenever hired, and that employees hired after the status of the school changed have the same rights and benefits as those hired before, except for seniority rights in executive branch agencies. It provides that state employee collective bargaining agreements do not apply to employees at the school, but that agreements between the school and the bargaining units in effect before the change in status of the school are evidence of the status quo at the school. It also provides that the retirement and health benefits may only be changed by a collective bargaining agreement or otherwise as consistent with applicable law, and that any removal from the state employee retirement plan may be made only after consultation with the Executive Director of the Maine State Retirement System.

Public Law 2001, chapter 239 was enacted as an emergency measure effective May 22, 2001.

LD 1629 An Act to Increase the State Share of Health Insurance for Certain Retired Teachers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL		

LD 1629 proposed to increase the share of retired teachers' health insurance paid by the State from the current amount of 30% to an amount up to 50%, based on the household income of the retired teacher.

See related LDs 211 (referred to the Appropriations Committee) and 705 which died on the Appropriations Table but the substance of which was incorporated into the Part II Budget (Public Law 2001, chapter 439, Part QQ).

LD 1629 has been carried over to the Second Regular Session of the 120th so that the sponsor may attempt to identify the best method to provide assistance with their health insurance to retired teachers who are in need.

LD 1631 An Act to Provide Exemptions from the 5% cap on Earnable Compensation for Retirement Purposes ONTP

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

LD 1631 proposed to exclude pay increases resulting from the following for purposes of determining earnable compensation under the Maine State Retirement System law:

1. Collectively bargained agreements pursuant to Title 26, chapters 9-A, 9-B and 12;

Joint Standing Committee on Labor

2. Job promotions;
3. Position reclassifications; and
4. Position reallocations.

See also LD 1197 which proposed to increase the 3 year cap on earnable compensation.

LD 1642 **An Act to Provide for the Continuous Coverage of Disability Benefits** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1642 proposed to require that partially incapacitated employees receive workers' compensation benefits for the duration of the incapacity, rather than having a limit on the number of months of payments.

LD 1697 **An Act to Enhance the Safety and Health of Students in Public School Facilities** **PUBLIC 397**

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-626
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LD 1697 proposed to include students in the definition of "employee" under the occupational safety and health laws to allow the Department of Labor, Bureau of Labor Standards to consider the safety and health of students when conducting enforcement inspections in public sector educational facilities.

Committee Amendment "A" (H-626) proposed to replace the bill. It proposed to require the Board of Occupational Safety and Health to adopt rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment.

Enacted law summary

Public Law 2001, chapter 397 requires the Board of Occupational Safety and Health to adopt major substantive rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment. Chapter 397 allows the Department of Labor to provide technical assistance to school boards and other governing boards of educational institutions to assist them in complying with the rules.

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LD 1708

An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws and to Enhance the Use of the Occupational Safety Loan Fund

PUBLIC 398

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-295
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LD 1708 proposed to amend the laws relating to work permits for minors. It proposed to clarify that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards. It also proposed to clarify that the permit is in force only for the specific employer listed on the permit. Finally, the bill proposed to allow the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.

Committee Amendment "A" (S-295) proposed to add language allowing the Department of Labor to use the Occupational Safety Loan Fund to provide grants for services that would improve employers' workplace safety and health performance. The amount would be limited to the income to the Fund from interest payments and investments in the previous fiscal year.

Enacted law summary

Public Law 2001, chapter 398 makes several changes in the law regarding work permits for minors. It clarifies that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards and clarifies that the permit is in force only for the specific employer listed on the permit. Chapter 398 allows the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.

Chapter 398 also allows the Department of Labor to use the Occupational Safety Loan Fund to provide grants for services that would improve employers' workplace safety and health performance. The amount would be limited to the income to the fund from interest payments and investments in the previous fiscal year.

LD 1719

An Act Regarding Dismissal of Municipal Employees for Cause

DIED BETWEEN BODIES

<u>Sponsor(s)</u> DOUGLASS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 1719 proposed that all municipal employees be subject to termination only for cause and after notice and hearing. Under current law, as interpreted by the Maine Law Court in *Farley v. Washburn*, 704 A.2d 347 (1997), only municipal officials and employees whose appointment is required by general law, charter or ordinance, or who are appointed by the town manager, are removable for cause after notice and hearing. All other employees are "at-will" employees.

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LD 1720 **Resolve, to Create the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA MAYO	OTP-AM MAJ ONTP MIN	S-283

LD 1720 proposed to establish the Advisory Commission for Persons Who are Blind or Visually Impaired to provide advice to the Commissioner of Labor regarding education and rehabilitation, vocational and quality-of-life programs and services for persons who are blind or visually impaired.

Committee Amendment "A" (S-283) proposed to replace the bill. It proposed to change the bill to a resolve creating the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired. The Commission would be charged with examining the advantages and disadvantages of the current administrative structure and alternatives to the current structure. The Commission would also make a recommendation on the most effective administrative structure for providing services to the blind and visually impaired in Maine.

LD 1746 **An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel** **CARRIED OVER**

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

LD 1746 is a concept draft that proposed to provide a rebuttable presumption of eligibility for workers' compensation benefits for hepatitis or hepatic-related diseases for firefighters and emergency medical services personnel who have been active members of a municipal fire department or a volunteer firefighters' association for at least 2 years prior to the onset of the disease.

LD 1746 has been carried over to the Second Regular Session.

LD 1753 **An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act** **PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS MATTHEWS	OTP-AM	S-259

The "Consolidated Appropriations Act, 2001," P.L. 106-554, amended federal law to allow Indian tribes to exercise the same election provided to state and local governments and nonprofit organizations with regard to the Federal

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Unemployment Tax Act (FUTA). Under the Consolidated Appropriations Act, services performed in the employ of American Indian tribes are no longer subject to FUTA and must now be covered under state unemployment laws. Currently, Maine law covers these services for unemployment insurance purposes. However, Indian tribes are only permitted to meet their unemployment insurance obligations by payment of a contribution to the Unemployment Compensation Fund. LD 1753 proposed to offer Indian tribes the choice of paying those obligations as direct reimbursement employers as part of the Federal-State Unemployment Compensation Program, similar to municipalities.

Committee Amendment "A" (S-259) proposed to clarify that the law granting the option to become a direct reimbursement employer for unemployment compensation purposes applies to Maine Indian tribes to the extent permitted by federal law. It also proposed to clarify that benefit payments to unemployed individuals are not withheld if the employing Indian tribe fails to make unemployment contributions or reimbursement payments in lieu of contributions.

Enacted law summary

Public Law 2001, chapter 381 provides to Maine Indian tribes the same option that state and local governments have under federal law to provide unemployment compensation benefits to their employees as direct reimbursement employers rather than by regularly paying contributions to the state Unemployment Compensation Fund.

LD 1754

An Act to Amend the Laws of the Maine State Retirement System

**PUBLIC 181
EMERGENCY**

Sponsor(s)
EDMONDS
TREADWELL

Committee Report
OTP-AM

Amendments Adopted
S-113

LD 1754 proposed to make several technical and clarifying changes in the laws governing the Maine State Retirement System.

Committee Amendment "A" (S-113) proposed to delete the sections from the bill that establish the Maine State Retirement System as a single retirement plan for financial reporting and administration purposes and to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 181 makes the following changes in the laws governing the Maine State Retirement System.

1. It replaces the current 10-day period for swearing in a newly appointed or reappointed trustee of the Maine Legislative Retirement System, Maine Judicial Retirement System and the Maine State Retirement System with the 30-day period generally provided by law for the swearing of similar appointees.
2. It establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the statutes governing the Maine State Retirement System.

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3. It establishes standards for the determination by the Board of Trustees of the Maine State Retirement System and the system's actuary that a study of plan experience is necessary for the actuarial soundness or prudent administration of the system's plans, replacing the current fixed 3-year study requirement for the state employee and teacher plan and establishing a standard for studies of plan experience under the system's other plans.
4. It allows service credit in order to qualify for a service retirement benefit under a special plan to a state employee, teacher member or participating local district member interrupting employment for any service in the Armed Forces, removing the current limitation to service during a federally recognized period of conflict as defined by federal law. The federal Uniformed Services Employment and Reemployment Rights Act now mandates that all service in the Armed Forces be recognized under these circumstances by the Maine State Retirement System.
5. It articulates the longstanding policy of the Maine State Retirement System to allow state police officers covered under the post-1984 state police special plan service credit for purchased service in the Armed Forces.

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6. It establishes the conditions under which a participating local district that has withdrawn from the Maine State Retirement System may satisfy its liabilities for benefits in order to receive back from the retirement system district assets remaining after liabilities are satisfied and authorizes the retirement system to pay over such assets.

Public Law 2001, chapter 181 was enacted as an emergency measure effective May 16, 2001.

LD 1763 **An Act to Transfer Funds from the Department of Labor for a Full-time Hearing Officer for the Workers' Compensation Board** **ONTP**

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

LD 1763 proposed to transfer federal funds for one Hearing Officer position in the Department of Labor to the Workers' Compensation Board in fiscal years 2001-02 and 2002-03.

LD 1789 **An Act Regarding the Length of Service for Retirement Benefits for Certain State Employees** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS MICHAUD MH	OTP-AM MAJ ONTP MIN	H-615

Part A of this bill proposed to open the 1998 Special Retirement Plan to security officers employed by Capitol Security in the Department of Public Safety and special investigators in the Attorney General's office. Under that existing plan a member qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service.

Part B proposed to increase the cap on increases in earnable compensation for purposes of determining average final compensation under the Maine State Retirement System law from 10% over the 3 highest years of earnings to 15% over the 3 highest years of earnings. The annual cap of 5% would remain in place.

Committee Amendment "A" (H-615) proposed to provide retirement benefits under the 1998 special plan for motor vehicle investigators employed by the Department of the Secretary of State, Bureau of Motor Vehicles. The amendment also proposed to eliminate the increase in the 3-year cap on earnable compensation contained in Part B of the bill. Finally, it proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The bill was adopted in the House but died on the Appropriations Table.

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See related LDs 1566 and 1583.

HP 1386

JOINT ORDER – Relative to the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

Enacted law summary

HP1386 creates the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families. The 15-member committee is directed to examine current availability of paid family and medical leave, the impact on employers, employees and families of providing paid leave, the impact on public health costs and other state-funded programs, and options for providing paid family and medical leave. This Joint Resolution replaces LD 1466.

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LD 7 **Resolve, Authorizing Bonnie Dunn to Sue the State** **ONTP**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 7 proposed to authorize Bonnie Dunn to sue the State for damages resulting from a fall at Lake St. George State Park.

LD 9 **An Act to Regulate Exit Polling** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 9 proposed to prohibit exit polling within the voting place as well as within 250 feet of the voting place.

LD 19 **An Act to Revoke the Voting Privileges of Persons Convicted of Murder or a Class A Crime** **ONTP**

<u>Sponsor(s)</u> ANDREWS LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 19 proposed to prohibit a person who has been convicted of murder or a Class A crime from being eligible to vote.

LD 20 **An Act to Increase the Pay-out Limit for Bingo Events** **ONTP**

<u>Sponsor(s)</u> TREADWELL MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 20 proposed to increase the total prizes that could be awarded at any one bingo event from \$1,400 to \$2,000.

Joint Standing Committee on Legal and Veterans' Affairs

LD 48

An Act to Prohibit a Liquor Licensee from Employing a Manager or Person in Charge if that Person has a Criminal Record

ONTP

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

LD 48 proposed to prohibit a person licensed to sell liquor from employing as a manager or leaving the licensed premises in charge of a person who has been convicted of a violation of any liquor laws or whose license to sell liquor has been revoked within the previous 5 years. This bill also proposed to prohibit the employment as a manager or person in charge any person who, within the last 5 years, has been convicted of a Class A, Class B or Class C crime or the violation of any liquor laws or whose license to sell liquor has been revoked within the last 5 years.

LD 51

An Act to Increase the Penalty for Furnishing Liquor to a Minor if Injury or Death Results

PUBLIC 395

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-29

LD 51 proposed to classify furnishing or allowing consumption of liquor by a minor as a Class D crime. This bill proposed to increase the classification to a Class C crime if the consumption of the furnished liquor by the minor proximately causes death of or bodily injury to the minor or any other individual.

Committee Amendment "A" (H-29) clarified the original bill by specifying that a person would be guilty of this crime if the act of furnishing alcohol to a minor results in serious bodily injury or death. It also changed the standard of proof necessary to find the person guilty of this crime from "proximately" causing to "in fact" causing the injury or death.

Enacted law summary

Current law classifies furnishing or allowing consumption of liquor by a minor as a Class D crime. Public Law 2001, chapter 395 increases the classification to a Class C crime if the consumption of the furnished liquor by the minor in fact causes death of or bodily injury to the minor or any other individual.

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LD 59 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions** **ONTP**

<u>Sponsor(s)</u> MAYO NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 59 proposed to amend the Constitution of Maine to require that the number of signatures required on a petition to directly initiate legislation be not less than 15% of the total vote for Governor cast in the last preceding gubernatorial election. The percentage currently required is 10%.

LD 88 **Resolve, Authorizing Zelma Rudge to Sue the State** **ONTP**

<u>Sponsor(s)</u> STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 88 proposed to authorize Zelma Rudge, as personal representative of the estate of Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the death of Victor Lizzotte. The resolve would have allowed the State to be sued up to a maximum of \$250,000 or to the applicable insurance policy limits.

LD 108 **An Act to Expand the Number of Authorized High-stakes Beano and High-stakes Bingo Games** **PUBLIC 295**

<u>Sponsor(s)</u> LORING CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-439
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LD 108 proposed to provide that a federally recognized Indian tribe that operates high-stakes beano or high-stakes bingo is operating in the tribe's governmental capacity. When operating in a governmental capacity, the tribe is not subject to taxation. The bill also proposed to allow high-stakes beano and high-stakes bingo games to be operated on New Year's Eve and New Year's Day.

Committee Amendment "A" (H-439) struck the section of the bill that states that the operation of high-stakes beano and high-stakes bingo is within a federally recognized Indian tribe's governmental capacity. It retained the provision that permits games to be conducted on New Year's Eve and New Year's Day.

Enacted law summary

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Public Law 2001, chapter 295 permits federally recognized Indian tribes licensed to conduct high-stakes beano and high-stakes bingo to operate those games on New Year's Eve and New Year's Day.

LD 123 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Signatures From All Counties on Direct Initiative Petitions** **DIED IN CONCURRENCE**

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

LD 123 proposed amending the Constitution of Maine to require that at least 5% of the number of signatures required on a petition to directly initiate legislation be collected in each of the 16 counties.

Committee Amendment "A" (H-169), which was not adopted, proposed to replace the original resolution by amending the statutes governing the circulation of petitions that directly initiate legislation. This amendment proposed to require that petitions circulated to directly initiate legislation include signatures from 10 of the State's 16 counties. As proposed, the number of petition signatures collected in those counties must equal 5% of the vote for Governor cast in that county in the last gubernatorial election preceding the filing of that petition.

LD 133 **An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses** **DIED BETWEEN BODIES**

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

LD 133 proposed to permit the Bureau of Liquor Enforcement to license golf courses to serve liquor on the course from a mobile service bar.

Committee Amendment "A" (S-80), which was not adopted, proposed to add several new provisions to the original bill pertaining to a golf course mobile service bar license. The amendment proposed to establish the annual license fee for a mobile service bar at \$100 and proposed to limit sales from a mobile service bar to just malt liquor. It also would have required that a licensee ensure that malt liquor would be served to only those engaged in a round of golf, that the cart would not be operated during a tournament including persons under 21 years of age, under this amendment patrons would not be permitted to transport open containers of malt liquor across a public way. It also specified that the operator of a mobile service bar must successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The amendment also would have required that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The amendment proposed to remove the emergency provision in the original bill and would have added a sunset to repeal the section that provides for the mobile service bar license on January 1, 2004.

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LD 181

An Act to Allow Families of Deceased Veterans to Maintain Cemetery Plots within the Maine Veterans' Memorial Cemetery System

ONTP

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 181 proposed to allow the use of authorized polymer bases for headstones in Maine veterans' cemeteries. It also specified that polymer bases would not be provided at the state's expense. Polymer bases are intended to prevent grave markers from sinking and for minimizing plant growth around the grave markers.

LD 192

An Act to Provide Disclosure to Voters by a Person Paid to Collect Signatures

DIED IN CONCURRENCE

<u>Sponsor(s)</u> DAIGLE DOUGLASS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 192 proposed to require any person who is paid to collect signatures for a petition to disclose that fact to a voter before the voter signs the petition.

Committee Amendment "A" (H-318), which was not adopted, proposed to replace the original bill. It proposed to require that every sheet of a citizen initiative petition include a sentence that would read: "This petition may or may not be circulated by someone who is paid to collect signatures."

LD 193

Resolve, to Establish a Centralized Voter Registration List for the State

RESOLVE 58 EMERGENCY

<u>Sponsor(s)</u> TESSIER GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-438 S-341 BENNETT
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LD 193 proposed to require the Secretary of State to maintain a central voting list for the State and to update the list at least once a year by requesting the voting list from the registrar of every municipality in the State. This bill also proposed to require a registrar to furnish the voting list for the registrar's municipality to the Secretary of State upon request from the Secretary of State.

Committee Amendment "A" (H-438) replaced the original bill and created a resolve that establishes a task force to study implementing a central voting list for the State to be conducted by the Secretary of State.

Senate Amendment "A" to Committee Amendment "A" (S-341) removed the authority of the Secretary of State to convene a task force to study the requirements necessary to develop and implement a centralized voter

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registration list and instead establishes the Task Force to Establish a Centralized Voter Registration List. Members of the task force are to be appointed jointly by the Speaker of the House and the ranking leader of the House Republicans and the President and President Pro Tempore of the Senate and consist of municipal officials, a representative of the League of Women Voters of Maine, public members, representatives of the major political parties, the State Information Officer, the Secretary of State and staff from the Secretary of State's office. The task force is required to report to the Joint Standing Committee on Legal and Veterans' Affairs. This amendment also added an emergency preamble and clause to the committee amendment.

Enacted law summary

Resolve 2001, chapter 58 requires the Secretary of State to convene a task force to study the requirements necessary to develop and implement a centralized voter registration list and instead establishes the Task Force to Establish a Centralized Voter Registration List. Members of the task force are appointed jointly by the Speaker of the House and the ranking leader of the House Republicans and the President and President Pro Tempore of the Senate and consist of municipal officials, a representative of the League of Women Voters of Maine, public members, representatives of the major political parties, the State Information Officer, the Secretary of State and staff from the Secretary of State's office. The task force is required to report to the Joint Standing Committee on Legal and Veterans' Affairs.

Resolve 2001, chapter 58 was passed as an emergency measure effective June 19, 2001.

LD 194 **An Act to Ensure Stability in Maine's Harness Racing and Off-track Betting Business** **ONTP**

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

LD 194 proposed to provide that a racetrack could accept wagers on simulcast races only if it had been authorized to and had accepted such wagers in the past or if it was located outside the market areas of existing businesses established to accept such wagers.

LD 199 **RESOLUTION, Proposing An Amendment to the Constitution of Maine to Restrict Reintroduction of Previously Failed Citizen Initiatives** **ONTP**

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

LD 199 proposed to amend the Constitution of Maine to bar for 6 years the direct initiation by a citizen of legislation that was rejected by the people of the State. Under this resolution, the issue of whether an initiative is

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the same as one that had failed at referendum within the preceding 6 years would be resolved by the Secretary of State.

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LD 206

An Act to Clarify the Use of 2-sided Ballots

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE NUTTING J	OTP-AM	H-117

LD 206 proposed to require that the Secretary of State prepare ballots in a single-sided format.

Committee Amendment "A" (H-117) replaced the original bill to require that double-sided ballots furnished for elections include a message on each side of the ballot reminding the voter to mark both sides of the ballot.

Enacted law summary

Public Law 2001, chapter 84 requires that double-sided ballots furnished for elections include a message on each side of the ballot reminding the voter to mark both sides of the ballot.

LD 214

An Act to Amend the Laws Governing Campaign Contributions

ONTP

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

LD 214 proposed to amend the Maine Clean Election Act to permit a qualified candidate to accept individual contributions less than or equal to \$50 aggregating less than \$2000. These contributions could be in addition to money distributed to a qualified candidate from the Maine Clean Election Fund.

LD 222

An Act to Clarify When Notice is Effective for Termination of a Tenancy

ONTP

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

LD 222 proposed to clarify when notice is effective for termination of a tenancy.

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LD 225

An Act to Enable Small Wineries to do Business in Maine

PUBLIC 20

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

LD 225 proposed to lower the fee for a certificate of approval for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less per year to \$100 from \$600.

Enacted law summary

Public Law 2001, chapter 20 lowers the fee for a certificate of approval for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less per year from \$600 to \$100.

LD 238

An Act to Require Proof of Identity in Order to Vote

ONTP

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

LD 238 proposed to require a voter who wishes to vote in an election to provide proof of identity in the form of a photo driver's license, a state-provided picture identification card or some other identification card created by the Secretary of State for the purpose of voting.

LD 252

An Act to Reduce the Time Permissible for Displaying Political Signs

ONTP

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

LD 252 proposed to change the allowable time frame to 3 weeks prior to the election.

Current law provides that political signs may not be placed in a right-of-way prior to 6 weeks before the election to which they relate.

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LD 254 **Resolve, Authorizing Charles O'Conner to Sue the State** **ONTP**

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

LD 254 proposed to allow Charles O'Conner to sue the State for the purpose of recovering his liquor license. If the plaintiff, Charles O'Conner, prevailed in the suit, the resolve would have required the Bureau of Liquor Enforcement to renew O'Conner's liquor license.

LD 255 **An Act to Require the State Harness Racing Commission to Appoint Judges for Harness Races** **ONTP**

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

LD 255 proposed to provide for the Maine Harness Racing Commission to appoint the judges and associate judges to preside at licensed racing meets. Once appointed by the commission, the judge would be an employee of the person licensed to conduct the racing meets.

Committee Amendment "A" (H-506), which was not adopted, proposed to continue to allow persons licensed to conduct commercial and extended meets to hire their own judges from lists of judges who have been duly licensed by the Maine Harness Racing Commission. For all other racing meets, the amendment would have required that the commission appoint judges and associate judges licensed by the commission.

LD 257 **An Act to Discourage Underage Consumption of Alcohol by a Minor** **PUBLIC 160**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE SAVAGE C	OTP-AM	H-167

LD 257 proposed to amend the laws prohibiting the consumption of alcohol by a minor by increasing the forfeiture for violation from not less than \$100 nor more than \$300 to not less than \$200 nor more than \$400 for the first offense; not less than \$200 nor more than \$500 to not less than \$300 nor more than \$600 for the 2nd offense; and from \$500 to \$600 for a 3rd or subsequent offense. The bill also proposed to give the court the authority to suspend a license if a minor violates Title 28-A, section 2051, subsection 1, paragraph D that prohibits use of any evidence of age that is false, fraudulent or not the minor's own.

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Committee Amendment "A" (H-167) amended the original bill by mandating, for a 2nd or subsequent offense, the suspension of a minor's driver's license who is guilty of presenting or offering fraudulent identification to obtain liquor or to enter a licensed premises where minors are not allowed. The amendment maintained the provision in the original bill that grants the court discretion to suspend a driver's license for an initial offense.

Enacted law summary

Public Law 2001, chapter 160 increases the penalty for a minor who uses or attempts to use a fraudulent or false identification for the purposes of obtaining liquor. For the first offense the penalty is increased from \$100 to \$200. For the second offense the penalty is increased from \$200 to \$300. For the third and any subsequent offense the penalty is increased from \$500 to \$600. This law also provides that a judge may suspend the driver's license of a minor for a first offense for 30 days. For a second offense the judge is required to suspend a minor's driver's license for 90 days and for 1 year for any subsequent offense.

LD 268

An Act Regarding Veterans

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> TUTTLE DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-583
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LD 268 proposed to reduce from 15 to 5 the years of creditable service a state employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credits for service in the Armed Forces of the United States. It also proposed to remove the requirement that members joining after January 1, 1976 must have served in a federally recognized period of conflict to be eligible to purchase military service credits. It proposed to expand eligibility for the veterans' property tax exemption and removes from statute eligibility requirements related to federally recognized periods of war. It also proposed that all honorably discharged veterans who are 62 years of age or older be eligible for the veterans' property tax exemption authorized by this bill. The bill would have required the Department of Administrative and Financial Services, Maine Revenue Services to notify each municipality of this expanded eligibility at least 60 days prior to the beginning of the first property tax year to which this expanded eligibility applies. It also proposed to designate as public assistance aid provided to veterans and their dependents pursuant to the Maine Revised Statutes, Title 37-B and requires that the Department of Defense, Veterans and Emergency Management retain administrative responsibility for this aid. It would have restored funding for support staff positions in the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services regional field offices that were eliminated in the budget cuts of 1990. It also proposed to provide funding to purchase new computers and software for the regional offices that will, among other things, link them with the bureau's Togus claims office. The bill would have also restored funding to provide aid to veterans and their dependents.

Committee Amendment "A" (H-583) proposed to increase the property tax exemption for honorably discharged veterans from \$5,000 to \$6,000. It proposed to require that the exemption be granted only to veterans who received an honorable discharge, but would have grandfathered those veterans who otherwise qualify for an exemption prior to April 1, 2002. The amendment also proposed to make other minor technical corrections and add an appropriation section and a fiscal note to the bill.

The bill was enacted in the House but died in the Senate on the Appropriations Table upon adjournment.

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LD 279 **An Act to Amend the Time the Registrar is Required to be at a Municipal Caucus** **PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY MCALEVEY	OTP-AM MAJ ONTP MIN	H-168

LD 279 proposed to amend the time that the registrar of voters of a municipality is required to be at a municipal caucus from one hour preceding the commencement of the party caucus to 20 minutes preceding the commencement of the party caucus.

Committee Amendment "A" (H-168) amended the bill by requiring that the registrar attend official party caucuses for at least 30 minutes preceding the commencement of the caucus.

Enacted law summary

Public Law 2001, chapter 102 changes from 1 hour to 30 minutes the length of time that the registrar of voters must attend official party caucuses preceding the commencement of the caucus.

LD 284 **An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee** **DIED BETWEEN BODIES**

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

LD 284 proposed to appropriate funds in the amount of \$28,000 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee. In the House, the minority "Ought to Pass" Committee Report was accepted and the House asked for a Committee of Conference on LD 284. In the Senate, the majority "Ought Not to Pass" Committee Report was accepted. LD 284 died between the bodies.

LD 285 **Resolve, to Establish the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE PENDLETON	OTP-AM	H-440

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LD 285 proposed to broaden the definition of lobbying to include time spent attending legislative hearings, work sessions and floor debate. The bill also proposed to require that lobbyists and others who are compensated to present testimony, but are not registered lobbyists, identify themselves and their employers before presenting written or oral testimony to any legislative committee or board, commission or similar agency of State Government.

Committee Amendment "A" (H-440) proposed to replace the bill by establishing the 8-member Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements. The commission would have been required to report its findings and recommendations to the Joint Standing Committee on Legal and Veterans Affairs by December 1, 2001.

The bill was enacted in the House but died in the Senate on the Appropriations Table upon adjournment.

LD 289 **An Act Regarding Horse Racing** **CARRIED OVER**

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

LD 289, which was carried over to the Second Regular Session, proposes to amend the definition of a "commercial track" by deleting the different criteria that currently apply to areas with different populations. It also proposed to make technical changes to make the use of this term consistent with the term "commercial licensee."

LD 294 **An Act to Clarify the Laws Prohibiting Consumption or Possession of Alcohol by a Minor** **PUBLIC 9**

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

LD 294 proposed to clarify that the person present when a minor is permitted to possess liquor must be the minor's parent, legal guardian or custodian. This bill also proposed to clarify that a minor may possess liquor in any home in the presence of the minor's parent, legal guardian or custodian. Current law prohibits a minor from consuming liquor except in a home in the presence of "a parent, legal guardian or custodian."

Enacted law summary

Public Law 2001, chapter 9 clarifies that a minor may possess liquor in any home in the presence of the minor's parent, legal guardian or custodian not the parent, legal guardian or custodian of any minor.

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LD 295 **An Act to Prohibit the Display of Liquor in Windows** **ONTP**

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

LD 295 proposed to prohibit a person licensed to sell liquor from displaying liquor in a window of the licensed premises.

LD 296 **An Act to Specify the Permissible Hours for Sale of Liquor By Wholesale Licensees** **PUBLIC 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS TUTTLE	OTP-AM	S-12

LD 296 proposed to specify that wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

Committee Amendment "A" (S-12) made a technical correction to the original bill.

Enacted law summary

Public Law 2001, chapter 21 specifies that wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

LD 388 **An Act to Amend Disclosure Reporting Requirements** **PUBLIC 75**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH RAND	OTP-AM	H-90

LD 388 proposed to provide that the forms for legislative financial disclosure will be prepared by and provided to each Senator and each member of the House of Representatives by the Commission on Governmental Ethics and Election Practices. This bill also proposed to change the responsibility for administering disclosure reporting requirements from the Secretary of State to the commission. Additionally, this bill proposed to exempt an appointed and elected executive employee from filing another statement if one has already been filed by that employee for the preceding calendar year.

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Enacted law summary

Public Law 2001, chapter 75 corrects an error in current law by providing that it is the Commission on Governmental Ethics and Election Practices that receives income statement reports and updating statements from legislators, not the Secretary of State. It also provides that Executive Branch employees and constitutional officers are not required to file a financial disclosure report in April if one has already been filed during the preceding calendar year.

LD 397

An Act to Amend the Laws Governing Small Brewery Licenses

PUBLIC 236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ	S-191
KOFFMAN	ONTP MIN	

LD 397

Under current law, the holder of a small brewery license may directly sell the product to retailers. The bill proposed to extend this right to all brewery license holders, not just small brewery license holders.

Committee Amendment "A" (S-191) replaced the original bill. It provides that a small brewery licensee may renew its license for only one year upon reaching the 50,000 gallon production threshold. After that year, if the licensee is still producing more than 50,000 gallons, it no longer qualifies for a small brewery license. The amendment also provides for proper compliance with the bottle deposit law.

Enacted law summary

Public Law 2001, chapter 236 provides that a small brewery licensee may renew its license for only one year upon reaching the 50,000 gallon production threshold. After that year, if the licensee is still producing more than 50,000 gallons, it no longer qualifies for a small brewery license. The law also provides for proper compliance with the bottle deposit law.

LD 401

An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid

DIED BETWEEN BODIES

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

LD 401 proposed to prohibit retail liquor licensees from selling any liquor for less than the actual price paid for the liquor.

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LD 447 **Resolve, Authorizing Sharon Huff and Raymond Huff to Sue the State** **ONTP**

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

LD 447 proposed to authorize Sharon Huff and Raymond Huff, individually and on behalf of their minor daughter, Kristina Huff, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the placement of Richard J. Huff in their household. The resolve would have allowed the State to be sued up to a maximum of \$400,000.

Committee Amendment "A" (H-296) was the minority report of the committee and would have added a fiscal note to the resolve. Committee Amendment "A" was not adopted.

LD 454 **An Act to Clean Up Maine's Clean Election Law** **ONTP**

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

LD 454 proposed to amend the laws governing campaign practices by defining "issue advocacy" and stating that expenditures made by individuals or political committees that are used for communications that expressly advocate the election or defeat of a clearly identified candidate are contributions to the campaign of the candidate that the communication is intended to benefit. Expenditures for such contributions would be prohibited without the authorization of the candidate that the communication is intended to benefit. Under this bill, communications that would be considered issue advocacy could not be distributed without first notifying the candidate mentioned in the communication at least 48 hours in advance. This bill also proposed to amend the Maine Clean Election Act by increasing the amount of qualifying contributions from \$5 to \$10, extending the time frame in which a candidate could collect and spend seed money and prohibiting participating candidates from soliciting contributions or making expenditures for a political action committee.

LD 460 **An Act to Promote Fairness and Equity in Liquor Prices** **ONTP**

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

LD 460 proposed to remove the requirement that agency liquor stores must sell spirits to on-premises licensees for the same price that a state liquor store would charge. Under this bill, the agency liquor store could sell spirits to on-premises licensees for the same price it charges retail customers.

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Committee Amendment "A" (S-168) proposed to replace the original bill. It proposed to require an agent to sell spirits and fortified wine for at least 104% of the price a state store would charge for that product. It also proposed to require an agent to sell its products to on-premise licensees and retail customers for the same price. Under this amendment, the agent would be required to file monthly reports with the Bureau of Liquor Enforcement indicating the price at which it is selling delivered spirits and fortified wine to all licensees and intermittent reports indicating any price changes made by the agent. This amendment would have also added a fiscal note to the bill.

LD 501 **An Act to Reform Certain Features of the Clean Election Law** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 501 proposed to amend the elections laws in the following ways:

1. Amend the definition of "independent expenditure" to include any public communication made within 60 days prior to an election that casts a candidate, identified by name, in a favorable or unfavorable light.
2. Increase the amount of the qualifying contribution that could be made under the Maine Clean Election Act from \$5 to \$10.
3. Change the date after which a candidate for the Legislature could begin to collect qualifying contributions under the Maine Clean Election Act from January 1st of the election year to December 15th of the year immediately preceding the election year.

LD 520 **An Act Concerning Small Breweries That Are Licensed to Serve Liquor on Premises** **ONTP**

<u>Sponsor(s)</u> COWGER DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 520 proposed to amend the law governing a licensee who is licensed to operate a small brewery and is licensed to sell liquor for on-premises consumption. This bill proposed to change current law by permitting patrons of the establishment licensed to sell liquor for on-premises consumption to receive tours of the brewery from the licensee or the licensee's employees and sample the brewery product as provided by current law. Under this bill, as proposed, liquor could not be sold to patrons while on a tour of the brewery.

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LD 528

An Act to Amend the Beano and Games of Chance Laws

PUBLIC 342

<u>Sponsor(s)</u> CHIZMAR MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-526
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LD 528 proposed to amend the licensing laws for beano and games of chance as follows.

1. It proposed to clarify the Chief of the State Police's authority to appoint a designee to deal with beano and games of chance licensing matters.
2. It proposed to clarify that the grounds for refusal to issue a license and the grounds for suspension or revocation of a license are consistent with each other.
3. It also proposed to give the Chief of the State Police the authority to issue subpoenas for investigations and hearings pertaining to beano and games of chance.

Committee Amendment "A" (H-526) clarified that the State Police may not use a subpoena to initiate an investigation. It may only be used when there is reasonable cause to believe a violation has occurred.

Enacted law summary

Public Law 2001, chapter 342 specifies that the Chief of the State Police may appoint a designee to administer licensing matters regarding beano and games of chance. It also provides that the State Police may refuse to issue a beano or games of chance license if the applicant fails to meet the statutory requirements for licensure or violates the law pertaining to beano and games of chance. Finally, this law gives the Chief of the State Police the authority to issue subpoenas for investigations and hearings pertaining to beano and games of chance as long as the subpoena is not used to initiate the investigation.

LD 537

An Act to Require the State to Pay for Veterans' Obituaries and State Flags

DIED BETWEEN BODIES

<u>Sponsor(s)</u> DUNLAP KILKELLY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 537 proposed that the State provide for the cost of the obituary notices and state flags on behalf of deceased eligible veterans.

Committee Amendment "A" (H-317) proposed to change the original bill by requiring the State to pay the cost of obituaries that include a flag graphic on behalf of eligible veterans. It also proposed to clarify that this requirement apply only to obituaries printed in the State.

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LD 550 **Resolve, to Amend the National Guard Education Assistance Pilot Program** **RESOLVE 20 EMERGENCY**

<u>Sponsor(s)</u> FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-232
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LD 550, a resolve, proposed to amend the National Guard Education Assistance Pilot Program by granting a tuition grant to a National Guard member who attends a private college or university up to 100% of the private college or university tuition or the tuition at a state postsecondary education institution, whichever is less.

Committee Amendment "A" (H-232) changed the tuition rate benchmark from any state postsecondary education institution to the University of Maine for determining tuition reimbursement for National Guard members who attend accredited private colleges or universities.

Enacted law summary

Resolve 2001, chapter 20 expands the National Guard Education Assistance Pilot Program to provide for a tuition grant to a National Guard member who attends a private college or university. The amount of reimbursement would be the lesser of the tuition rate at the University of Maine or the lesser of the rate at the private college or university.

Resolve 2001, chapter 20 was passed as an emergency measure effective May 15, 2001.

LD 563 **An Act to Require Towns to Process Initiative and Referendum Petitions within One Week of Delivery** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 563 proposed to require municipalities to process local or state initiative and local referendum petitions within one week after delivery.

LD 564 **An Act to Encourage Indelible Ballot Markings** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 564 proposed to prohibit clerks from sending out pencils with absentee ballots.

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LD 565 **An Act to Discourage Drunken Driving** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 565 proposed to prohibit a person licensed to sell beer and wine for consumption off of the licensed premises for less than 5% over the wholesale price. It also proposed to require that the licensee sell malt liquor packaged only in a 6-pack or case.

LD 569 **An Act to Preserve the Integrity of the Polling Place by Limiting the Physical Presence of Candidates** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 569 proposed to limit a candidate's activities at polling places to voting. As proposed, the candidate would be prohibited from stating the name of the office sought by the candidate or requesting a person's vote within 250 feet of the polling place or registrar's office.

LD 574 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Signatures Required for Citizen Initiatives** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 574 proposed to amend the Constitution of Maine to require that the number of signatures required on a petition to directly initiate legislation be not less than 6% of the total vote for Governor cast in the last gubernatorial election. The currently required percentage is 10%.

LD 575 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 575 proposed to amend the Constitution of Maine to permit citizens to initiate amendments to the Constitution of Maine. Under this bill, as proposed, a citizen-initiated amendment to the Constitution requires approval by 2/3

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of the voters at a referendum, ratification by a majority of the Legislature and the signature of the Governor. It also proposed to specify that the Governor's veto of the amendment to the Constitution may be overridden by a majority vote in both Houses.

LD 580 **An Act to Prohibit Collection of Referendum Signatures on the Day of State Elections** **ONTP**

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 580 proposed to prohibit the collection of referendum signatures on the day of state-wide elections.

LD 623 **An Act to Require Election Law Training to Voter Registrars and Clerks** **PUBLIC 415**

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-503 S-326 GOLDTHWAIT
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LD 623 proposed to require each municipal clerk to attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections.

Committee Amendment "A" (H-503) added a provision to the original bill that requires the Secretary of State to offer regional training sessions at least once every 2 years at no fee. This amendment added a requirement that the registrar of voters attend training once every 2 years and sets a delayed effective date of January 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-326) added a mandate preamble.

Enacted law summary

Public Law 2001, chapter 415 requires that each municipal clerk and registrar of voters attend election law training that is approved by the Secretary of State at least once every two years. It also requires the Secretary of State to offer regional training sessions at least once every 2 years at no fee.

Public Law 2001, chapter 415 was passed as a municipal mandate and has an effective date of January 1, 2003.

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LD 624 **An Act to Amend the Clean Election Laws** **ONTP**

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 624 proposed to amend the Maine Clean Election Act by funding some certified candidates in uncontested general elections. Under this bill, in an uncontested general election a certified candidate for the State House of Representatives would receive \$1,500 and a certified State Senate candidate would receive \$5,000.

LD 696 **An Act to Allow for Fair Competition among Maine's Tracks** **ONTP**

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 696 proposed to allow all commercial tracks to conduct live racing whenever any track in the State is simulcasting its races.

LD 729 **An Act to Amend the Laws Governing Presidential Primaries** **ONTP**

<u>Sponsor(s)</u> TESSIER GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 729 proposed to amend the presidential primary process by allowing the parties to choose whether they want a primary or a caucus and allowing unenrolled voters to vote in a primary.

LD 755 **An Act to Clarify Referendum Wording** **ONTP**

<u>Sponsor(s)</u> SHIELDS NUTTING J		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 755 proposed to require that the wording of referenda be phrased so that an affirmative vote would be in favor of the subject matter in question rather than in favor of the petitioner's position.

The bill also proposed to require that the wording of referenda on the ballot at a municipal election be phrased so that an affirmative vote would be in favor of the change proposed pertaining to the subject matter in question.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-505), which was not adopted, proposed to strike the sections that govern the wording of referenda on municipal ballots. It would have retained the provision that governs the wording of referenda on statewide ballots.

LD 763 **An Act to Refine the Maine Clean Election Act** **ONTP**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 763 proposed to make the following changes to the Maine Clean Election Act:

1. Eliminate the requirement that a candidate collect qualifying contributions.
2. Reduce by 50% the amount of seed money contributions a candidate could accept.
3. Require that the fair market value of election material and equipment acquired by a candidate in a previous election and used by that candidate in a subsequent election be taken into account when matching funds are awarded.

LD 794 **An Act to Establish a Presumption of Commission of a Civil Violation for Minors Suspected of Consuming Alcohol** **ONTP**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 794 proposed to establish a presumption that a minor has committed the civil violation of consuming liquor or imitation liquor if a law enforcement officer has probable cause to believe that the minor has consumed liquor or imitation liquor.

LD 835 **An Act to Eliminate Funding for Primary Elections under the Maine Clean Election Act** **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 835 proposed to eliminate funding for primary elections under the Maine Clean Election Act. It proposed to add this funding to funding for general election races. It also proposed to provide minimum funding of \$4,500 for a contested general election race.

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LD 850 **An Act to Place the State in Compliance with the Federal Hatch Political Activity Act** **ONTP**

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

LD 850 proposed to amend state law to comply with the federal Hatch Political Activity Act that prohibits federal employees from engaging in political activity and from being a candidate for public office. As proposed, a state employee could not be a candidate for state or federal office regardless of whether or not the candidate is representing a political party.

LD 867 **Resolve, to Establish A Study Commission to Study Redistricting** **ONTP**

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

LD 867 was a concept draft pursuant to Joint Rule 208.

This resolve proposed to establish a study commission to study redistricting. Under this resolve, the commission would consist of an equal number of Democrats and Republicans.

LD 901 **An Act to Amend the Laws Governing Term Limits** **DIED BETWEEN BODIES**

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

LD 901 proposed to extend the number of years of service authorized under the term limits law from 8 to 12 years for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from 8 to 12 years for the State Auditor. The bill also proposed to require that the voters of the State vote on this matter at the statewide election held in the year 2001.

Committee Amendment "A" (H-286), which was not adopted, was the majority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to remove provisions from the original bill that extend the term limits for the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor. It also proposed to remove the provision that submits the extended term limits proposal to the voters. As proposed, the provisions which extend the number of terms a Legislator may serve from 4 to 6 are maintained.

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Committee Amendment "B" (H-287), which was not adopted, was the minority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to strike from the original bill the term limits extension for the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor. It proposed to maintain the term limit extension for Legislators.

House Amendment "A" (H-674), which was not adopted, proposed to replace the bill. Under this amendment:

1. The provisions of the bill increasing the length of term limits for constitutional officers and the State Auditor would have been eliminated;
2. The provisions of the bill extending the limit on terms for state Legislators would have been retained. This amendment proposed to clarify that the increase in term limits from 4 to 6 terms applies to consecutive terms for state Senators and members of the state House of Representatives that begin in the 121st Legislature; and
3. The referendum question would have been amended to apply only to state Legislators.

House Amendment "B" (H-677), which was not adopted, proposed to replace the bill. Under this amendment:

1. The provisions of the bill extending the limit on terms for state Legislators would have been retained, except this amendment proposed to clarify that the increase in term limits from 4 to 6 terms applies only to consecutive terms for state Senators and members of the state House of Representatives that begin in the 121st Legislature;
2. The provisions of the bill increasing the length of term limits for constitutional officers and the State Auditor are eliminated; and
3. The referendum question would have been amended to apply only to state Legislators.

House Amendment "C" (H-686), which was not adopted, proposed to replace the bill. Under this amendment:

1. The provisions of the bill increasing the length of term limits for constitutional officers and the State Auditor would have been eliminated;
2. The provisions of the bill extending the limit on terms for state Legislators would have been retained. This amendment proposed to clarify that the increase in term limits from 4 to 6 terms applies to consecutive terms for state Senators and members of the state House of Representatives beginning in the 121st Legislature, unless the person's 4th consecutive term ended in the 120th Legislature; and
3. The referendum question would have been amended to apply only to state Legislators.

House Amendment "A" to House Amendment "C" (H-692), which was not adopted, proposed to change the referendum question.

House Amendment "D" (H-690), which was not adopted, proposed to repeal term limits subject to approval by the voters at a referendum held in November 2001.

House Amendment "E" (H-703), which was not adopted, proposed to repeal term limits for Legislators subject to approval by the voters at a referendum held in November 2002.

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House Amendment "F" (H-709), which was not adopted, proposed to replace the bill. Under this amendment:

1. The provisions of the bill increasing the length of term limits for constitutional officers and the State Auditor would have been eliminated;
2. The provisions of the bill extending the limit on terms for state Legislators would have been retained. This amendment proposed to clarify that the increase in term limits from 4 to 6 terms applies to consecutive terms for state Senators and members of the state House of Representatives regardless of when their first term began. Under this amendment members of the 120th Legislature would serve a total of 6 terms, regardless of when elected; and
3. The referendum question would have been amended to apply only to state Legislators.

LD 918

An Act to Amend the Public Drinking Law

PUBLIC 139

<u>Sponsor(s)</u> PEAVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 918 proposed to amend the law that prohibits drinking in public to allow a conspicuous posting forbidding drinking on state-owned property to serve as a warning, similar to the provisions that currently apply to private or municipal property.

Enacted law summary

Public Law 2001, chapter 139 allows for a conspicuous posting forbidding drinking on state-owned property to serve as a warning, similar to the provisions that apply to private or municipal property.

LD 926

**An Act to Reform the Direct Initiative Process to Eliminate Abuses
and Provide Greater Citizen Input in the Initiative Process**

ONTP

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 926 proposed to amend the law governing the direct initiative of legislation to require that petitions contain a description of the proposal and statements setting out the environmental and economic impacts. The bill also proposed to require the Secretary of State to give notice to the public to allow input on the wording of the ballot question. The bill would have added an additional 10 days to the whole process before the final wording of the question is given to the applicant to allow for the period of public comment.

Committee Amendment "A" (H-231), which was not adopted, was the minority report of the Joint Standing Committee on Legal and Veterans Affairs. This amendment proposed to strike the provision in the bill that would

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have required that citizen initiative petitions include an economic and environmental impact statement prepared by the Executive Department, State Planning Office. It proposed to retain the provision that would require the Secretary of State to hold a public hearing on the wording of the ballot question.

LD 978 **Resolve, to Create the Commission to Study the Relationship** **ONTP**
Between Alcohol Sales and Substance Abuse in the State of Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	ONTP MAJ OTP-AM MIN	

LD 978, a resolve, proposed to create the Commission to Study the Relationship Between Alcohol Sales and Substance Abuse in the State of Maine.

Committee Amendment "A" (H-443), which was not adopted, proposed to direct the Substance Abuse Services Commission to study the relationship between alcohol sales and substance abuse.

LD 1034 **An Act to Establish Uniform Election Filing Deadlines for** **ONTP**
Legislative and Gubernatorial Candidates

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

LD 1034 proposed to make the filing deadlines for legislative and gubernatorial races the same for enrolled and unenrolled candidates.

LD 1035 **An Act to Require Proof of Liquor Liability Insurance Upon** **ONTP**
Demand by a Municipality

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

LD 1035 proposed to authorize municipalities and unincorporated places to require from an applicant for a liquor license proof of liquor liability insurance with minimum coverage of \$50,000 before approval of an application for a liquor license is granted. The bill would have required the insurance policy to include a provision that would require the insurer to notify the municipality or unincorporated place of a lapse in coverage. Any lapse in coverage would result in automatic revocation of a liquor license. If the licensee could show proof of new insurance or give good cause as to the reason for the lapse, the revocation would be withdrawn.

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LD 1042

An Act to Amend the Election Laws

PUBLIC 310

<u>Sponsor(s)</u> TUTTLE DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-527
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LD 1042 proposed to amend the definition of "immediate family" to include grandparents, stepgrandparents, grandchildren and stepgrandchildren and adds 2 new definitions. The bill proposed to clarify the time frames and requirements for party enrollment and the documentation that the registrar of voters must keep for the records of all voters who have not been removed from the voting list. The bill detailed the hearing process and notification that the registrar must follow before removing a voter from the voting list for failure to meet the voting qualifications. This bill also proposed to provide a consistent deadline by which all qualified political parties must hold their biennial municipal caucuses.

The bill proposed that the Secretary of State, rather than the Governor, declares vacancies that require a meeting of a particular political committee to fill the vacancy. This bill proposed to combine into one section of law the basic requirements for the format of a candidate ballot. This bill amends the terminology and explanations for certain types of votes or entire ballots that can not be counted because they are improperly marked or prepared. The bill proposed to provide uniformity in designating which election officials must sign certain election paperwork and permits the municipal clerk to correct obvious errors in the election returns before reporting them to the Secretary of State. The bill proposed that the Secretary of State designs the form of the absentee ballot application and return envelope. This bill also proposed to simplify the deadline by which a 3rd person must return an absentee ballot to the clerk. The bill also proposed to clarify the requirements for the list of absentee voters by combining requirements that are currently found in 2 sections of law. The bill proposed to remove references to obsolete punch card voting systems and provides uniformity in the ballot formats for electronic tabulating systems.

Committee Amendment "A" (H-527) amendment made nonsubstantive, clarifying changes to the original bill.

Enacted law summary

Public Law 2001, chapter 310 makes several changes to the election laws including:

1. Clarifying time frames and requirements for party enrollment;
2. Providing a detailed hearing and notification process that the registrar of voters must follow before removing a voter from the voting list for failure to meet necessary qualifications;
3. Establishing a consistent deadline by which all qualified political parties must hold their biennial municipal caucuses;
4. Specifically designating which election officials must sign certain election paperwork; and
5. Removing obsolete references to punch card voting systems.

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LD 1055

An Act to Regulate Push Polling

PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP MAJ OTP MIN	H-708 TRAHAN

LD 1055 proposed to define "push poll" and require anyone conducting push polling by telephone to disclose who financed the poll and, if the poll is authorized by a candidate, that candidate's name and the office sought by the candidate. As proposed this bill would make a violation of this provision a Class E crime.

House Amendment "A" (H-529), which was not adopted, proposed to specify the minimum number of telephone surveys, depending on the office being sought, that constitutes a "push poll."

House Amendment "B" (H-543), which was not adopted, proposed to change the bill to a resolve and require the Commission on Governmental Ethics and Election Practices to review the disclosure laws under the Maine Revised Statutes, Title 21-A and submit a proposal to include disclosure requirements for push polling to the Second Regular Session of the 120th Legislature.

House Amendment "C" (H-544), which was not adopted, proposed to amend the definition of "push poll." The amendment also proposed to change the disclosure requirements of a person conducting a push poll.

House Amendment "D" (H-545), which was not adopted, proposed to replace the definition of "push poll" provided in the bill. Under this amendment, a "push poll" would be a nonscientific sampling designed to provide information that is negative or derogatory about a candidate or a candidate's family.

House Amendment "E" (H-575), which was not adopted, proposed to amend the definition of "push poll" to apply only to series of contracted telephone calls that are commenced within 17 days prior to an election. This amendment also proposed to specify the number of telephone calls that must be placed in order to come under the definition of "push polling."

House Amendment "F" (H-641), which was not adopted, proposed to change the bill to a resolve and requires the Commission on Governmental Ethics and Election Practices to review the disclosure laws under the Maine Revised Statutes, Title 21-A and submit a proposal to include disclosure requirements for push polling to the Joint Standing Committee on Legal and Veterans Affairs, which would have authority to report out legislation to the Second Regular Session of the 120th Legislature.

House Amendment "G" (H-708) replaced the bill. The amendment defines push polling as a nonscientific survey that, among other requirements, prefaces a question regarding support for a candidate on the basis of an untrue statement and is done primarily for the purpose of suppressing or changing the voting position of the call recipient. The amendment allows a person to conduct push polling as long as the person identifies the person sponsoring the call and states that the call is a paid political advertisement. The amendment requires the person conducting the poll to designate an agent for the purpose of service of process, notice or demand and to register that agent with the Commission on Governmental Ethics and Election Practices and provides a civil forfeiture of up to \$500 for a violation of these provisions.

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Enacted law summary

Public Law 2001, chapter 416 defines "push poll" and requires anyone who conducts a push poll to register with the Commission on Governmental Ethics and Elections Practices and disclose who has sponsored the push poll and the entity conducting it. An entity already lawfully registered to conduct business in the state is not required to register with the commission but is required to disclose a valid, current, publicly listed telephone number and address of the person sponsoring or authorizing the call. An entity that fails to comply with either the disclosure or registration requirements of this law may be assessed a forfeiture of \$500 by the Commission on Governmental Ethics and Election Practices.

LD 1058 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison** **DIED BETWEEN BODIES**

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

LD 1058 proposed an amendment to the Constitution of Maine that would have revoked the right of a person convicted of murder or a Class A, B or C crime to vote while that felon is imprisoned.

LD 1076 **Resolve, Authorizing Arnold Smith to Sue the State** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM MAJ ONTP MIN	

LD 1076 proposed to authorize Arthur Smith as personal representative of the estate of Kristen Smith to sue the State for damages resulting from the murder of Kristen Smith by an individual under the supervision of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections. The resolve would have allowed the State to be sued for up to \$200,000.

Committee Amendment "A" (H-388) was the majority report of the committee. The amendment proposed to remove the Department of Mental Health, Mental Retardation and Substance Abuse Services as a party to the lawsuit and prohibit any recovery of punitive damages. The amendment also proposed to clarify how the amount of any recovery would be distributed and would have required that the action be heard by a Justice of the Superior Court. The amendment also would have added a fiscal note to the resolve.

Committee Amendment "A" was adopted in the House, but was not adopted in the Senate. The resolve died between the bodies.

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LD 1101 **An Act to Bring Fairness to the Maine Clean Elections Act** **ONTP**

<u>Sponsor(s)</u> MENDROS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1101 proposed that if a candidate certified under the Maine Clean Election Act receives a contribution or expenditure that which would constitute an independent expenditure under the Maine Revised Statutes, Title 21-A, section 1019, that candidate's opponent could raise and spend an equivalent amount without triggering matching funds.

LD 1104 **An Act to Provide Fairness in Lottery Ticket Sales** **ONTP**

<u>Sponsor(s)</u> MENDROS WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1104 proposed to allow the Director of Alcoholic Beverages and Lottery Operations to issue licenses as an agent to sell lottery tickets to anyone who meets the requirements no matter how close the new location would be to any existing licensed location.

LD 1106 **An Act to Bring Parity to the Candidate Signature Requirement** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1106 proposed to permit a candidate for State Senator or State Representative to collect signatures for a primary election from voters in the candidate's electoral district regardless of that voter's party enrollment as long as the candidate collects twice the amount required by current law.

LD 1112 **An Act to Allow Oral Campaigning by Candidates at the Polls** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1112 proposed to repeal the provision that prohibits candidates from campaigning orally at the polls.

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LD 1126 **An Act to Provide a Standard Residency Requirement for the Purpose of Registering to Vote** **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1126 proposed to provide that a person must establish and maintain residency in a municipality for at least 30 days before an election in order for that person to register to vote in that municipality.

LD 1150 **An Act to Prohibit Campaign Signs Within 750 Feet of a Polling Place** **ONTP**

<u>Sponsor(s)</u> JONES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1150 proposed to increase the distance any political advertising material could be placed near the entrance to either the voting place or the registrar's office from 250 feet to 750 feet. It also proposed to specify that a voter could not wear clothing bearing a candidate's name at the polls.

LD 1160 **An Act for Public Disclosure of Referendum Question Submissions** **ONTP**

<u>Sponsor(s)</u> MARTIN DAIGLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1160 proposed to require the Secretary of State to send a booklet to every registered voter in the State detailing the language of a citizen initiated petition, providing an analysis of tax and fiscal consequences and the effect on existing law, and including statements for and against every direct initiative question that would appear on the ballot at the next statewide election.

Joint Standing Committee on Legal and Veterans' Affairs

LD 1185

An Act to Amend the Liquor Laws to Expand Employment Opportunities for Adults 18 to 21 Years of Age

ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1185 proposed to decrease to 18 years of age the age at which a person could sell malt liquor or wine and function as a supervisor to someone between the ages of 17 and 18 years old. This bill also proposed to require all employees who are less than 21 years old, prior to being allowed to sell malt liquor or wine, to take and pass a class offered by the Department of Public Safety, Bureau of Liquor Enforcement on recognizing fake identification, the laws regarding sales of liquor and the penalties for failing to abide by those laws.

Current law permits a person more than 17 years of age but less than 21 years of age to sell malt liquor and wine only if in the presence of a supervisor who is at least 21 years of age.

LD 1201

An Act to Require the State to Provide Flags for Persons Who Are Listed on the Law Enforcement Memorial Located on State Street in Augusta

PUBLIC 309

<u>Sponsor(s)</u> DAVIS P NORBERT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-192
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LD 1201 proposed to authorize the Commissioner of Public Safety to provide a flag for the grave sites of certain public servants who are listed on the memorials located at the State Capitol complex memorial site.

Committee Amendment "A" (S-192) replaced the original bill and required the Commissioner of Public Safety to provide flag holders and Maine flags for the gravesites of the officers listed on the law enforcement memorial, located in the State Capitol complex memorial site, if the gravesites can be reasonably found. This amendment also established the Flags For Public Servants Fund, to fund the costs of providing the flags and flag holders. It also required that this fund be the sole revenue source for the flag and flag holder purchases. This amendment also required that the agency that represents the slain officer place the flag holder and flag at the gravesite and if this can not be done, then the commissioner may designate the Bureau of State Police to place the flag holder and flag at the gravesite.

This amendment also adds an allocation section and a fiscal note to the bill.

Joint Standing Committee on Legal and Veterans' Affairs

Enacted law summary

Public Law 2001, chapter 309 requires the Commissioner of Public Safety to provide flag holders and Maine flags for the gravesites of the officers listed on the law enforcement memorial, located in the State Capitol complex memorial site, if the gravesites can be reasonably found. It establishes the Flags For Public Servants Fund, to fund the costs of providing the flags and flag holders and it also requires that this fund be the sole revenue source for the flag and flag holder purchases. Public Law 2001, chapter 309 also requires that the agency that represented the slain officer place the flag holder and flag at the gravesite.

LD 1202 **An Act to Allow Families to Request Flags for Deceased Police Officers and Firefighters that have not Died in the Line of Duty** **ONTP**

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

LD 1202 proposed to authorize the Commissioner of Public Safety to present a state flag to the family of a deceased firefighter or law enforcement officer.

Committee Amendment "A" (S-166), which was not adopted, proposed to clarify the size of the flag the Commissioner of Public Safety would be required to present to the family of a deceased firefighter or law enforcement officer upon request by the family of the deceased.

LD 1228 **An Act to Support the Right to Associate** **ONTP**

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

Current law states that a party is eligible to nominate a candidate in an election if, among other things, the party's candidate for Governor or President received at least 5% of the total vote cast in one of the 2 preceding general elections. Current law also states that a party may nominate a candidate if the party, among other things, files a petition signed by the number of citizens equal to 5% of the total vote cast for Governor in one of the 2 preceding gubernatorial elections. LD 1228 proposed to lower those thresholds from 5% to one percent.

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LD 1232 **An Act to Increase the Prize Limit for Games of Chance at Beano Games** **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1232 proposed to exempt prizes from games of chance from the \$1,400 prize limit at beano or bingo games. It also proposed to permit licensees to conduct most games of chance within one hour of a beano or bingo game and would have directed the Department of Public Safety to create a standing advisory committee consisting of nonprofit organizations that conduct bingo or beano games or other games of chance to represent the interests of those organizations to the Department of Public Safety.

LD 1242 **An Act to Allow Telephone Wagering for Horse Racing** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1242 proposed to allow a commercial track to accept wagers on races conducted at that track over the telephone, but only from individuals with prefunded accounts established at the track.

Committee Amendment "A" (H-504), which was not adopted, proposed to allow licensed off-track betting facilities and any facilities licensed to conduct simulcast racing to conduct telephone wagering on races. The amendment would have added a minimum deposit requirement and stated that accounts could be established only by residents of this State. The amendment also proposed to clarify that telephone account wagers could not be placed using a credit card.

LD 1249 **An Act Regarding Registration of Voters on Election Day** **ONTP**

<u>Sponsor(s)</u> LESSARD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1249 proposed to provide a registrar of voters of a municipality the sole discretion to determine whether a person who seeks to register to vote on election day has shown satisfactory proof of identity and residency.

Joint Standing Committee on Legal and Veterans' Affairs

LD 1250

An Act to Amend the Laws Governing Registration of Voters

ONTP

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

LD 1250 proposed to require that a person register to vote not later than 30 days before an election.

Committee Amendment "A" (H-387), which was not adopted, proposed to decrease the amount of time before an election in which a person would be allowed to register to vote from 30 days, as proposed by the original bill, to 48 hours. As with the original bill, this amendment proposed to remove the provisions in the Maine Revised Statutes, Title 21-A that permit election day registration of voters.

LD 1273

An Act to Repeal the Presidential Preference Primary Elections

DIED BETWEEN
BODIES

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

LD 1273 proposed to repeal the presidential preference primary elections process.

Committee Amendment "A" (H-556), which was not adopted, was the minority report of the Committee on Legal and Veterans' Affairs. It proposed to amend the presidential preference primary process by allowing political parties to choose whether they want a primary or a caucus. This bill also proposed to permit the parties to determine whether their candidates are nationally advocated or recognized as a presidential candidate in order for their names to be placed on the ballot. The amendment also proposed to repeal the provision allowing a candidate to appear on a presidential preference primary ballot by petition.

Senate Amendment "A" (S-317), which was not adopted, proposed to replace the original bill and provide that when the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and has notified the State of its intent to participate in a presidential primary election, the State shall hold a presidential primary election.

LD 1296

An Act to Permit the Purchase of Wine by Mail Order

ONTP

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

LD 1296 proposed to allow an out-of-state shipper to ship up to 24 bottles of wine per month directly to a resident of this State who is 21 years of age or older for that resident's personal use.

Joint Standing Committee on Legal and Veterans' Affairs

LD 1307 **An Act to Amend the Lobbyist Disclosure Procedures Laws Administered by the Commission on Governmental Ethics and Election Practices** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1307 proposed to amend the definition of "lobbying" and define the term "pecuniary benefit." The bill proposed to clarify what names should be included on registration forms. The bill also would have specified that the specific dollar amount of compensation received for the time spent to make a presentation should be included in monthly reports. The bill proposed to prohibit a lobbyist from giving, offering or promising a contribution to the Governor, a member of the Legislature or a constitutional officer while the Legislature is in session.

LD 1321 **An Act to Change the Status of the Discount State Liquor Store in Calais** **INDEF PP**

<u>Sponsor(s)</u> MORRISON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1321 proposed to remove the discount store status from the state liquor store located in Calais.

LD 1323 **An Act to Shorten the Period in which the Bureau of Liquor Enforcement Acts on Appeals** **ONTP**

<u>Sponsor(s)</u> DUPLESSIE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1323 proposed to require the Department of Public Safety, Bureau of Liquor Enforcement to hold a hearing on an appeal of a liquor license denial by a municipality within 60 days of the filing of the appeal.

LD 1337 **An Act to Hold Petition Circulators to the Same Standards as Political Candidates** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> LAVERDIERE KILKELLY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1337 proposed to prohibit the circulator of a direct initiative petition from presenting any such petition and requesting voter signatures in the voting place or within 250 feet of the entrance to the voting place.

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Committee Amendment "A" (H-642), which was not adopted, proposed to change the bill title and proposed to prohibit the collection of direct initiative petition signatures within 50 feet of a voting place if approved by the voters via a referendum to be on the ballot in November 2002.

LD 1340 **An Act to Hold an Advisory Referendum on Term Limits** **CARRIED OVER**

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

LD 1340, which was carried over to the Second Regular Session, proposed to direct the Secretary of State to hold an advisory referendum at a statewide election to determine whether the voters of the State favor amending or repealing the existing state law limiting the terms of Legislators.

LD 1350 **An Act to Amend the Laws Governed by the Commission on** **PUBLIC 430**
Governmental Ethics and Election Practices

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

LD 1350 proposed to amend the provisions governing reports by political action committees by:

1. Indicating when changes to a registration form must be reported to the Commission on Governmental Ethics and Election Practices;
2. Changing the penalty from \$100 to \$200 for violation of the attribution requirements for political action committees;
3. Enacting requirements for the appointment of treasurer and record keeping by the treasurer;
4. Setting up guidelines for the dissolution of a political action committee; and
5. Authorizing the Commission on Governmental Ethics and Election Practices to assess a penalty equal to 3 times the amount of an unlawful contribution for violation of the Maine Revised Statutes, Title 21-A, chapter 13, subchapter IV.

Committee Amendment "A" (H-602) replaced the original bill and made several technical changes to the laws governed by the Commission on Governmental Ethics and Election Practices by deleting obsolete language and outdated references and correcting cross-references. It removed as one of the duties of the commission that it make findings of fact and opinion on the final determination of the results of commission investigations of violations of the campaign finance reporting laws. It specified that alimony payments and recorded campaign

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contributions are not considered income for the purposes of reporting. It also specified that the annual report required of lobbyists must include a separate listing of legislative actions for the past calendar year.

Enacted law summary

Public Law 2001, chapter 430 makes several technical changes to the laws governed by the Commission on Governmental Ethics and Election Practices, deleting obsolete language and outdated references and correcting cross-references. It removes as one of the duties of the commission that it make findings of fact and opinion on the final determination of the results of commission investigations of violations of the campaign finance reporting laws. It specifies that alimony payments and recorded campaign contributions are not considered income for the purposes of reporting. It also specifies that the annual report required of lobbyists must include a separate listing of legislative actions for the past calendar year. Public Law 2001, chapter 430 amends the law regarding the publication and distribution of statements by political action committees to be consistent with Yes for Life Political Action Committee v. Webster.

LD 1351 **An Act to Amend Provisions Governing Reports on Campaigns for Office in the Laws Administered by the Commission on Governmental Ethics and Election Practices** **ONTP**

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

LD 1351 proposed to amend the provisions governing reports on campaigns for office in the laws administered by the Commission on Governmental Ethics and Election Practices. The bill also proposed to define personal expenses. The bill would have clarified that contributions made by a husband and wife are separate contributions. The bill also proposed to set a limit of \$10 as an anonymous contribution that a candidate may accept. The bill would have prohibited the use of campaign contributions for personal expenses. The bill also proposed to provide that if the state party committee does not notify all county, district and municipal committees of reporting dates, it must pay 1/2 of the penalty for not reporting.

LD 1352 **Resolve, Authorizing the Adjutant General to File a Finalized Declaration of Covenants and Restrictions with the Kennebec County Registry of Deeds in the Veterans' Memorial Cemetery Located on the Mount Vernon Road in Augusta** **RESOLVE 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS BROOKS	OTP-AM	S-131

LD 1352, a resolve, proposed to authorize the Adjutant General to convey interest in land that was conveyed to the State to the Department of Environmental Protection for the Veterans' Memorial Cemetery.

Committee Amendment "A" (S-131) made technical changes to the resolve.

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Enacted law summary

Resolve 2001, chapter 24 authorizes the Adjutant General to convey interest in land that was conveyed to the State to the Department of Environmental Protection for the Veterans' Memorial Cemetery.

LD 1369

An Act to Amend the Laws Regarding Investigations by the Commission on Governmental Ethics and Election Practices

PUBLIC 237

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

LD 1369 proposed to amend the laws governing investigations of campaign reports and finances by the Commission on Governmental Ethics and Election Practices to require the commission to keep confidential a request for an investigation filed within 10 business days prior to the election and that a request must be held confidential until the commission makes a final determination on the request.

Enacted law summary

Public Law 2001, chapter 237 requires the Commission on Governmental Ethics and Election Practices to keep requests for investigations regarding campaign reports and finances confidential when filed within 10 days of an election. Such a request must be held confidential until the commission makes a final determination on the request.

LD 1373

An Act to Amend the Laws Governing Lobbyists and the Laws Administered by the Commission on Governmental Ethics and Election Practices

ONTP

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

LD 1373 proposed to remove old language and would have removed language that states that the Commission on Governmental Ethics and Election Practices has the responsibility to investigate and make findings on contested elections. This bill also proposed to provide that funds from the Maine Clean Election Fund and other sources that could benefit from the commission's acquisition and use of an electronic data collection and disclosure system be used to provide for enhanced monitoring and enforcement of election practices and to support instituting electronic submission of reports. The definition of "income" would have been amended by this bill to exclude alimony and legally reported campaign contributions. The definition of "lobbying" would also have been amended to include the time spent waiting to meet with the Governor, a Legislator or a legislative committee on behalf of the lobbyist's employer, and the lobbyist would have been required to report this time to the Commission on Governmental Ethics and Election Practices. Finally, the bill proposed to prohibit a lobbyist from offering a contribution to the Governor, a Legislator, a constitutional officer or their staff during any time the Legislature is convened.

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LD 1382 **An Act to Permit Internet-based Communications to Facilitate the Purchase and Distribution of Wine** **ONTP**

<u>Sponsor(s)</u> DAGGETT NORBERT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1382 proposed to permit the interstate shipment of wine ordered via the Internet. Under this bill, wine shipped into the State would be delivered to a wholesaler or certificate of approval holder licensed by the Department of Public Safety, Bureau of Liquor Enforcement. As proposed, the wholesale licensee or the certificate of approval holder could deliver the wine to an off-premises licensee. The off-premises licensee could deliver the wine to a person within the State who is at least 21 years of age as proposed by this bill.

LD 1389 **Resolve, to Study the Various Types of Ballots Used in the State** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1389 was a concept draft pursuant to Joint Rule 208.

This resolve proposed to establish a study commission to examine the types of ballots used in the State. Other ballot-related issues included in the study were:

1. The ease of use of ballots;
2. The accuracy of the ballots;
3. The methods and problems with counting ballots; and
4. The methods and problems involving recounts of ballots.

LD 1415 **An Act to Amend the Laws Regarding Harness Racing** **PUBLIC 300
EMERGENCY**

<u>Sponsor(s)</u> CHIZMAR KNEELAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-441
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LD 1415 proposed to allow a new commercial harness horse racing track to open and participate in the various funds in the event an existing track goes out of business. The bill also proposed to provide for payment to a

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racetrack in the State that provided a simulcast signal to other racetracks in the State for the purpose of supplementing the purses at the originating racetrack.

Committee Amendment "A" (H-441) struck the changes made to the definition of "commercial track" in the original bill. It retained the section of the original bill that specified that the horsemen's purse share of the harness racing handle on simulcast races is distributed to the track in the state where the race was actually run. The amendment states that the minimum payoff on a show wager must be 5% above the amount wagered. It also clarified the section of law that governs the off-track betting simulcast fund by stating that only exotic wagers are factored into the formula that apportions the fund.

Enacted law summary

Public Law 2001, chapter 300 specifies that the horseman's purse share of the harness racing handle on simulcast races is distributed to the track where the race was actually run. It also states that the minimum payoff on a show wager must be 5% above the amount wagered.

Public Law 2001, chapter 300 was enacted as an emergency measure effective May 29, 2001.

LD 1446 **An Act to Require Political Workers to Wear Name Tags and to Identify Themselves as Political Workers** **ONTP**

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

LD 1446 was a concept draft pursuant to Joint Rule 208.

This bill proposed to require political workers to wear name tags that read either: "Paid to Campaign" or "Paid Staff." This bill would have also required political workers to identify themselves as paid staff when making phone calls or otherwise contacting the public.

LD 1447 **An Act to Protect Off-track Betting Facilities** **PUBLIC 320**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS ROTUNDO	OTP-AM	H-481

LD 1447 proposed to repeal the limitation on off-track betting facilities that requires at least 150 race dates conducted at commercial tracks during the preceding year in order to license the facility.

Committee Amendment "A" (H-481) amended current law by permitting an off-track betting facility to simulcast interstate races if there were 150 live races conducted at the State's commercial tracks during the 2 preceding calendar years. Current law states that they can simulcast races only if the commercial tracks had 150 live races during the last calendar year.

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Enacted law summary

Public Law 2001, chapter 320 eases the limitation on off-track betting facilities that simulcast interstate races. Prior to enactment of this law, off-track betting facilities could simulcast interstate races only if there were 150 live races conducted at the state's commercial tracks during the previous calendar year. Public Law 2001, chapter 320 permits an off-track betting facility to simulcast interstate races if the state's commercial tracks conducted 150 live races during the preceding two calendar years.

LD 1460

An Act to Establish a Deadline for New Voter Registrations

ONTP

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

LD 1460 proposed to require that a person register to vote not later than 10 days before an election.

LD 1495

An Act to Establish the Maine Military Authority

**PUBLIC 374
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS BELANGER	OTP-AM	S-246

LD 1495 was a concept draft pursuant to Joint Rule 208. It proposed to establish the Maine Military Authority under the Department of Defense, Veterans and Emergency Management, Military Bureau to operate the Loring Rebuild Center located at the former Loring Air Force Base.

Committee Amendment "A" (S-246) amended the concept draft and established the Maine Military Authority to operate and expand the existing Maine Readiness Sustainment Maintenance Center now located at the former Loring Air Force Base.

This amendment provided several transition provisions applicable to employees of the Maine Military Authority. The amendment provided that employees who are hired after the effective date of this law have the same rights and benefits as transferred employees, with the exception that transferred employees retain certain limited residual rights within the executive branch. The amendment provided that employees hired before and after the establishment of the authority are members of the state employee health plan and the regular state employee plan of the Maine State Retirement System.

Enacted law summary

Public Law 2001, chapter 374 establishes the Maine Military Authority under the Department of Defense, Veterans, and Emergency Management. The Maine Military Authority will operate the existing Maine Readiness

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Sustainment Maintenance Center located at the former Loring Air Force Base. The primary purpose of the authority is to maintain, rebuild, repair, store and manufacture equipment for the state, the United States Departments of Army, Air Force, Navy, Treasury and for foreign governments in conjunction with the Foreign Military Sales Program of the United States Department of Defense. This state operation is completely reimbursed with federal funds.

Revenue generated by the Authority must be first used to support the Authority. Other unexpended balances may be transferred to any other non-General Fund state account of the Military Bureau including but, not limited to, capital repair and maintenance of state armories and Maine National Guard Tuition Assistance. The Authority may acquire public and private monies and property.

Employees of the former Maine Readiness Sustainment Maintenance Center shall be transferred to the Maine Military Authority and are members of the Maine State Retirement System and the state employee health plan. Employees of the Authority are not subject to the civil service laws but are state employees.

Books and records of the authority are confidential but subject to audit and open for inspection by the state and federal governments.

Public Law 2001, chapter 374 was enacted as an emergency measure effective June 8, 2001.

LD 1517 **Resolve, to Create a Commission to Review the Landlord-tenant Laws in the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ ONTP MIN	S-229

LD 1517 proposed to create a commission to review and recommend updates of the landlord-tenant laws in the State.

Committee Amendment "A" (S-229) proposed to clarify that the 3 members of the Commission to Review Landlord-tenant Laws established in this resolve that are landlords and the 3 members that are tenants can either be landlords or a representative of a landlord or tenants or a representative of the tenant.

The bill was enacted in the House but died in the Senate on the Appropriations Table upon adjournment.

LD 1518 **RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Direct Initiative of Legislation** **ONTP**

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

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LD 1518, a constitutional resolution, proposed to provide that 50% of the required number of signatures of electors for a direct initiative of legislation should be signatures of electors who are qualified to vote in the Second Congressional District. It also proposed to require that the Legislature, after a failure to enact a direct initiative without change and before this initiative could be submitted to the electors, hold 6 public hearings on this initiative. As proposed, three of these hearings would be held in the First Congressional District, and 3 of these hearings would be held in the Second Congressional District.

LD 1526 **An Act to Institute a Citizens' Guide to Elections** **ONTP**

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1526 proposed to require the Secretary of State to produce and distribute a guide for voters prior to every election. As proposed, this guide would contain objective information about referenda and candidates, including, but not limited to, information regarding the policies of the candidates.

LD 1529 **An Act to Improve Elections** **ONTP**

<u>Sponsor(s)</u> SCHNEIDER TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1529 proposed to make the following changes to the laws governing elections:

1. A student could not gain residency in the municipality in which that student's school is located, unless that student resided there prior to attending that school.
2. A person who establishes residence by affidavit would be required to show adequate proof of identification to the registrar when that person registers to vote.
3. Each municipal clerk would be required to attend a training session at least once every 2 years in regard to the conduct of elections.

LD 1532 **An Act to Amend the Governmental Ethics Laws Administered by the Commission on Governmental Ethics and Election Practices** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1532, which was carried over to the Second Regular Session proposes to amend the governmental ethics laws. The bill proposes to define "anything of value," "associated" and "employer of another." The bill also proposes to

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amend the definition of "gift" by excluding informational material, a publication and a meal, under certain circumstances, from the definition of "gifts." The bill proposes to define "information program," "organization" and "reportable liability." The bill also proposes to amend the standards of conduct expected from a Legislator and clarify what is considered a conflict of interest, how complaints are to be filed and handled, what financial information must be disclosed by a Legislator, what is a reportable liability and for how long income statements must be retained. The bill also proposes to state what constitutes a violation of the ethics laws.

LD 1544 **An Act to Enhance Penalties for Use of Illegal Gambling Machines** **PUBLIC 461**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-228 S-395 GOLDTHWAIT

LD 1544 proposed to establish a harness racing lottery game and Harness Racing Purse Fund to improve harness racing purses. This bill also proposed to define illegal gambling machines and provide that illegal gambling machines and their monetary contents are subject to seizure and forfeiture in both civil and criminal proceedings. As proposed by this bill, seizure may be pursuant to court process or without process if the seizure is incident to a search that is in conformity with constitutional requirements governing searches and seizures.

Committee Amendment "A" (S-228) clarified the definition of "illegal gambling machine" to exclude machines operated by the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. It also added an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-395) removed the language that proposed to establish the Harness Racing Purse Fund. It struck the language that proposed to require the State Harness Racing Commission to develop and initiate a harness racing lottery game. It struck the language that proposed to allow the Maine State Lottery Commission to appropriate funds to the Harness Racing Purse Fund from the State Lottery Fund and strikes the allocation section.

Enacted law summary

Public Law 2001, chapter 461 defines illegal gambling machines and provides that illegal gambling machines and their monetary contents are subject to seizure and forfeiture in both civil and criminal proceedings. Seizure may be pursuant to court process or without process if the seizure is incident to a search that is in conformity with constitutional requirements governing searches and seizures.

LD 1608 **An Act to End Discrimination Against Veterans** **ONTP**

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

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LD 1608 proposed to remove the requirement that members of the Maine State Retirement System joining after January 1, 1976 should have served in a federally recognized period of conflict to be eligible to purchase military service credits. It proposed to expand eligibility for the veterans' property tax exemption and remove from statute eligibility requirements related to federally recognized periods of war. It also proposed to make all honorably discharged veterans who are 62 years of age or older eligible for the veterans' property tax exemption that would have been authorized by this bill. The bill also would have required the Department of Administrative and Financial Services, Bureau of Revenue Services to notify each municipality of this expanded eligibility at least 60 days prior to the beginning of the first property tax year to which this expanded eligibility would have applied.

LD 1615 **An Act to Provide Pricing Options to Agency Liquor Stores** **ONTP**

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1615 proposed to remove the requirement that agency liquor stores must sell liquor based on a price established by the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services.

LD 1619 **Resolve, to Establish a Commission to Study Maine's Election Procedures and Voting Laws** **ONTP**

<u>Sponsor(s)</u> SHIELDS TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1619, a resolve, proposed to establish the Commission to Study Maine's Election Procedures and Voting Laws. The commission would have been charged with reviewing the laws governing election procedures and voting in this State, developing recommendations to improve those laws and reporting to the Second Regular Session of the 120th Legislature.

LD 1686 **An Act to Amend the Laws Governing Elections** **ONTP**

<u>Sponsor(s)</u> COLWELL ABROMSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1686 proposed to require the Secretary of State to maintain a central voting list for the State and to update the list at least once a year by requesting the voting list from the registrar of every municipality in the State. This bill would have required a registrar to furnish the voting list for the registrar's municipality to the Secretary of State upon request from the Secretary of State. The bill proposed to require each municipal clerk or the clerk's designee to attend a training session that would be approved by the Secretary of State at least once every 2 years in regard

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to the conduct of elections. The bill also proposed to require polls to be opened no later than 7 a.m. on election days, except that in a municipality with a population of less than 100, the polls should be opened no later than 10 a.m.

Committee Amendment "A" (H-386), which was not adopted, proposed to strike all of the original bill except for the requirement that all polling places open no later than 7 a.m. As proposed by this amendment municipalities with a population of less than 100 could open their polls at 10 a.m. The amendment also would have added a mandate preamble and a fiscal note to the bill.

LD 1704 An Act to Clarify the Activities of Membership Organizations in Maine ONTP

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

LD 1704 proposed to amend the laws governing campaign finance reports and finances to specify that compensation paid by a "membership organization" to an employee for certain campaign related activities would not be considered either a contribution or a political expenditure.

LD 1711 An Act to Amend the Maine Clean Election Laws PUBLIC 465

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-308
TUTTLE	ONTP MIN	

LD 1711 proposed to expand the scope of reporting for independent electioneering expenditures and clarify which expenditures trigger matching funds under the Maine Clean Election Act. It proposed to extend the qualifying period from March 16th to April 15th for those intending to be participating candidates under the Maine Clean Election Act. It also proposed to strike language that states that the primary purpose of seed money is to enable a candidate to collect qualifying contributions. The bill proposed to permit participating candidates to pay the fees for money orders donated by contributors as long as those fees are reported. It also proposed that money from the Maine Clean Election Fund may be distributed to participating candidates in uncontested general elections in an amount equal to 1/3 of the amount distributed for contested races.

Committee Amendment "A" (S-308) removed the provisions in the original bill that created the definition of independent electioneering and established reporting requirements for independent electioneering expenditures. It changed the distribution amount that the original bill provided for Maine Clean Election Act candidates in uncontested general elections from 1/3 to 40% of the amount distributed to Maine Clean Election Act candidates in contested general elections. The amendment specified that rules of the commission governing qualifying contributions, certification of Maine Clean Election Act candidates, distribution of fund revenues to certified candidates and the disposition of equipment purchased with clean election funds are major substantive rules.

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Enacted law summary

Public Law 2001, chapter 465 provides for several changes to the Maine Clean Election Act. It expands the period in which a gubernatorial or legislative candidate may qualify as a participating candidate in the Maine Clean Election Act by one month. It also permits a candidate collecting the \$5 contributions required to qualify as a participating candidate in the Maine Clean Election Act to pay the fee for a money order that is a \$5 qualifying contribution.

This law provides funding for participating candidates who are uncontested in a general election. These candidates will receive 40% of the amount of the distribution from the Maine Clean Election Fund received by a participating candidate running for a seat in the same body of legislature who is opposed. It also requires the Commission on Governmental Ethics and Election Practices to adopt rules regarding the disposition of property purchased with Maine Clean Election funds.

Finally, Public Law 2001, chapter 465 specifies that rules adopted by the commission regarding qualification and certification of a participating candidate, circumstances regarding vacancies, collection of revenues for the Clean Election Fund and distribution and disposition of revenues are major substantive rules.

LD 1714

An Act Relating to the Election of Candidates by the Instant Runoff Voting Method

ONTP

Sponsor(s)
TWOMEY

Committee Report
ONTP

Amendments Adopted

LD 1714 proposed to create the instant runoff voting method of determining winners in elections for President, Vice-President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. As proposed, the method would simulate the ballot counts that would occur if all voters participated in a series of runoff elections and would allow a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as would occur if voters participated in a series of runoff elections, with the weakest candidate eliminated after each round of counting. There would be an initial round of counting. If more than 2 candidates received votes after the initial round, the Secretary of State would conduct an instant runoff round. In this instant runoff round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that would rank this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until 2 candidates remain. The candidate with the most votes would be declared the winner. For the presidential and vice-presidential elections, the instant runoff voting method would be conducted to determine winners for the entire State as well as in each congressional district.

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LD 1715

An Act Relating to Video Gaming Machines

ONTP

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

LD 1715 proposed to allow operation of video gaming machines by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the Internal Revenue Code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans organizations. As proposed, the organization applying for the license should own or lease the premises on which the machines would be placed and should use the premises for its primary charitable or nonprofit purpose.

LD 1752

**An Act to Update the Department of Defense, Veterans and
Emergency Management Laws**

CARRIED OVER

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

LD 1752, which was carried over to the Second Regular Session, proposes to make technical and substantive language changes throughout the Department of Defense, Veterans and Emergency Management's laws. It proposes to modify the Maine Code of Military Justice, authorize the sale of 2 armories in accordance with established procedures, fortify reemployment rights of service members, redesignate veteran service officers to veteran advocate, include fees as part of tuition reimbursement and modify the mechanism by which the Governor declares a state of emergency.

LD 1803

**Resolve, Authorizing the Department of Defense, Veterans and
Emergency Management to Accept Land for a Veterans' Cemetery
in Southern Maine**

DIED ON
ADJOURNMENT

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

LD 1803 proposed to authorize the Department of Defense, Veterans and Emergency Management to accept land in southern Maine for the purpose of establishing a veterans' cemetery.

Senate Amendment "A" (S-230) added a fiscal note to the resolve.

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LD 1807

**Resolve, Directing the State Auditor to Amend the Campaign
Finance Reporting Form for Candidates to a Form Similar to the
Form Used in 1994**

**DIED BETWEEN
BODIES**

Sponsor(s)
TUTTLE

Committee Report
OTP

Amendments Adopted

LD 1807 proposed to direct the State Auditor to amend the campaign finance reporting form to resemble the form used in 1994. The resolve specified that this form must be complete for use by the next general election.

Senate Amendment "A" (S-299), which was not adopted, proposed to direct the Commission on Governmental Ethics and Election Practices to review the campaign finance reporting forms for candidates and proposed to direct the commission to simplify these forms if the commission determines it appropriate and feasible.

Joint Standing Committee on Legal and Veterans' Affairs

LD 1808 **An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags** **PUBLIC 353**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-215 DOUGLASS
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LD 1808 was the result of 2001 Joint Order, H.P. 1340 and was emergency legislation that proposed to extend the final reporting date for the commission to recognize veterans of the Vietnam War in the State House Hall of Flags. The sections of the bill regarding the commission would apply retroactively to November 1, 2000. The bill also proposed to make changes to the laws governing the Department of Defense, Veterans and Emergency Management by authorizing the sale of the Caribou Armory and requiring the Governor to make an oral declaration of an emergency and specifying that a written declaration must be filed with the Secretary of State within 24 hours of the oral declaration.

Senate Amendment "A" (S-215) struck the emergency preamble and the emergency clause and added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 353 extends the final reporting date for the commission to recognize veterans of the Vietnam War in the State House Hall of Flags. The law also authorizes the Department of Defense, Veterans and Emergency Management to sell the armory located in Caribou and permits the Governor to declare an emergency orally provided that a written declaration is filed with the Secretary of State within 24 hours of the declaration.

LD 1809 **An Act Concerning the Penalties for Late Filing of Accelerated Campaign Reporting Under the Maine Clean Election Act** **PUBLIC 470
EMERGENCY**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-718 S-363 DOUGLASS S-370 WOODCOCK
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LD 1809 proposed to amend the laws governing penalties for failure to file accelerated campaign finance reports. Current law requires the imposition of a penalty that may result in an amount disproportionate to the gravity of the lateness in filing. This bill proposed to establish a maximum penalty of \$5,000 for such a violation, and amends the law to allow the Commission on Governmental Ethics and Election Practices to consider when assessing a penalty factors such as the existence of a valid emergency, an error by commission staff and evidence of a bona fide effort to file.

Committee Amendment "A" (H-718) replaced the bill. It amends current law to specify that the Governor shall make nominations to the Commission on Governmental Ethics and Election Practices public upon nomination. It

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requires that the commission employ general counsel and an administrative director as employees of the commission. General counsel compensation would be paid for using the Maine Clean Election Fund. The Attorney General would still aid the commission upon request. Current law requires that the Commission on Governmental Ethics and Election Practices meet 4 times a year. This amendment requires the commission to meet once per month, every 2 weeks 60 days prior to an election and every day during the 28 days prior to an election as long as there are agenda items that require consideration. Such agenda items must be decided within 24 hours of the filing of an inquiry or complaint with the commissioner unless all parties involved agree otherwise. Under this amendment, in the 28 days prior to an election, the commission may hold meetings by telephone. The office of the commission is required to be open from 8 a.m. to 5:30 p.m. on the Saturday, Sunday and Monday prior to an election and until 8 p.m. on election day. The amendment also establishes a reporting schedule for candidates with an opponent who is a participating candidate in the Maine Clean Election Act. Current law specifies mitigating circumstances and allows the consideration of those circumstances that may be considered by the commission when assessing penalties for the late filing of some reports. This amendment extends that provision to the consideration of penalties for the late filing of accelerated reports required when a traditionally funded candidate who receives, spends or obligates 101% of the distribution received by an opponent who is a participating candidate in the Maine Clean Election Act. It also requires the commission to notify a candidate if any reported amount results in a candidate exceeding 101% of the funding received by that candidate's opponent who is a participating candidate in the Maine Clean Election Act. Under this amendment, the commission is required to make a finding of fact establishing when an accelerated report was due prior to assessing a penalty. The amendment also provides for a ceiling to the penalty assessed for late filing of an accelerated report as long as the commission finds that a bona fide effort was made to file an accurate and timely report. The changes made by this amendment are retroactive to January 1, 2000. The penalty provisions regarding late filing of accelerated reports are repealed August 1, 2002.

This amendment also adds an appropriation, an allocation, an emergency preamble and emergency clause to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-349), which was not adopted, proposed to amend the committee amendment regarding appointments to the Commission on Governmental Ethics and Election Practices. The term of any member of the commission appointed prior to January 1, 2002 ends upon the confirmation of nominees to the commission nominated according to the changes proposed by this amendment. Under this proposed amendment, the Governor would appoint 4 of the commission members from a list of qualified candidates presented by appointed leaders of each party in each body of the Legislature. A 5th member of the commission must be chosen from a list of 3 qualified candidates presented to the Governor jointly by the appointed leaders of each party of each body of the Legislature.

Senate Amendment "B" to Committee Amendment "A" (S-363) funds the per diem and other expenses associated with increasing the number of commission meetings and extending office hours from the Maine Clean Election Fund.

Senate Amendment "C" to Committee Amendment "A" (S-370) amends the committee amendment regarding appointments to the Commission on Governmental Ethics and Election Practices. The term of any member of the commission appointed prior to January 1, 2002 ends upon the confirmation of nominees to the commission nominated according to the changes made by this amendment. Under this amendment, the Governor shall appoint 4 commission members from a list of qualified candidates presented by appointed leaders of each party in each body of the Legislature. The public is given 30 days to suggest nominees for appointment to the commission. A 5th member of the commission must be chosen from a list of 3 qualified candidates presented to the Governor

Joint Standing Committee on Legal and Veterans' Affairs

jointly by the appointed leaders of each party of each body of the Legislature. The Governor selects the nominee for the commission from the list provided by the party leaders.

Enacted law summary

Public Law 2001, chapter 470 changes the process by which appointments are made to the Commission on Governmental Ethics and Election Practices, increases the number of meetings the commission is required to hold and requires the commission to consider mitigating circumstances when assessing a penalty for late filing of accelerated reports filed by a traditionally funded candidate opposed by a participating candidate in the Maine Clean Election Act.

Under this law, terms for members of the Commission on Governmental Ethics and Election Practices beginning prior to January 1, 2002 will end upon the confirmation of nominees made according to the new appointment process. This appointment process requires that members of legislative leadership shall provide the Governor with a list of three qualified candidates for each position from which to choose a nominee. These nominees are subject to confirmation by the Legislature.

During the year, the commission is required to meet monthly and 60 days preceding an election, bi-weekly. In the 28 days preceding an election the commission is required to meet within one calendar day of the filing of any complaint or question with the commission. Agenda items in the 28 days preceding an election must be decided within 24 hours unless all parties agree otherwise.

This law also specifies that the commission employ an administrative director and retain general counsel as an employee of the commission.

Public Law 2001, chapter 470 requires the commission to consider mitigating circumstances when assessing penalties for late filing of accelerated reports and places some limits on those penalties as long as the commission finds that a bona fide effort was made to file an accurate and timely accelerated report. Sections of this law pertaining to penalties are repealed August 1, 2002.

Public Law 2001, chapter 470 was enacted as an emergency measure effective June 28, 2001.

LD 1814

**An Act Regarding the Use of Tokens or Tickets for Games of
Chance at Agricultural Fairs**

**PUBLIC 384
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP OTP	H-629 TUTTLE

LD 1814 was the minority of the Joint Standing Committee on Legal and Veterans Affairs to report out a bill pursuant to Joint Order 2001, House Paper 1332. Current law requires that, beginning January 1, 2001, agricultural fairs licensed to conduct games of chance must use tokens or tickets to conduct those games unless the games are operated by a member of the agricultural fair society or a bona fide nonprofit entity. For-profit entities hired by the fair are required to use tokens or tickets when operating the games. This bill proposed to amend the law by extending by one year the date that fairs are required to comply. It also proposed to require the State Police and the Department of Agriculture, Food and Rural Resources to report to the joint standing committee of

Joint Standing Committee on Legal and Veterans' Affairs

the Legislature having jurisdiction over games of chance by January 15, 2002 and 2003. This bill as proposed would be retroactive to January 1, 2001.

House Amendment "A" (H-629) required that beginning January 1, 2001, games of chance operated at agricultural fairs must be conducted using tickets or tokens unless the games are conducted by a member of the agricultural fair society or a bona fide nonprofit. The original bill proposed to extend the date by which agricultural fairs must comply with the ticket or token provision to January 1, 2002; the amendment removes that change. The amendment permits agricultural fairs to use tickets, tokens or cash regardless of who operates the games of chance. The amendment also removed the emergency preamble and emergency clause from the bill. The amendment maintained the provision that would make the changes to current law retroactive to January 1, 2001.

Enacted law summary

Public Law 2001, chapter 384 delays implementation by one year of the requirement that agricultural fairs licensed to conduct games of chance use tokens or tickets to operate those games unless the games are operated by a member of the agricultural fair society or a non-profit. Under this law, the date by which agricultural fairs must now comply with this requirement is January 1, 2002.

Public Law 2001, chapter 384 was enacted as an emergency measure effective June 11, 2001.

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LD 15 **An Act to Allow Persons Completing the Lobster Apprentice Program Admission to Limited-entry Zones** **ONTP**

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

LD 15 proposed to provide an exemption from the law that limits the number of new zone entrants to a limited-entry lobster fishing zone to a number equal to an exit ratio established by rule by the Commissioner of Marine Resources. The proposed exemption would have provided that persons who completed the apprentice program and who declared a limited-entry zone as their declared lobster zone would not have been counted for the purposes of the exit ratio or number of new zone entrants authorized for that zone.

LD 115 **An Act to Change the Noncommercial Scallop Diving Season** **ONTP**

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

LD 115 proposed to change the beginning of the noncommercial scallop diving season to November 1st.

Committee Amendment "A" (H-393) proposed to replace the original bill. The amendment provided that noncommercial scallop divers could, in addition to taking scallops from December 1st to April 15th, take scallops from November 1st to November 15th. During the period November 1st to November 15th, scallops taken could not measure less than 4 1/2 inches and a person taking scallops could not take more than one bushel of shell scallops or 2 quarts of shucked scallops in any one day. It also added a fiscal note to the bill. This amendment was not adopted.

LD 156 **An Act to Limit Lobster Management Zones to State Coastal Waters** **DIED IN CONCURRENCE**

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

LD 156 proposed to limit lobster management zones to within 3 nautical miles of the coastline of the State and clarified how rules adopted for lobster management zones would apply when the zones were limited to 3 nautical miles from the coastline of the State. Under the proposal, a lobster license holder would not have been required to fish a majority of that person's traps within the license holder's declared lobster zone when fishing beyond 3 nautical miles.

Joint Standing Committee on Marine Resources

LD 281

An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-398

LD 281 proposed to remove the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. It also proposed that, if a public hearing was held on a proposed dredging operation, the hearing must have been held within at least one of the municipalities where the dredging would have taken place. It also required the Commissioner of Marine Resources to consider the potential impacts of the dredging on fishing when deciding whether or not to hold a hearing.

Committee Amendment "A" (H-398) replaced the bill. It proposed to remove from current law the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. If a hearing was not to be held, the amendment required the commissioner to publish a notice in a newspaper of general circulation that if 5 or more persons requested a hearing one would be held. The notice must also have stated that verbal and written comments would be accepted in lieu of the hearing. The amendment also proposed to require that if a public hearing was held it must have been held within at least one of the municipalities where the dredging would take place. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 248 removes from current law the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. If a hearing is not to be held, Chapter 248 requires the commissioner to publish a notice in a newspaper of general circulation that if 5 or more persons request a hearing one will be held. The notice must also state that verbal and written comments will be accepted in lieu of the hearing.

LD 308

Resolve, to Regulate the Harvesting of Horseshoe Crabs

RESOLVE 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL KILKELLY	OTP-AM	H-158

LD 308 proposed to direct the Department of Marine Resources to study the size and sustainable level of the harvest of the horseshoe crab resource. The bill also directed the department to establish rules and a system of licensing for the harvest of horseshoe crabs by October 1, 2002.

Committee Amendment "A" (H-158) proposed to direct the Department of Marine Resources to assess the size of the horseshoe crab resource using volunteer data collectors and to determine whether rules and a system of licensing for the harvest of horseshoe crabs are needed to protect the resource. It also authorized, but did not require, the

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department to adopt routine technical rules for the harvest of horseshoe crabs. It also added a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 11 directs the Department of Marine Resources to assess the size of the horseshoe crab resource using volunteer data collectors and to determine whether rules and a system of licensing for the harvest of horseshoe crabs are needed to protect the resource. It also authorizes, but does not require, the department to adopt routine technical rules for the harvest of horseshoe crabs.

LD 327 **An Act Relating to the Scallop Count** **ONTP**

<u>Sponsor(s)</u> SHOREY GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 327 proposed to establish a uniform standard for scallop counts with a 5% tolerance.

LD 344 **An Act to Extend the Repeal of the Lobster Trap Tag Freeze** **PUBLIC 94**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-171
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LD 344 proposed to extend the repeal date for the lobster trap tag laws from December 31, 2001 to December 31, 2005.

Committee Amendment "A" (H-171) added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 94 extends the repeal date for the lobster trap tag laws from December 31, 2001 to December 31, 2005.

LD 345 **An Act to Include Whole Scallops in the Shellfish Sanitation Program** **PUBLIC 112**

<u>Sponsor(s)</u> LEMOINE LEMONT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-204
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LD 345 proposed to amend the definition of shellfish to include scallop in any form other than the adductor muscle of a scallop. The purpose of the bill was to allow the emerging market for whole scallops to occur under shellfish sanitation regulations that protect the public health from shellfish contaminated by pollution or marine toxins.

Committee Amendment "A" (H-204) proposed to subject cultured whole scallops to the shellfish sanitation regulations and added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 112 subjects cultured whole scallops to the shellfish sanitation regulations.

LD 355 **An Act to Ban Dragging in Salt Pond Located in the Towns of Blue Hill, Brooklin and Sedgwick** **ONTP**

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

LD 355 proposed to prohibit a person from fishing with a drag in Salt Pond located in the towns of Blue Hill, Brooklin and Sedgwick. It also proposed to require that the Department of Marine Resources submit a report to the Legislature regarding whether the prohibition on dragging in Salt Pond remained necessary or advisable.

LD 365 **An Act to Restore the Passage of Alewives on the St. Croix River** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY	ONTP REP	
KILKELLY	OTP-AM REP	
	OTP-AM REP	

LD 365 proposed to require the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2001 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, were configured or operated in a manner that allowed the passage of alewives.

Committee Amendment "A" (H-433) proposed to remove the emergency provisions and require the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to allow the passage of no more than 90,000 alewives annually at the Woodland Dam and Grand Falls Dam located on the St. Croix River by May 1, 2002. The amendment also proposed to require both departments to report back 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 on December 31, 2003 and every 2 years thereafter regarding the impact the additional alewives have on the upstream ecosystem and fisheries. The amendment proposed to grant the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife the authority to close the fishway by routine technical rulemaking if the commissioners determined that the fisheries in the St. Croix River were being adversely impacted by anadromous fish utilizing the fishways on the river. The

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amendment proposed to require the commissioners to report back 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 within 90 days of the closure of a fishway on the St. Croix River. It also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-434), a minority report, proposed to require the Legislative Council, in consultation with the chairs of both the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources and upon recommendation of the Office of Policy and Legal Analysis, to hire an independent consultant to study the biological and economic issues surrounding the proposed passage of alewives at the Woodland Dam and Grand Falls Dam fishways. The resolve proposed to direct the consultant to work under the auspices of the Office of Policy and Legal Analysis in consultation with numerous interested governmental and private organizations and to report back to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than January 1, 2002. The resolve also proposed to appropriate \$50,000 from the General Fund to carry out the purposes of this resolve. The amendment also proposed to add an appropriation section and a fiscal note to the bill

House Amendment "A" (H-495) proposed that, by May 1, 2002, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife would ensure that fishways on the Woodland Dam on the St. Croix River were configured or operated in a manner that allowed the passage of no more than 5,000 alewives per year. It also proposed to require the commissioners to ensure that fishways on the Grand Falls Dam on the St. Croix River were configured or operated in a manner that prevented the passage of alewives.

LD 366

An Act to Revise Maine Laws Governing Aquaculture

PUBLIC 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PENDLETON	OTP-AM	H-157

LD 366 proposed to require the Commissioner of Marine Resources to notify the owners of land that is located within 1,000 feet of the proposed location for an aquaculture lease of any application and notice of hearing for that lease as well as the municipal officers of the affected municipality.

Committee Amendment "A" (H-157) proposed to require the applicant to provide the required notice instead of the commissioner. This amendment also required the applicant to provide proof of access to the lease area and, if access would be across riparian land, the applicant would have been required to provide written permission of the riparian owners whose land would have been used to access the lease area. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 122 requires an applicant for a limited-purpose aquaculture lease to notify certain riparian owners of the submittal of an application and notice of hearing for that lease. Chapter 122 also requires the applicant to provide proof of access to the lease area and, if access will be across riparian land, the applicant must provide written permission of the riparian owners whose land will be used to access the lease area.

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LD 379

**An Act to Amend the Lobster Fishing Owner and Operator Laws
to Allow Limited Charter Vessel Operation**

**PUBLIC 195
EMERGENCY**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-254
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LD 379 proposed to allow a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard to fish for or take lobster when the owner or family member is not on board of the vessel. It also proposed to require the owner to notify the commission in writing annually prior to the vessel being used to fish for or take lobsters.

Committee Amendment "A" (H-254) proposed to add a requirement that by June 30, 2001 the owner of the vessel must document that the vessel was used to fish for lobster with paying passengers on board in 1995, 1996 and 1997. It also allowed a person authorized under the paragraph to fish for lobster with a replacement vessel. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 195 allows a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard to fish for lobster when the owner or family member is not on board the vessel. By June 30, 2001 the owner of the vessel must document that the vessel was used to fish for lobster with paying passengers on board in 1995, 1996 and 1997. Chapter 195 also allows an authorized person to fish for lobster with a replacement vessel and it requires the vessel owner to notify the commissioner in writing annually prior to the vessel being used to fish for lobsters.

Chapter 195 was enacted as an emergency measure effective May 16, 2001.

LD 382

An Act to Reauthorize and Expand the Lobster Promotion Council

PUBLIC 226

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-390
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LD 382 proposed to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2003. It also proposed to increase the surcharges on various licenses used to capitalize the Lobster Promotion Fund by \$25.

Committee Amendment "A" (H-390) proposed to continue to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2005. The amendment also proposed to increase the surcharge on each license used to capitalize the fund by 25%. This amendment also added an allocation section and a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 226 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2005. The amendment also increases the surcharge on each license used to capitalize the fund by 25%.

LD 410 **An Act to Provide Noncommercial Combination Lobster and Scallop Licenses to Persons Over 70 Years of Age** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH SHOREY	OTP-AM MAJ ONTP MIN	H-392

LD 410 proposed to provide for free licenses to fish for lobster, crab, shellfish or scallops to persons 70 years of age or older provided that they met the requirements of the license to be issued.

Committee Amendment "A" (H-392) proposed to create a noncommercial combination lobster and scallop license for people 70 years of age or older. It would have allowed a license holder to engage in the licensed activities authorized pursuant to a noncommercial lobster and crab fishing license and a noncommercial scallop license. The noncommercial combination lobster and scallop license would have expired on December 31st of each year. The license fee would have been \$10. It also added a fiscal note to the bill.

LD 424 **An Act to Restrict Atlantic Halibut Fishing in State Waters** **ONTP**

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

LD 424 proposed to set restrictions on the taking and possessing of Atlantic halibut. It also proposed to prohibit the taking or possessing of Atlantic halibut that were less than 36 inches in length and set a limit on the number of Atlantic halibut that could be taken in any one day. A violation of the limits would have been a civil violation with a penalty of not less than \$100 nor more than \$500.

LD 425 **An Act to Restrict the Use of Gill Nets** **CARRIED OVER**

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

LD 425 proposes to place certain restrictions on the use of gill nets in Maine's tidal waters.

Joint Standing Committee on Marine Resources

LD 425 has been carried over to the Second Regular Session.

LD 449 An Act to Prevent Damage to Lobsters

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LEMONT	OTP-AM	H-255

LD 449 proposed to require a lobster trap to have 2 runners that are made out of any material, each 1/4 inch thick and placed on opposite sides of the bottom of the lobster trap.

Committee Amendment "A" (H-255) proposed to require lobster traps to have 2 runners on the bottom of the trap, a second layer of material attached to the bottom of the trap or another device designed to minimize damage to lobster claws and approved by the commissioner. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 205 requires lobster traps to have 2 runners on the bottom of the trap, a second layer of material attached to the bottom of the trap or another device designed to minimize damage to lobster claws and approved by the commissioner.

LD 468 An Act to Amend the Lobster Licensing Laws

ONTP

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

LD 468 proposed to allow anyone who had previously held a Class I, Class II or Class III lobster and crab fishing license to obtain the same license.

Committee Amendment "A" (H-395), the minority report, proposed that a person who previously held a lobster and crab fishing license for at least 2 years would be eligible for the same license. It also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 502 An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT ETNIER	OTP-AM	S-68

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LD 502 proposed to create a right-to-fish law that is similar to Maine's right-to-farm law. It provided that a commercial fishing activity or commercial fishing operation was not a nuisance if the activity or operation predated a change in the land use or occupancy of land within one mile of the activity or operation or if the activity or operation conformed to appropriate environmental practices as determined by the Commissioner of Marine Resources. It proposed to direct the Commissioner of Marine Resources to investigate all complaints involving a commercial fishing activity or commercial fishing operation and to recommend changes to comply with appropriate environmental practices. It also provided that failure to apply appropriate environmental practices may have resulted in an action to abate a nuisance.

Committee Amendment "A" (S-68) replaced the original bill. It proposed to define "commercial fishing activity" and "commercial fishing operation" and it limited private nuisance actions against those activities and operations that are undertaken in compliance with licensing and permitting requirements and other applicable laws. It excluded finfish aquaculture activities from this protection. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 99 defines "commercial fishing activity" and "commercial fishing operation" and it limits private nuisance actions against those activities and operations that are undertaken in compliance with licensing and permitting requirements and other applicable laws.

LD 553 **An Act to Exempt Seaweed Harvesting from Certain Restrictions** **ONTP**

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

LD 553 proposed to add seaweed harvesting to the list of public trust rights in the intertidal lands.

LD 592 **An Act to Ensure that Fishways on Tidal Waters are Working** **PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	OTP-AM	H-256

LD 592 proposed to require that the Department of Marine Resources check tidal fishways at least annually. It also required the department to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway.

Committee Amendment "A" (H-256) proposed to require the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters. The amendment also removed the requirement to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway. The amendment also added a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 190 requires the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters.

LD 630

An Act Concerning Closed Periods for Lobstering

**PUBLIC 123
EMERGENCY**

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-203

LD 630 proposed to delete language referring to the transfer of lobster traps and clarified that the limitations on summer lobster fishing would not apply to those portions of the coastal waters from the current 3-nautical-mile limit out to the 200-nautical-mile limit as described on United States Government nautical charts.

Committee Amendment "A" (H-203) proposed to delete the provisions in the bill that specified that the limitations on summer lobster fishing do not apply to those portions of the coastal waters from the current 3-nautical-mile limit out to the 200-nautical-mile limit as described on United States Government nautical charts. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 123 removes the prohibition against the transfer of lobster traps during certain nighttime hours during the summer and on weekends during the summer.

Chapter 123 was enacted as an emergency measure effective May 9, 2001.

LD 644

An Act to Amend the Laws Governing the Lobster Tag System

ONTP

Sponsor(s)
USHER

Committee Report
ONTP

Amendments Adopted

LD 644 proposed to require the Commissioner of Marine Resources to adopt rules by January 1, 2002 that would have required tags for lobster traps that were fished in a lobster management zone in which a license holder fished a majority of that license holder's traps that were a different color than tags for traps fished outside of that zone.

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LD 676 **An Act Relating to Research Activities of the Commissioner of Marine Resources** **ONTP**

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

LD 676 proposed to require the Commissioner of Marine Resources to adopt rules prior to conducting any research activities dealing with lobstering, including, but not limited to, research trawl surveys conducted by the Department of Marine Resources, that could involve interference with or the need to move lobstering gear. The rules proposed by this bill were designated to be major substantive rules and would have required a review by the committee of jurisdiction of the Legislature before they became effective.

LD 813 **An Act to Increase to Previous Levels the Number of Traps a Holder of Lobster Licenses may Maintain** **ONTP**

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

LD 813 proposed to limit to 1,200 the number of traps a Class I, Class II or Class III license holder was allowed to submerge.

LD 834 **An Act to Amend the Laws Pertaining to Fishing Near Floating Equipment** **ONTP**

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

LD 834 proposed to extend the prohibition against fishing near floating equipment authorized in a lease for scientific research or aquaculture to all such equipment authorized in any aquaculture lease.

LD 965 **An Act Relating to Daily Catch Limits for Scallops** **ONTP**

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

LD 965 proposed to place a limit on the daily catch of scallops for any person who held a scallop boat license.

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LD 969

An Act to Permit Intrafamily Transfer of Lobster Tags

ONTP

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

LD 969 proposed to require the Department of Marine Resources to establish by rule provisions for allowing the transfer of lobster trap tags from a grandparent or parent to a grandchild or child.

LD 973

An Act to Restrict Daily Sea Urchin Taking

ONTP

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

LD 973 proposed to limit the amount of sea urchins a person could harvest to 25 standard totes per day. The proposed forfeiture for violating the limit was not less than \$500 nor more than \$1,000.

LD 1010

An Act to Manage the Sea Urchin Fishery

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-125

LD 1010 proposed to make changes to the laws regarding the sea urchin fishery. It proposed to allow Sea Urchin Zone Council members to be reimbursed for expenses only. It required the Commissioner of Marine Resources to suspend the sea urchin fishing license for one year from the date of a license holder's conviction for fishing in a closed area. It established a rebuttable presumption that anyone diving from a boat with sea urchins aboard is diving for sea urchins. It required the Commissioner of Marine Resources to establish by rule open days for sea urchin harvesting for Zone 1 and Zone 2 after consultation with the Sea Urchin Zone Council. The bill also proposed to make it unlawful for a person to harvest sea urchins on a day not designated as an open day. It required the Commissioner of Marine Resources to adopt rules to establish conservation areas for the purpose of sea urchin research and made fishing for sea urchins in those areas a violation. It proposed to strike the provision that would repeal Title 12, chapter 623, subchapter II-C, article 3, and made conforming changes in contemplation of the law continuing past 2001. It reduced the surcharge for a sea urchin processor's permit from \$2500 to \$1000. It authorized use of the Sea Urchin Research Fund for reimbursement for travel expenses for Sea Urchin Zone Council members.

Committee Amendment "A" (S-125) proposed to incorporate the provisions of L.D. 1682 into the bill. It changed the licensing provisions for sea urchin dragging. Beginning in January 2002, it proposed to license individuals rather than licensing the activities of a boat. Also beginning in January 2002, the amendment proposed

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to require an individual who holds a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also made exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption was proposed to allow a person who held more than one sea urchin dragging license to continue to do so until the current boat named on that license changed.

The amendment also proposed to change the sea urchin lottery system to a limited entry system. It also instructed the Commissioner of Marine Resources to adopt rules to establish a limited entry system.

Enacted law summary

Public Law 2001, chapter 327 changes the licensing provisions for sea urchin dragging. Beginning in January 2002, individuals will be licensed rather than the activities of a boat. It allows for a one-time change to the named individual on a sea urchin dragging license to coincide with the owner of the boat named on that license in 2000. Also beginning in January 2002, chapter 327 requires an individual who holds a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also makes exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption is added to allow for a person who currently holds more than one sea urchin dragging license to continue to do so until the current boat named on that license changes.

Chapter 327 also changes the sea urchin lottery system to a limited entry system and instructs the Commissioner of Marine Resources to adopt rules to establish a limited entry system for sea urchins.

Chapter 327 also makes the following changes to the laws regarding the sea urchin fishery:

1. It allows Sea Urchin Zone Council members to be reimbursed for expenses only.
2. It requires the Commissioner of Marine Resources to suspend the sea urchin fishing license for one year from the date of a license holder's conviction for fishing in a closed area.
3. It establishes a rebuttable presumption that anyone diving from a boat with sea urchins aboard is diving for sea urchins.
4. It requires the Commissioner of Marine Resources to establish by rule open days for sea urchin harvesting for Zone 1 and Zone 2 after consultation with the Sea Urchin Zone Council and repeals the current provision governing open days. The bill also makes it unlawful for a person to harvest sea urchins on a day not designated as an open day.
5. It requires the Commissioner of Marine Resources to adopt rules to establish conservation areas for the purpose of sea urchin research and makes fishing for sea urchins in those areas a violation subject to the penalties under the Maine Revised Statutes, Title 12, section 6749-Y.
6. It strikes the provision that would repeal Title 12, chapter 623, subchapter II-C, article 3, "Emergency Limitations; Sea Urchin Fishery," and makes conforming changes in contemplation of the law continuing past 2001.
7. It reduces the surcharge for a sea urchin processor's permit from \$2500 to \$1000.

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8. It authorizes use of the Sea Urchin Research Fund for reimbursement for travel expenses for Sea Urchin Zone Council members.

LD 1027 **An Act to Set the Lobster License Sale Date** **ONTP**

<u>Sponsor(s)</u> LEMOINE LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1027 proposed to prohibit the sale of lobster and crab fishing licenses after September 30th for the current licensing year.

LD 1036 **An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils** **CARRIED OVER**

<u>Sponsor(s)</u> QUINT RAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1036 proposes to create a program under the Department of Marine Resources for funding the testing of dredge spoils and the proper disposal of contaminated spoils.

LD 1036 has been carried over to the Second Regular Session.

LD 1091 **An Act Concerning the Lobster Management Fund** **PUBLIC 93**

<u>Sponsor(s)</u> LEMONT LEMOINE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-67
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LD 1091 proposed to remove the dollar limitation with regard to support for the Lobster Advisory Council. The bill also proposed to allow money from the Lobster Management Fund to be used to support the Lobster Advisory Council.

Committee Amendment "A" (S-67) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 93 removes the dollar limitation with regard to support for the Lobster Advisory Council. Chapter 93 also allows money from the Lobster Management Fund to be used to support the Lobster Advisory Council.

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LD 1110

An Act to Amend the Tax on Mahogany Quahogs

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-463
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LD 1110 proposed to repeal the mahogany quahog tax.

Committee Amendment "A" (H-463) proposed to direct the Commissioner of Marine Resources to use funds in the Toxin Monitoring Fund to conduct a stock assessment to determine the status of mahogany quahog stocks in federal waters off the coast of Maine. The amendment would also have incrementally reduced the mahogany quahog tax. It also proposed to change the limit that could be credited from the tax to the Toxin Monitoring Fund from \$16,000 to \$27,750, effective July 1, 2002.

LD 1140

Resolve, to Clarify the 3-mile Fishing Waters in Saco Bay

ONTP

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1140 proposed to require the Department of Marine Resources to adopt a rule that established the boundary beyond which a person could fish using a trawl that had more than 3 lobster traps as 3 nautical miles from land as measured by radar.

The provisions of this bill were subsequently amended and incorporated into the committee amendment to LD 1653, Public Law 2001, chapter 272.

LD 1158

An Act Relating to Daily Catch Limits for Scallops

ONTP

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1158 proposed to place a limitation on the daily catch of scallops in Cobscook Bay for any person who held a scallop boat license.

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LD 1179 **An Act to Amend the Laws Pertaining to the Taking of Seaweed and Rockweed** **ONTP**

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

LD 1179 proposed to require a holder of a seaweed permit to obtain written permission from the upland landowner prior to harvesting seaweed in the intertidal zone. The bill also proposed to repeal the authority given to the Commissioner of Marine Resources to establish rules regulating the harvesting of seaweed.

Committee Amendment "A" (H-399), the minority report of the Joint Standing Committee on Marine Resources, added an appropriation section and a fiscal note to the bill. This amendment was not adopted.

LD 1189 **Resolve, to Establish the Committee to Study the Feasibility of Establishing a Recreational Saltwater Fishing License** **ONTP**

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

LD 1189 proposed to establish the Committee to Study the Feasibility of Establishing a Recreational Saltwater Fishing License. As part of the proposed study, the committee would have held at least 2 public hearings to seek public input.

LD 1241 **Resolve, to Establish a Moratorium on Aquaculture Leases in Blue Hill Bay** **ONTP**

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

LD 1241 proposed to establish a 4-year moratorium on the issuance of new aquaculture leases in Blue Hill Bay. The resolve also proposed to require the Department of Marine Resources to undertake a study of the effects of aquaculture on the ecosystem of the bay and to hold a public hearing in the area of Blue Hill Bay.

Committee Amendment "A" (H-497), the majority report of the Joint Standing Committee on Marine Resources, proposed to prohibit the Department of Marine Resources from accepting applications for or issuing new finfish aquaculture leases in Blue Hill Bay for 2 years. The amendment also directed the Department of Marine Resources to consider the findings of relevant ecosystem studies of Blue Hill Bay prior to issuing a new finfish aquaculture lease in Blue Hill Bay after the completion of the 2-year moratorium. The amendment also provided that the resolve applied to all proceedings pending on the effective date of the resolve. The amendment did not prohibit the Department of Marine Resources from processing applications that were accepted prior to the effective date of the

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resolve; however, new leases could not be issued on those applications. The amendment also added an emergency preamble to the resolve and removed the requirement for the Department of Marine Resources to undertake a study of the effects of aquaculture on the ecosystem of the bay. This amendment was not adopted.

LD 1280 **An Act Concerning the Enforcement of Laws Relating to Scallop
in Cobscook Bay** **PUBLIC 192**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY GOODWIN	OTP-AM	S-126

LD 1280 proposed to require that all sorting of scallops take place on a vessel that possesses a scallop boat license and not on a shucking or sorting table. It also proposed that a vessel could not possess more than one day's scallop limit unless that vessel had received a waiver from this limitation issued by a marine patrol officer.

Committee Amendment "A" (S-126) replaced the bill. It proposed to set a daily limit and culling requirement for scallops in Cobscook Bay. It set a penalty for violation. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 192 sets a daily limit and culling requirements for scallops in Cobscook Bay and sets a penalty for violation.

LD 1309 **An Act to Amend the Laws Pertaining to the Harvest of Adult Eels** **PUBLIC 187**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-127

LD 1309 proposed to remove the limitation on the number of eels an individual may take for personal use.

Committee Amendment "A" (S-127) proposed to direct the Department of Marine Resources to adopt rules establishing a limit on the number of eels that a person may fish for, take, possess or transport. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 187 removes the limitation on the number of eels an individual may take for personal use. Chapter 187 also directs the Department of Marine Resources to adopt rules establishing a limit on the number of eels that a person may take.

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LD 1327

Resolve, to Allow Coastal Municipalities to Regulate the Use of Personal Watercraft

DIED IN CONCURRENCE

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

LD 1327 proposed to establish a process whereby municipalities could submit recommendations to the Commissioner of Marine Resources for the regulation of personal watercraft on coastal waters within the jurisdiction of those municipalities or that about those municipalities. The resolve also would have authorized the Department of Conservation, Bureau of Parks and Lands, the Department of Marine Resources and the Maine Land Use Regulation Commission to work together on recommendations for coastal waters that about land controlled by the Federal Government or the State Government.

LD 1334

An Act to Modify Municipal Shellfish Ordinances

PUBLIC 101

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

LD 1334 proposed to provide for the repeal of a shellfish conservation ordinance by a municipality or the Commissioner of Marine Resources. It also clarified that an ordinance must be filed with the Commissioner of Marine Resources within 20 days in order to remain in effect.

Enacted law summary

Public Law 2001, chapter 101 provides for the repeal of a shellfish conservation ordinance by a municipality or the Commissioner of Marine Resources. Chapter 101 also clarifies that an ordinance must be filed with the Commissioner of Marine Resources within 20 days in order to remain in effect.

LD 1372

An Act to Establish a Buffer Zone for Aquaculture Leases for Mussels

ONTP

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

LD 1372, a concept draft pursuant to Joint Rule 208, proposed to establish a buffer zone for aquaculture leases for mussels.

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LD 1374 **An Act to Create the Maine Soft-shell Clam Advisory Council** **ONTP**

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

LD 1374 proposed to create the Maine Soft-shell Clam Advisory Council and to establish the Soft-shell Clam Management Fund.

LD 1392 **An Act to Set the Mussel Size Limit** **ONTP**

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

LD 1392 proposed to set the size limit of a mussel at 2 inches.

LD 1428 **An Act to Amend the Aquaculture Leasing Law** **CARRIED OVER**

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

LD 1428 proposes to provide citizens and other interested parties 10 days following the completion of the aquaculture lease hearing to submit further evidence and testimony. It also proposes to provide that this period may be extended for a period beyond 10 days if agreed to by the parties. The bill also proposes to change the Department of Marine Resources' site review period from the period from April 1st to November 15th to the period from June 15th to September 15th.

LD 1428 has been carried over to the Second Regular Session.

LD 1483 **An Act to Expand the Options for a Lobster Management Zone** **PUBLIC 282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK GOLDTHWAIT	OTP-AM MAJ ONTP MIN	H-391

LD 1483 proposed to allow a lobster management policy council to propose to the Commissioner of Marine Resources rules for a zone that increase the minimum length of time an apprentice must be enrolled in the lobster apprentice program; require a sponsor of an apprentice to have held a lobster and crab fishing license for at least 5 years; add a course work requirement to the apprentice program; allow apprentices to only enter the zone if they apprenticed in that zone; and require a one-year, 2-year or 3-year delay in transfers into the zone from other zones.

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Committee Amendment "A" (H-391) proposed to change the additions to the authority of lobster management policy councils proposed in the bill into a pilot program for Zone C. The amendment repealed the pilot program June 1, 2004. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 282 establishes a pilot program for Zone C. It allows a lobster management policy council for Zone C to propose to the Commissioner of Marine Resources rules for Zone C that increase the minimum length of time an apprentice must be enrolled in the lobster apprentice program; require a sponsor of an apprentice to have held a lobster and crab fishing license for at least 5 years; add a course work requirement to the apprentice program; allow apprentices to only enter Zone C if they apprenticed in Zone C; and require a one-year, 2-year or 3-year delay in transfers into Zone C from other zones. Chapter 282 also repeals the pilot program June 1, 2004.

LD 1489 **Resolve, to Create a Task Force to Make Recommendations
Regarding Loss of Commercial Fishing Waterfront Access and
Other Economic Development Issues Affecting Commercial Fishing** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-394

LD 1489 proposed to establish the Task Force to Make Recommendations Regarding Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing.

Committee Amendment "A" (H-394) proposed to add 2 legislative members to the task force for a total of 4 members of the Legislature and remove 2 fishing industry members for a total of 2 members representing the fishing industry. Chair selection was amended and appointing authorities were identified. The amendment also proposed to remove the duty to review right-to-fish issues. It also added a fiscal note to the resolve.

The provisions of LD 1489 and Committee Amendment "A" were incorporated into Joint Order H.P. 1384.

LD 1555 **An Act to Require Fishing Boats Rather than Individuals to be
Licensed for Saltwater Commercial Ventures** **ONTP**

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

LD 1555 proposed to require that boats, instead of individuals, be licensed for harvesting marine organisms. It would have allowed any person to fish for a marine organism from a boat that was licensed for the harvesting of that marine organism. It would have required the owner of the boat to be on board the boat when it was used for fishing and provided exemptions to that requirement under certain circumstances. The owner would have been

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liable for the activities of any person who fished from the owner's boat. It also made a variety of technical changes to the marine resources laws to reflect the changing of certain license requirements from licensing individuals to licensing boats.

The bill also proposed to repeal limited-entry provisions in the lobster and sea urchin fisheries.

LD 1649 **An Act to Establish a Commercial Green Crab Fishing License** **PUBLIC 186
EMERGENCY**

<u>Sponsor(s)</u> LEMONT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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LD 1649 proposed to establish a new license that allowed an individual to fish for green crabs. Currently, only individuals who possess a lobster and crab fishing license may legally fish for crabs. This bill would have prohibited fishing for green crabs except with gear approved by the Commissioner of Marine Resources. This bill also proposed to establish a dedicated fund into which revenues from the sale of green crab fishing licenses would be deposited.

Committee Amendment "A" (S-128) added an emergency preamble and emergency clause with an effective date of July 1, 2001. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 186 establishes a new license that allows an individual to fish for green crabs. It prohibits fishing for green crabs except with gear approved by the Commissioner of Marine Resources and it establishes a dedicated fund into which revenues from the sale of green crab fishing licenses will be deposited. Chapter 186 was enacted as an emergency measure effective July 1, 2001.

LD 1653 **An Act Making Technical Changes in the Marine Resources Laws** **PUBLIC 272**

<u>Sponsor(s)</u> LEMONT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-169
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LD 1653 proposed to make several technical changes to the marine resources laws.

1. It clarified that the term "coastal waters" means marine waters out to the seaward extent of the exclusive economic zone and provided that the term "territorial waters" means marine waters only out to the 3-nautical-mile line described on United States Government nautical charts.
2. It corrected the descriptions of limitations on lobster fishing areas in the Kittery, Pemaquid and Hancock County areas.

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3. It corrected the description of the Monhegan Lobster Conservation Area.
4. It clarified that fishing for seaweed is not subject to the commercial fishing license.
5. It clarified that marking requirements for ice fishing shacks apply only in the territorial waters.
6. It removed a reference to waters of the State with regard to the limitations on how striped bass are caught and with regard to personal use of striped bass.
7. It clarified that limitations on the use of trawls in Washington County apply only to the territorial waters adjacent to Washington County.
8. It clarified that the requirement to identify spawning areas for groundfish applies only in the territorial waters.
9. It clarified that limitations on the taking of eels apply only in the territorial waters.
10. It clarified that limitations on the taking of scallops apply only in the territorial waters.
11. It clarified that requirements for specific ring sizes for scallop drags apply only in the territorial waters.
12. It clarified that drag size limits for scallop drags apply only in the territorial waters.
13. It clarified that the limitations on fishing in Cobscook Bay apply only to the territorial waters.
14. It clarified that limitations on dragging in Taunton Bay apply only in the territorial waters.

Committee Amendment "A" (S-169) proposed to provide that until January 30, 2008, a person may have up to 6 lobster traps on a trawl within a specified area of Saco Bay. The amendment also deleted a reference to having more than 10 lobster traps "on one warp and buoy" in waters in the vicinity of Kittery. The amendment also required each trawl set in waters in the vicinity of Kittery to be marked with a buoy on both ends of the trawl. The amendment also corrected an error in a latitude reference.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 272 makes several technical changes to the marine resources laws. It clarifies that the term "coastal waters" means marine waters out to the seaward extent of the exclusive economic zone and provides that the term "territorial waters" means marine waters only out to the 3-nautical-mile line described on United States Government nautical charts. It also applies those definitions to certain statutes. Chapter 272 corrects the description of the Monhegan Lobster Conservation Area and it clarifies that fishing for seaweed is not subject to the commercial fishing license. It provides that until January 30, 2008, a person may have up to 6 lobster traps on a trawl within a specified area of Saco Bay and it deletes a reference to having more than 10 lobster traps "on one warp and buoy" in waters in the vicinity of Kittery. It also requires each trawl set in waters in the vicinity of Kittery to be marked with a buoy on both ends of the trawl.

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LD 1682

An Act to Restructure the Sea Urchin Lottery

ONTP

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

LD 1682 proposed to change the licensing for sea urchin dragging. Beginning in January 2002, the bill proposed to license individuals rather than licensing the activities of a boat. It allowed for a one-time change to the named individual on a sea urchin dragging license to coincide with the owner of the boat named on that license in 2000. Beginning in January 2002, the bill also proposed to require an individual who held a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also made exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption was added to allow for a person who currently held more than one sea urchin dragging license to continue to do so until the current boat named on that license changed.

The bill also proposed to change the sea urchin lottery system to a limited entry system and instructed the Commissioner of Marine Resources to adopt rules to establish a limited entry system for sea urchins.

The provisions of LD 1682 were incorporated into Public Law 2001, chapter 327.

LD 1717

An Act to Amend the Laws Pertaining to Municipal Shellfish Management

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE LEMONT	OTP-AM	H-257

LD 1717 proposed to amend the laws governing municipal shellfish management programs to clarify portions of those laws.

Committee Amendment "A" (H-257) proposed to clarify the bill by requiring that a licensing authority that issues recreational licenses to residents must issue recreational licenses to nonresidents as well.

Enacted law summary

Public Law 2001, chapter 188 amends the laws governing municipal shellfish management programs to clarify portions of those laws.

Joint Standing Committee on Marine Resources

LD 1769 **Resolve, Regarding Legislative Review of Chapter 55.58: Penobscot River Fishing Closure, a Major Substantive Rule of the Department of Marine Resources** **RESOLVE 36
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1769 proposed to provide for legislative review of Chapter 55.58: Penobscot River Fishing Closure, a major substantive rule of the Department of Marine Resources.

Enacted law summary

Resolve 2001, chapter 36 authorizes the final adoption of Chapter 55.58: Penobscot River Fishing Closure, a major substantive rule of the Department of Marine Resources.

Chapter 36 was enacted as an emergency measure effective May 22, 2001.

LD 1786 **An Act to Amend the Review Criteria for Submerged Leases of Coastal Waters** **ONTP**

<u>Sponsor(s)</u> ABROMSON DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1786 proposed to add, as part of the criteria that must be met in granting an aquaculture lease, that the proposed project would not adversely affect the overall economic interests of riparian owners. The bill proposed to define "riparian owner" to mean a shorefront owner whose property boundaries were within 3,000 feet of the proposed lease boundaries. The bill also proposed to increase the protected area from 1,000 feet to 3,000 feet around beaches, parks and docking facilities.

LD 1788 **An Act to Allow Marine Patrol Officers to Hold Elected Positions** **PUBLIC 340
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-534
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LD 1788 proposed to allow marine patrol officers to hold elected positions in municipal or county government.

Committee Amendment "A" (H-534) added an emergency preamble and an emergency clause to the bill.

Joint Standing Committee on Marine Resources

Enacted law summary

Public Law 2001, chapter 340 allows marine patrol officers to hold elected positions in municipal or county government.

Chapter 340 was enacted as an emergency measure effective May 31, 2001.

HP 1140 **Joint Study Committee to Study the State of the Lobster Fishery in Maine** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Joint Order, H.P. 1140 proposed to establish the Joint Study Committee to Study the State of the Lobster Fishery in Maine. The proposed study included a review of forecasts of a decline in lobster abundance and the potential impacts of a decline on the lobster industry.

HP 1384 **Joint Order to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing** **PASSED**

<u>Sponsor(s)</u> SAXL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Joint Order, H.P. 1384 proposed to establish the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing.

Enacted law summary

H.P. 1384 establishes the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the committee to review current policy regarding the State's fishing industry and make recommendations to preserve the fishing industry. The committee is specifically directed to address waterfront access for commercial fisheries and economic development issues. The committee is to report its findings to the Joint Standing Committee on Marine Resources no later than December 5, 2001.

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Joint Standing Committee on Natural Resources

LD 87

Resolve, to Create a Greenhouse Gas Registry

RESOLVE 3

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

LD 87 proposed to direct the Department of Environmental Protection to adopt rules to create a voluntary registry of greenhouse gas emissions.

Committee Amendment "A" (H-23) proposed to clarify that the greenhouse gas registry created by the Department of Environmental Protection must provide for the collection of data on reductions in greenhouse gas emissions as well as on the origin of those emissions and on production activity to allow tracking of future emission trends.

This amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 3 directs the Board of Environmental Protection to adopt rules to create a voluntary registry of greenhouse gas emissions. The registry must provide for the collection of data on reductions in greenhouse gas emissions as well as on the origin of those emissions and on production activity to allow tracking of future emission trends.

LD 131

An Act to Extend and Amend the Requirement for Giving Prior Notice of Acquisitions of Solid Waste Businesses

PUBLIC 42
EMERGENCY

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

LD 131 proposed to amend the law requiring a person to give notice to the Office of the Attorney General at least 30 days before acquiring a solid waste or residue hauling business in the State. It proposed to make the notice requirement applicable only if the acquired business employed 5 or more employees. It also proposed to extend the repeal date of the requirement to 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Enacted law summary

Public Law 2001, chapter 42 amends the law requiring a person to give notice to the Office of the Attorney General at least 30 days before acquiring a solid waste or residue hauling business in the State. It removes the 5-employee threshold for application of the notice requirement and extends the repeal date of the requirement to 90 days after adjournment of the Second Regular Session of the 120th Legislature.

Chapter 42 was enacted as an emergency measure effective April 10, 2001.

Joint Standing Committee on Natural Resources

LD 165

An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances

ONTP

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

LD 165 proposed to repeal the provision of law that voided certain municipal land use ordinances on January 1, 2003 if the ordinance was not consistent with a comprehensive plan. It required zoning ordinances to be consistent with a comprehensive plan adopted pursuant to the growth management laws.

LD 179

An Act to Protect Sensitive Geologic Areas from Oil Contamination

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-224 H-448 COWGER

LD 179 proposed to minimize contamination of sensitive geologic areas by authorizing the Board of Environmental Protection to adopt rules governing the siting of underground oil storage tanks.

Committee Amendment "A" (H-224) proposed to replace the bill. The amendment proposed to prohibit the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

The amendment allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The amendment also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological

Joint Standing Committee on Natural Resources

Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

House Amendment "A" to Committee Amendment "A" (H-448) corrects a typographical error in Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 302 prohibits the installation of new underground oil storage facilities within the source water protection area of a public drinking water supply or within 1000 feet of the public water supply, whichever is greater, and within 300 feet of a private water supply, except for a private water supply located on the same property as a facility and serving only that facility. The Commissioner of Environmental Protection is authorized to enjoin the operation of any facility installed in violation of those prohibitions. Clean-up costs and 3rd party damages caused by discharges from a facility installed in violation of those prohibitions are not eligible for reimbursement from the Ground Water Oil Clean-up Fund.

This law allows the Commissioner of Environmental Protection to grant a variance from those prohibitions. For community public water systems and groundwater resources serving schools and private wells, a variance is available only when no hydrogeological connection between the proposed facility and the potentially affected water supply can be demonstrated. For other types of public drinking water supply systems, a variance may be issued if the commissioner determines that the engineering and monitoring measures proposed by the applicant go beyond current minimum regulatory requirements and will effectively minimize releases of oil and the likelihood of groundwater contamination. An opportunity for public comment is required on each request for a variance. The Commissioner of Environmental Protection is required to submit a report to the Joint Standing Committee on Natural Resources on the department's experience in administering the statutory variance criteria and any recommendations on amending those criteria.

The law also requires the Board of Environmental Protection to adopt major substantive rules setting forth standards for siting new underground storage facilities used to store motor fuels or used in the marketing or distribution of oil within sand and gravel aquifers and their recharge areas that are mapped by the Maine Geological Survey. Those rules must be provisionally adopted and submitted to the Legislature for its consideration prior to March 3, 2002.

LD 197

Resolve, to Implement the Saco Bay Regional Beach Management Plan

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-24
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LD 197 proposed that the Department of Conservation obtain a detailed engineering analysis of certain recommendations to modify a coastal engineering structure located on the mouth of the Saco River in Camp Ellis, Saco, Maine.

Committee Amendment "A" (H-24) replaced the bill and proposed to direct the Department of Conservation to work with the United States Army Corps of Engineers to modify the federal coastal engineering structure at Camp

Joint Standing Committee on Natural Resources

Ellis, Saco, Maine. It further directs the department to develop a beach nourishment policy for the State and appropriates money to match funds from the National Oceanic and Atmospheric Administration for a 2-year fellowship to address beach nourishment and for the investigation of appropriate marine sources of sand for nourishment.

This amendment also adds a fiscal note to the resolve.

LD 230 **Resolve, to Provide for the Transfer of Funds to the Tire Management Fund and Require a Plan to Permanently Dedicate Fees Paid When Purchasing a New Tire or Battery to Tire Stockpile Abatement, Remediation and Cleanup** **RESOLVE 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY SMALL	OTP-AM	H-225

LD 230 proposed to require that the revenues obtained from the recycling assistance fee imposed on the retail sale of new tires and new lead-acid batteries must be used to pay off any publicly approved bond issues that have the purpose of cleaning up tire stockpiles. In addition, this bill proposed to repeal the recycling assistance fee for new tires and new lead-acid batteries upon the complete payment of all bond issues pertaining to the cleanup of tire stockpiles.

Committee Amendment "A" (H-225) changes the bill to a resolve, changes the title of the bill and replaces the bill.

This amendment transfers \$570,000 in fiscal year 2001-02 from the Maine Solid Waste Management Fund to the Tire Management Fund. The amendment also transfers in the next fiscal year 50% of the surplus in the Maine Solid Waste Management Fund to the Tire Management Fund. Those transferred funds must be used for tire stockpile abatement, remediation and cleanup.

The amendment also directs the Commissioner of Environmental Protection and the Director of the State Planning Office to prepare an implementation plan, timetable and budget to accomplish the legislative goal of permanently dedicating those fees for tire pile abatement, remediation and cleanup while continuing to support the positions currently funded by those fees either through the General Fund or through some other revenue source. That plan must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003. That committee is authorized to report out a bill to the First Regular Session of the 121st Legislature.

This amendment adds an allocation and a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 21 transfers \$570,000 in fiscal year 2001-02 from the Maine Solid Waste Management Fund to the Tire Management Fund and transfers in fiscal year 2002-03 50% of the surplus in the Maine Solid Waste Management Fund to the Tire Management Fund. Those transferred funds must be used for tire stockpile abatement, remediation and cleanup. The Resolve also directs the Commissioner of Environmental Protection and

Joint Standing Committee on Natural Resources

the Director of the State Planning Office to prepare an implementation plan, timetable and budget to accomplish the legislative goal of permanently dedicating those fees for tire pile abatement, remediation and cleanup while continuing to support the positions currently funded by those fees either through the General Fund or through some other revenue source. That plan must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003. That committee is authorized to report out a bill to the First Regular Session of the 121st Legislature.

LD 239 **An Act to Amend the Laws Concerning Wetlands Use** **ONTP**

<u>Sponsor(s)</u> ASH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 239, a concept draft pursuant to Joint Rule 208, proposed to amend the restrictions on use of land designated as "wetlands" in order to maximize the ability of property owners to use their land without significantly adversely affecting the environment.

LD 290 **An Act to Amend the Mercury Discharge Law** **ONTP**

<u>Sponsor(s)</u> CLARK SAWYER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 290 proposed to extend the interim mercury discharge limits established by the Department of Environmental Protection from October 1, 2001 to October 1, 2003 and adjusted other dates to be consistent with this extension, including the date when the Department of Environmental Protection was to submit its recommendations for a new statewide criteria for mercury.

LD 328 **An Act to Lower the Sulfur Content of Gasoline Sold in the State** **ONTP**

<u>Sponsor(s)</u> NUTTING J COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 328 proposed to limit the sulfur level of gasoline sold in this State to 400 parts per million.

Joint Standing Committee on Natural Resources

LD 346

An Act to Provide Clarification on the Use of Impact Fees

PUBLIC 38

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

LD 346 proposed to clarify that communities that are part of a school administrative district or other single or multicomunity school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.

Enacted law summary

Public Law 2001, chapter 38 clarifies that communities that are part of a school administrative district or other single or multicomunity school district may deposit the proceeds of school impact fees in a trust fund to be used to pay their proportionate share of anticipated school capital costs.

LD 374

An Act to Protect Maine Jobs and Natural Resources

ONTP

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

LD 374 proposed to amend the site location of development laws to place certain restrictions on companies developing a significant groundwater aquifer for the purpose of selling bottled water. The bill would have required that an employer who operated an existing public water system, primarily distributed bottled water, had employees in this State and developed a significant groundwater aquifer could not discriminate against its current employees when hiring for the newly developed facility. Under the proposed bill, the employer would have offered existing employees in good standing the opportunity to transfer to the same or a similar position, at the same or a similar wage, in the new facility.

LD 376

An Act Regulating the Transportation of Water

ONTP

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

LD 376 proposed to strengthen safeguards for the health, safety and welfare of persons living in the vicinity of naturally occurring water resources who rely on that water source and to ensure that any water intended for drinking use would not be transported in a manner that threatens the health, safety or welfare of any person. This bill removed the exception from the prohibition on transportation of water that applied solely to water that was used to supply water for bottling and sale.

Joint Standing Committee on Natural Resources

LD 481

An Act to Promote Dam Safety

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR MARTIN	OTP-AM	H-559 S-380 GOLDTHWAIT

LD 481 proposed to transfer the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management. The bill also proposed to change the use of the fund from making grants for dams that are breached to making low-interest loans to municipalities for engineering, legal and construction costs associated with acquiring title to, establishing long-term management plans for, repairs to and reconstruction of dams.

Committee Amendment "A" (H-559) proposed to replace the bill and to consolidate existing dam safety laws within the Department of Defense, Veterans and Emergency Management.

Senate Amendment "A" to Committee Amendment "A" (S-380) proposed to strike the appropriation section of Committee Amendment "A" that would have provided funding for 2 positions with the dam safety inspection program.

Enacted law summary

Public Law 2001, chapter 460 consolidates existing dam safety laws within the Department of Defense, Veterans and Emergency Management and moves the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management. The substantive changes made in the dam safety laws in this law include changing the definition of a dam to exclude low-head dams that do not pose a safety risk, codifying the definitions of high, low and significant hazard potential dams, setting forth a new schedule for inspections and hazard evaluation and authorizing the Department of Defense, Veterans and Emergency Management to issue an order to breach, remove or control a dam if the dam presents a potential risk to public safety.

The law also expands the use of money in the dam repair and reconstruction fund to include the breaching or removal of a dam. The law transfers all funds in the dam reconstruction and repair fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management and allocates funds from the Dam Repair and Reconstruction Fund within the Department of Defense, Veterans and Emergency Management to the Department of Inland Fisheries and Wildlife to fully fund the repair and reconstruction of 2 dams on Rocky Lake in Whiting.

Joint Standing Committee on Natural Resources

LD 504

An Act to Establish the State's Recycling and Waste Reduction Goals

PUBLIC 22

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

LD 504 proposed to establish a waste reduction goal to be met by January 1, 2003 and delay the date by which the State is to meet the 50% recycling goal, consistent with the directive of the Maine Revised Statutes, Title 38, section 2132, subsection 2.

Enacted law summary

Public Law 2001, chapter 22 establishes a waste reduction goal to be met by January 1, 2003 and delays the date by which the State is to meet the 50% recycling goal, consistent with the directive of the Maine Revised Statutes, Title 38, section 2132, subsection 2. It also corrects a reference to the State Planning Office.

LD 509

An Act to Regulate Waste Transfer Facilities

ONTP

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

LD 509, a concept draft pursuant to Joint Rule 208, proposed to require a solid waste facility that had a capacity in excess of the waste stream generated by the municipality where the facility was located to prove to the Commissioner of Environmental Protection that the facility met the substantial public benefit test required of new or expanded solid waste facilities.

Committee Amendment "A" (H-485), a minority report, replaced the concept draft and proposed to require a municipal solid waste transfer station that had not received final approval by the Department of Environmental Protection by March 1, 2001 to apply to the Commissioner of Environmental Protection for a public benefit determination. The amendment also added an appropriation section and a fiscal note to the bill.

Joint Standing Committee on Natural Resources

LD 516 **An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws** **PUBLIC 207**

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-226
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LD 516 proposed to add professional archaeological excavation to the list of shoreland activities that do not need a permit under the natural resources protection laws from the Department of Environmental Protection or the Maine Land Use Regulation Commission.

Committee Amendment "A" (H-226) proposed to exempt archaeological excavations from permits under the natural resource protection laws and to add a provision that also exempts those activities from shoreland zoning permitting requirements.

Enacted law summary

Public Law 2001, chapter 207 exempts archaeological excavations from permits under the natural resource protection laws and shoreland zoning permitting requirements. The law also directs the Maine Land Use Regulation Commission to adopt rules exempting archaeological excavations that are within its jurisdiction and adjacent to a great pond, freshwater wetland, coastal wetland, sand dune system, river, stream or brook from its permitting requirements.

LD 527 **An Act to Amend Certain Laws Administered by the Department of Environmental Protection** **PUBLIC 212**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 527 proposed to amend certain laws administered by the Department of Environmental Protection.

Enacted law summary

Public Law 2001, chapter 212 changes the date on which the Department of Environmental Protection must publish its annual fee schedule from August 1st to November 1st. The law also gives the Department of Environmental Protection authority to waive the penalty on late payment of the oil import fees that make up the Ground Water Oil Clean-up Fund, clarifies the requirements applicable to closure and remediation of municipal landfills, provides for the voluntary surrender of solid waste facility licenses, clarifies the permissible uses of the Maine Hazardous Waste Fund and makes certain administrative changes to Maine's toxics use reduction laws by changing the dates for fees from April and July to October 1st, beginning in 2002, and by creating a flat poundage amount of 2,640 pounds for identifying companies subject to the hazardous waste reporting portion of the law.

Joint Standing Committee on Natural Resources

LD 560

An Act to Establish the Maine Cave Protection Act

PUBLIC 113

<u>Sponsor(s)</u> DESMOND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-227
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LD 560 proposed to establish the Maine Cave Protection Act. It proposed to require a person to receive consent prior to excavating in a cave, to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information, to limit the liability of cave owners and to classify the defacing or damaging of a cave as a Class E crime.

Committee Amendment "A" (H-227) proposed to clarify that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. The amendment also proposed to change the penalty in the bill from a Class E crime to a civil violation and to allow a landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

Enacted law summary

Public Law 2001, chapter 113 establishes the Maine Cave Protection Act. It requires that a person receive consent prior to excavating in a cave and to undertake investigations and explorations in a manner that will not impede the recovery of historic and scientific information. This law clarifies that recreational caving is a recreational or harvesting activity for the purposes of limited liability of landowners under the Maine Revised Statutes, Title 14, section 159-A. Violations of the Maine Cave Protection Act are established as civil violations with provisions that also allow landowner to collect actual damages through a civil action from a person who intentionally damages or defaces a cave.

LD 578

Resolve, to Assist Municipalities in Developing and Using Geographic Information Systems to Track Development and Promote Smart Growth

RESOLVE 23

<u>Sponsor(s)</u> NASS GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-315
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LD 578 proposed to add a \$15 surcharge to the cost of recording deeds subject to the real estate transfer tax. Of revenues generated, less 10% to cover counties' cost of administering the surcharge, 25% would have been used by the Office of Geographic Information Systems, in coordination with the State Planning Office, to develop, coordinate and maintain a regionally based, coordinated geographic information system. The remaining 65% of surcharge revenues would have been disbursed by each county to its designated regional service provider to enhance the ability of regional councils and municipalities to develop and use geographic information systems technology and related tools to track patterns of development.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-315) replaced the original bill with a resolve. The amendment proposed to direct the State Planning Office to convene a steering committee to study and design a system that could be utilized for a variety of planning purposes. The amendment required the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorized the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 23 directs the State Planning Office to convene a steering committee to study and design a statewide geographic information system that can be utilized for a variety of planning purposes. It requires the steering committee to submit a report to the Joint Standing Committee on Natural Resources by January 15, 2002 and authorizes the Joint Standing Committee on Natural Resources to introduce legislation to the Second Regular Session of the 120th Legislature.

LD 584

An Act to Encourage Agricultural Development

ONTP

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

LD 584 proposed to exempt agricultural projects smaller than 10 acres from the site location of development laws. The Board of Environmental Protection would have been directed to adopt routine technical rules to define what constitutes an agricultural project under the site location of development laws. In addition, the board would have been prohibited from adopting a definition of "agricultural project" without the prior approval of the Commissioner of Agriculture, Food and Rural Resources.

LD 589

An Act to Amend the Invasive Aquatic Plants Laws

ONTP

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

LD 589 proposed to make the following changes to the laws governing invasive aquatic plants to take effect immediately:

Establish authority and procedures for closure or relocation of state boat ramps and require the development of an integrated response plan

Amend the penalty provisions to remove the requirement to show intent, provide that only a warning may be issued prior to July 1, 2003 and change the forfeiture provisions to provide that a fine not to exceed \$1,500 could be adjudged for a violation occurring on or after July 1, 2003.

Joint Standing Committee on Natural Resources

Require the Land and Water Resources Council to report annually to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the status of aquatic invasive species prevention and control in the State.

The bill also proposed to appropriate funds to further administer the invasive aquatic plant laws.

LD 612 **An Act to Permit Excavations Within 25 Feet of Streams** **ONTP**

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 612 proposed to amend the performance standards for excavations and for quarries by allowing the Department of Environmental Protection to grant a variance from the width requirement of a buffer strip from a river, stream or brook, provided the buffer strip was no less than 25 feet.

LD 650 **An Act Creating a Fund to Assist Towns with Public Water Sources that have Eurasian Milfoil** **ONTP**

<u>Sponsor(s)</u> WATERHOUSE BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 650 proposed to create a fund within the Department of Environmental Protection to assist municipalities in controlling invasive aquatic plants that threatened municipal surface drinking water supplies. Financial assistance to municipalities under this program was subject to availability of funding. The bill also required the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2002 with recommendations on sources of funding for this fund.

LD 671 **Resolve, to Direct the Bureau of Forestry to Provide Community Forestry Training to Towns** **RESOLVE 37**

<u>Sponsor(s)</u> GAGNON KOFFMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-136
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LD 671 proposed to direct the State Planning Office within the Executive Office to offer community forestry training to towns and local planning boards. The resolve also directed the State Planning Office to develop a model ordinance to provide to towns that are interested in passing an ordinance for community forestry.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (S-136) proposed to direct the Bureau of Forestry to provide community forestry training to towns and to develop a model ordinance for community forestry. It also added a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 37 directs the Bureau of Forestry to provide community forestry training to towns and to develop a model ordinance for community forestry.

LD 704

An Act to Establish the Rivers and Streams Restoration Fund

ONTP

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

LD 704 proposed to require that all fines assessed for violations of the Maine Revised Statutes, Title 38 that involved the discharge of any pollutant into a river or stream of this State would be deposited in a new fund to be called the Rivers and Streams Restoration Fund. Money in the fund could be used by the Commissioner of Environmental Protection to fund project proposals for innovative pollution prevention, pollution reduction and river and stream restoration.

LD 787

An Act to Require the Filing of Soils Tests

ONTP

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

LD 787 proposed to require a licensed site evaluator to file a copy of any soil evaluation report prepared by the evaluator with both the Department of Human Services and the municipality where the evaluation was conducted.

LD 821

An Act to Promote the Recycling of Household Batteries

ONTP

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

LD 821, a concept draft pursuant to Joint Rule 208, proposed to establish a statewide program to encourage the recycling of rechargeable household batteries.

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LD 824 **An Act to Provide Free Access to Any Great Pond Controlled by a Dam** **ONTP**

<u>Sponsor(s)</u> CLARK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 824 proposed to grant the public a right-of-way on foot or by vehicle to any great pond in the State that was created by a dam authorized by State Government or Federal Government.

LD 828 **An Act to Encourage Proper Disposal of Propane Tanks** **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 828 proposed to provide funds to the Department of Environmental Protection to develop and implement a program of outreach and education that would encourage the proper collection and disposal of gas grill propane tanks.

LD 857 **An Act to Strengthen the Ground Water Oil Clean-up Fund** **PUBLIC 216**

<u>Sponsor(s)</u> DAIGLE MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-229
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LD 857 proposed to raise the amount of the Ground Water Oil Clean-up fund balance of which surcharge fees can be charged from \$3,000,000 to \$5,000,000 and to terminate the fees when the fund balance reaches \$7,000,000, rather than \$5,000,000.

Committee Amendment "A" (H-229) proposed several changes to the bill, including clarifying language regarding standard deductibles, removing exemptions from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery and increases limits on surcharges.

Enacted law summary

Public Law 2001, chapter 216 raises the amount of the Ground Water Oil Clean-up fund balance of which surcharge fees can be charged from \$3,000,000 to \$5,000,000. The fees terminate when the fund balance reaches \$7,000,000, rather than \$5,000,000. The law also clarifies that the amount of the standard deductibles applicable under the Ground Water Oil Clean-up Fund are based on the number of underground storage facilities or the capacity of gallons owned by the aboveground oil storage facility owner at the time a discharge is discovered and

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removes an exemption from coverage under the Ground Water Oil Clean-up Fund for applicants having certain relationships with entities that own or operate an oil refinery as long as the discharge is discovered after September 30, 2001. The law also increases the limit on the surcharge that may be assessed on gasoline and other petroleum products from 10¢ to 20¢ per barrel for gasoline and from 5¢ to 10¢ per barrel for other petroleum products.

LD 886

An Act to Establish a Clean Government Initiative

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-194

LD 886 proposed to create a Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions.

Committee Amendment "A" (S-194) proposed several technical changes to the bill.

Enacted law summary

Public Law 2001, chapter 333 creates the Clean Government Initiative to assist state agencies in meeting environmental compliance requirements and to assist those agencies in incorporating environmentally sustainable practices into all state government functions. The Clean Government Initiative is jointly directed by the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services. The Clean Government Initiative seeks to achieve continuous improvement in environmental performance of all state agencies through such measures as pollution prevention, improvements in energy efficiency, procurement of environmentally friendly commodities and services, recycling of waste products and enhanced fleet efficiency through the purchase of fuel-efficient vehicles and proper fleet maintenance.

The law requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to establish a coordinated State Government environmental compliance policy that includes the incorporation of environmentally sustainable practices into state government, to establish goals for the economic and environmental performance of state agencies, to advise and assist state agencies in the development of environmental compliance audits and plans and in implementing those plans, to advise the Governor and the Legislature on the formulation of policies for the effective operation, management and achievement of the goals of the Clean Government Initiative and to ensure that the master plan of the Capitol Planning Commission is implemented in a manner consistent with those goals.

The law requires each state agency to determine its compliance with applicable state and federal environmental laws and to develop a biennial plan outlining the actions the agency will take to incorporate environmentally sustainable practices into its planning and operations.

The law also requires the Commissioner of Environmental Protection and the Commissioner of Administrative and Financial Services to jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters every 2 years, beginning on January 1, 2003. The law also clarifies that environmentally friendly procurement by state agencies under the Clean Government

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Initiative includes alternatives to products that may release dioxin or mercury to the environment. The amount and rate of environmentally friendly purchasing remains at the discretion of the state agencies. Only cost-effective alternatives that have comparable technical performance and availability would be considered.

LD 907 **An Act to Address Sludge-spreading Licenses** **ONTP**

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

LD 907, a concept draft pursuant to Joint Rule 208, proposed to establish a renewal process for sludge-spreading licenses.

LD 919 **An Act to Provide for Variance Notification in the Shoreland Zoning Law** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM	H-33 S-327 GOLDTHWAIT

LD 919 proposed that a request for a variance from a shoreland zoning ordinance must be forwarded to the Commissioner of Environmental Protection at least 20 days prior to action by the municipality and to provide for comment by the commissioner if the commissioner determines that the variance is in noncompliance with the requirements of state law for a zoning variance or undermines the purposes stated in the Maine Revised Statutes, Title 38, section 435.

Committee Amendment "A" (H-33) proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-327) proposed to add a mandate preamble to the bill.

LD 1031 **An Act to Fund the Cleanup of Illegal Dumping Sites** **ONTP**

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

LD 1031 proposed to create a fund in the Department of Environmental Protection to clean up unlicensed solid waste disposal sites considered "orphaned" by the Commissioner of Environmental Protection either because the party or parties responsible for the site did not have sufficient financial resources to properly abate, mitigate or clean up the site or because the responsible party or parties could not be determined. The Orphaned Solid Waste Disposal Site Clean-up Fund would have been funded by an increase of \$3 per ton in the municipal solid waste disposal surcharge fee.

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LD 1045 **An Act to Ban the Permitting or Expansion of Existing Sewage Outfalls into the Ocean** **ONTP**

<u>Sponsor(s)</u> MURPHY T		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1045 proposed to ban new or expanded sewage outfalls into the ocean by sanitary districts.

LD 1105 **An Act to Reduce the Cost of Disposal for Municipalities and Encourage the Recycling of Electronic Equipment** **ONTP**

<u>Sponsor(s)</u> HAWES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1105, a concept draft pursuant to Joint Rule 208, proposed to establish a program under which used or obsolete electronic equipment accompanied by the purchase receipt could be returned to the place of purchase for recycling in lieu of disposal of such items at municipal waste facilities.

LD 1155 **An Act to Protect Maine Lakes from Milfoil and Other Invasive Plants** **ONTP**

<u>Sponsor(s)</u> MCKEE MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1155 proposed to create a comprehensive program to protect Maine lakes from introductions of milfoil and other invasive aquatic plants and nuisance species. This bill established an emergency program of boat inspections, public information activities, lake monitoring and an emergency response program to eradicate new introductions of milfoil and other invasive aquatic plants and nuisance species. The emergency program was required to be implemented by July 1, 2001.

The bill also proposed to establish a Great Ponds Protection Council and required the council to coordinate the State's preparation of a comprehensive state plan that met the requirements of the federal National Invasive Species Act of 1996. Approval of the state plan by the federal Aquatic Nuisance Species Task Force is required under federal law for the State to have the opportunity to obtain up to 75% in federal matching funds for its invasive species lake protection program.

The bill also proposed to provide state funding for the nuisance species prevention boat trailer registration program through a combination of new boat trailer registration fees and increased boat registration fees. The bill gave the Commissioner of Environmental Protection authority to designate lakes and other bodies of water, or portions

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thereof, as invasive species containment areas. The commissioner was authorized to regulate the use of such containment areas to prevent the spread of invasive aquatic plants and nuisance species. The bill also proposed to authorize the Commissioner of Conservation and the Commissioner of Inland Fisheries and Wildlife to suspend the use of state boat launch facilities under the commissioners' respective jurisdictions as necessary to contain infestations of invasive aquatic species. To the extent consistent with the containment of the infestation, the commissioner suspending the use of a boat launch was required to provide alternate public access to the affected lake or body of water.

LD 1192 **An Act to Establish a Permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species** **ONTP**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1192 proposed to establish a permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species.

LD 1199 **An Act to Allow Farm Ponds on Low-value Wetlands** **ONTP**

<u>Sponsor(s)</u> KNEELAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1199 proposed to amend the law to allow for the construction of farm ponds used for irrigation in low-value wetlands.

LD 1252 **An Act to Create Certainty in Maine's Air Quality Program** **PUBLIC 233**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-298
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LD 1252 proposed to prohibit the Department of Environmental Protection, Board of Environmental Protection from adopting rules to implement the California Stage II Enhanced Vapor Recovery Program in Maine, as adopted by the California Air Resource Board on March 23, 2000. The bill proposed that any Stage II vapor recovery system installed in Maine prior to the effective date of the proposed Act could have been reviewed for certification only under rules in effect on the effective date of the proposed Act and was not subject to any more stringent standards subsequently adopted. The bill also proposed to make rules adopted by the board for Stage II gasoline station vapor recovery requirements major substantive rules and included a provision that repealed the statutory gasoline station vapor recovery requirements on January 1, 2008.

Committee Amendment "A" (H-298) proposed to prohibit the Department of Environmental Protection, Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in

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Maine, as adopted by the California Air Resources Board on March 23, 2000. It did however propose to allow for fine-tuning of the State's Stage II rule in the future to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. The amendment also directed the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this section. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 233 prohibits the Board of Environmental Protection from adopting rules to implement the California enhanced vapor recovery system in Maine, as adopted by the California Air Resources Board on March 23, 2000. It does, however, allow for fine-tuning of the State's Stage II rule to allow for adoption of minor elements of the California enhanced vapor recovery system, such as a swivel adaptor part, for use in current Stage II systems. It also directs the Department of Environmental Protection to report back to the Joint Standing Committee on Natural Resources with an appropriate date for the repeal of this prohibition.

LD 1278

An Act to Implement the Recommendations of the Task Force to Study Growth Management

**PUBLIC 359
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-563 COWGER
S-139

LD 1278 proposed to implement the recommendations of the Task Force to Study Growth Management. It amended the definition of subdivision in the subdivision law; it appropriated funds for the development of a regionally based geographic information system for tracking patterns of development; it appropriated funds for grants for financial and technical assistance to municipalities for the preparation, updating and implementation of comprehensive plans; and it capitalized the Municipal Investment Trust Fund.

Committee Amendment "A" (S-139) proposed to delete the bill's proposed changes to the 40-acre lot exemption in the subdivision law. The amendment also provided that, under the subdivision law, a division accomplished by gift to a relative is not exempt from subdivision review if the consideration given is more than 1/2 of the assessed value of the real estate. It clarified that the authority of a municipality to expand the definition of subdivision is limited to the expansion currently specified in law. It deleted the proposed requirement regarding differing lot size or setback ordinances for subdivisions and nonsubdivisions. It deleted all appropriation sections of the bill.

House Amendment "A" to Committee Amendment "A" (H-410) proposed to remove proposed changes relating to the authority of a municipality to expand the definition of a subdivision. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-537) proposed to add an emergency preamble and emergency clause to the bill. The amendment also proposed to repeal the law concerning the authority of a municipality to expand the definition of a subdivision as of October 1, 2002. The amendment clarified that a municipal ordinance enacted before this emergency legislation would not be invalidated by the legislation. The amendment also required the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. This amendment was not adopted.

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House Amendment "C" to Committee Amendment "A" (H-563) proposed to incorporate House Amendment "B" to Committee Amendment "A" with 2 exceptions. It eliminated the emergency preamble and emergency clause and it added a retroactivity section to the bill.

Enacted law summary

Public Law 2001, chapter 359 amends the subdivision law. It amends the definition of subdivision. It also provides that a municipality may not enact an ordinance that expands the definition of subdivision except as provided in the law and it repeals this provision as of October 1, 2002. Chapter 359 also requires the State Planning Office to study the status of municipal subdivision ordinances and to report to the Joint Standing Committee on Natural Resources before December 15, 2001. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 120th Legislature based on that study. Chapter 359 applies retroactively to June 1, 2001.

LD 1290 **An Act to Conform New Motor Vehicle Emission Standards to Federal Emission Standards Adopted by the United States Environmental Protection Agency** **ONTP**

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

LD 1290 proposed to amend emission standards for new motor vehicles to make Maine's standards consistent with the latest federal standards. It required the Board of Environmental Protection within the Department of Environmental Protection to adopt the same standards as the United States Environmental Protection Agency in its most recent rulemaking, the "Tier 2" standards.

LD 1293 **An Act to Ban the Sale of Fever Thermometers that Contain Mercury** **ONTP**

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

LD 1293 proposed to prohibit the sale or transfer of mercury fever thermometers.

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LD 1308

An Act to Implement the Recommendations of the Department of Environmental Protection on Ambient Water Quality Criteria for Mercury

**PUBLIC 418
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-638 COWGER S-276

LD 1308 proposed to repeal the existing mercury discharge limit of 10 parts per billion and replace it with a prohibition on the discharge of mercury in any amount greater than that allowed by rules adopted by the Board of Environmental Protection. The bill also proposed to allow publicly owned treatment facilities to require dischargers to implement pollution prevention measures to reduce the mercury load while statewide, risk-based criteria are being developed. This bill was reported out by the Joint Standing Committee on Natural Resources pursuant to Public Law 1999, chapter 500.

Committee Amendment "A" (S-276) replaces the bill. The amendment requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The amendment also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The amendment allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The amendment also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The amendment also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The amendment also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

The amendment also adds a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-638) removes an erroneous reference to water quality criteria.

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Enacted law summary

Public Law 2001, chapter 418 requires the Department of Environmental Protection to establish and periodically revise interim discharge limits for mercury in order to reduce the discharge of mercury over time. Discharge limits established by the department may not be less stringent than an interim limit established by the department pursuant to its rules effective February 5, 2000. A facility discharging mercury must comply with the interim limit unless the department establishes a new interim limit. A facility in compliance with an interim discharge limit or remediation plan, order or license established by the department is not in violation of any of the ambient water quality criteria for mercury.

The law also prohibits discharges of mercury to a publicly owned treatment facility that contributes to the failure of the treatment facility to comply with interim effluent limits or applicable ambient water quality criteria for mercury. The law allows the owner of the publicly owned treatment facility to require a user, other than a residential user, to institute measures needed to abate the discharge of mercury to the facility and establish reasonable time schedules for completion of the measures.

The law also establishes specific ambient water quality criteria for mercury for aquatic life and human health and requires the Department of Environmental Protection to establish by rule wildlife protection criteria. The law also authorizes the department to establish a site-specific bioaccumulation factor for mercury protective of human health and wildlife and requires the department to adopt major substantive rules establishing a statewide bioaccumulation factor protective of 95% of the State's water bodies.

The law also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 and every 5 years thereafter on the status of mercury discharges; progress in implementing pollution prevention plans; and progress toward attaining ambient water quality criteria for mercury. The report may include any necessary implementing legislation.

Chapter 418 was enacted as an emergency measure effective June 15, 2001.

LD 1331 **Resolve, to Establish a Model Building Rehabilitation Code for the State** **RESOLVE 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN TREAT	OTP-AM	H-299

LD 1331 proposed to create the Maine Building Rehabilitation Code. The bill also proposed to establish the Maine Building Rehabilitation Code Advisory Council.

Committee Amendment "A" (H-299) replaced the original bill. The amendment proposed to direct the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. The amendment also created the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. Finally, the amendment

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directed the State Planning Office to develop the code by January 15, 2002 and report back to the Joint Standing Committee on Natural Resources by February 15, 2002. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 29 directs the State Planning Office, with assistance from the Maine Building Rehabilitation Code Advisory Council, to develop a model building rehabilitation code for Maine, develop options for providing fiscal incentives for municipalities to adopt the model code and, to the extent funding is available, provide technical assistance and training in connection with the model code. It also creates the Maine Building Rehabilitation Code Advisory Council for the limited purpose of assisting the State Planning Office in developing the model code. It also directs the State Planning Office to develop the code by January 15, 2002 and report back to the Joint Standing Committee on Natural Resources by February 15, 2002.

LD 1348 **An Act to Ensure the Financial Stability and Effectiveness of
Certain Pollution Abatement Programs Administered by the
Department of Environmental Protection** **PUBLIC 230**

<u>Sponsor(s)</u> TWOMEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-300
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LD 1348 proposed to increase the annual license fees for overboard discharges throughout the State and to make several nonsubstantive clarifications and corrections to inconsistent language to the law.

Committee Amendment "A" (H-300) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 230 increases the annual license fees for overboard discharges throughout the State. The base fee is increased for all overboard discharges, and the discharge fee per gallon of wastewater is raised from \$0.02 per gallon to \$0.05. A reference to storm water discharges is removed from the general permit fee coverage. A small number of nonsubstantive clarifications and corrections to inconsistent language are also made. The law also clarifies that the units of measurement for nonconventional and toxic pollutants are to be in milligrams per liter.

LD 1354 **An Act to Restrict the Use of the Term "Maine Water" to Water
From Maine** **PUBLIC 174**

<u>Sponsor(s)</u> MARTIN COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1354 proposed to prohibit the labeling or advertising of water as "Maine water" or "from Maine" unless the water is from a natural source in the State.

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Enacted law summary

Public Law 2001, chapter 174 prohibits the labeling or advertising of water as "Maine water" or "from Maine" unless the water is from a natural source in the State.

LD 1358

An Act to Require Truth in Advertising of Natural Water

PUBLIC 283

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	S-135

LD 1358 proposed to prohibit adding any additive, chemical or other substance to water for sale that is advertised or labeled as "natural."

Committee Amendment "A" (S-135) proposed to replace the bill and require that water sold in the State in containers and intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

Enacted law summary

Public Law 2001, chapter 283 requires that water sold in the State in containers and intended for human consumption must identify the location of the water body, well or public water supply from which the water was obtained.

LD 1398

An Act to Create a Sprawl Offset Tax

ONTP

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

LD 1398 proposed to establish a tax on the installation of new subsurface wastewater disposal systems in locations that were not included within a growth area designated by a municipality as part of a comprehensive planning process. The tax was equal to \$750 per toilet installed in residential facilities and \$1,000 per toilet installed in other facilities. The tax would be paid to the municipal plumbing inspector before a permit could be issued. The municipality retained 10% of the revenue to cover its collection costs. The remaining 90% of revenue was sent to the State and the net amount deposited 1/2 in the Municipal Investment Trust Fund to assist municipalities with public infrastructure improvements and downtown development and 1/2 in the Housing Opportunities for Maine Fund to support affordable housing.

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LD 1404

Resolve, to Create a Stakeholders Group to Modernize Maine's Clean Air Policy

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	OTP-AM	H-301 H-425 COWGER

LD 1404 proposed to establish a stakeholders study group to study and recommend changes to Maine's clean air laws.

Committee Amendment "A" (H-301) proposed to direct the Commissioner of Environmental Protection to convene the Air Quality Advisory Committee. Membership on the committee would have included representatives of various interests, including Legislative members. The duties of the committee included considering possible future air control strategies, agreements for control strategies with 3rd-party groups, acid and heavy metal deposition, emissions trading and toxic air emissions issues. The committee would have been staffed by the Department of Environmental Protection and would have submitted a report of its findings and recommendations, together with any necessary implementing legislation, to the Second Regular Session of the 120th Legislature no later than November 15, 2001. The amendment also added an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-425) proposed to correct an internal reference to the Air Quality Advisory Committee.

LD 1408

An Act to Pay for Cleanup of Contamination at a Waste Oil Disposal Site in Plymouth

**PUBLIC 356
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY MARTIN	OTP-AM	H-496

LD 1408 proposed to amend State law to address the liability of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth. The bill proposed to provide grants and loans for all response costs at the Plymouth waste oil site. Under the proposal, responsible parties would have been eligible for grants of up to \$75,000 if they employed 50 or fewer people or had annual gross sales of \$5,000,000 or less. State agencies, municipalities and school districts that are responsible parties at the site would have been eligible for grants and loans. The expanded grant and loan program was expected to cost the State about \$7,500,000. Revenues would have been obtained from unused money previously transferred to the fund from the Maine Rainy Day Fund and the Underground Oil Storage Tank Replacement Fund and from an additional one-time transfer of \$4,300,000 from the Maine Rainy Day Fund.

Committee Amendment "A" (H-496) proposed to amend state law to address the past cost settlement, remedial study costs and time-critical removal action costs of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth. It authorized the Finance Authority of Maine, or "FAME," to use money in the Waste Oil Clean-up Fund for loans for remedial study costs, past settlement costs and time-critical removal action costs associated with the Plymouth waste oil site. It amended the loan eligibility criteria. It specified that loans

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may not be used to pay attorney's fees. It authorized FAME to condition loan payments on receipt of an ability-to-pay determination from the United States Environmental Protection Agency, or "EPA." It required loan applications to be received by FAME within 90 days after the effective date of this Act. It deferred repayment of the loans until a final remedy at the site and the cost of the final remedy are determined. It directed FAME to prorate the amount of the loan available to each applicant, if the total amount of loan requests exceeds funds available. It required FAME to establish a registry of persons who qualify for the loans. It had a transition provision for loans received under the previous Plymouth remedial study loan program. It authorized the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 120th Legislature relating to clean-up costs and remedial activities at the Plymouth site. It added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 356 amends the law to address the past cost settlement, remedial study costs and time-critical removal action costs of persons who sent waste oil and other hazardous matter to a handling facility in Plymouth.

1. It authorizes the Finance Authority of Maine, or "FAME," to use money in the Waste Oil Clean-up Fund for loans for remedial study costs, past settlement costs and time-critical removal action costs associated with the Plymouth waste oil site.
2. It amends the loan eligibility criteria.
3. It specifies that loans may not be used to pay attorney's fees.
4. It authorizes FAME to condition loan payments on receipt of an ability-to-pay determination from the United States Environmental Protection Agency, or "EPA."
5. It requires loan applications to be received by FAME within 90 days after the effective date of this Act.
6. It defers repayment of the loans until a final remedy at the site and the cost of the final remedy are determined.
7. It directs FAME to prorate the amount of the loan available to each applicant, if the total amount of loan requests exceeds funds available.
8. It requires FAME to establish a registry of persons who qualify for the loans.
9. It has a transition provision for loans received under the previous Plymouth remedial study loan program.
10. It authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 120th Legislature relating to clean-up costs and remedial activities at the Plymouth site.

Chapter 356 was enacted as an emergency measure effective June 4, 2001.

Joint Standing Committee on Natural Resources

LD 1409

An Act to Address the Health Effects of Mercury Fillings

PUBLIC 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH STANLEY	OTP-AM MAJ OTP-AM MIN	S-278

LD 1409 proposed, as a concept draft, to amend the law to address the health effects of mercury fillings.

Committee Amendment "A" (S-278), the majority report of the Joint Standing Committee on Natural Resources, proposed to require the Director of the Bureau of Health within the Department of Human Services to develop and adopt, through major substantive rulemaking, a brochure that explains the potential advantages and disadvantages of mercury amalgam and alternative materials used in dental procedures and a poster informing patients of the availability of the brochure. The amendment also proposed that a dentist who uses mercury amalgam in dental procedures be required, after July 1, 2002, to display the poster in the public waiting area of that dentist's office and to provide each patient with a copy of the brochure. The amended proposed that the brochure and the poster be developed in consultation with the Department of Environmental Protection.

Committee Amendment "B" (S-279), the minority report of the Joint Standing Committee on Natural Resources, proposed to prohibit dentists from knowingly using mercury or a mercury amalgam in any dental procedure involving a person 8 years of age or younger or a woman who is pregnant.

Enacted law summary

Public Law 2001, chapter 385 requires the Director of the Bureau of Health within the Department of Human Services to develop and adopt, through major substantive rulemaking, a brochure that explains the potential advantages and disadvantages of mercury amalgam and alternative materials used in dental procedures and a poster informing patients of the availability of the brochure. A dentist who uses mercury amalgam in dental procedures is required, after July 1, 2002, to display the poster in the public waiting area of that dentist's office and to provide each patient with a copy of the brochure. The brochure and the poster are required to be developed in consultation with the Department of Environmental Protection.

LD 1429

Resolve, to Assess the Consequences of Climate Change in the State

RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN SAWYER	OTP-AM	H-230

LD 1429 proposed to require the Department of Environmental Protection, in consultation with the Institute for Quaternary and Climate Studies at the University of Maine, to develop for submission to the Second Regular Session of the 120th Legislature no later than January 1, 2002 a plan for establishing the position of Maine State Climatologist within the institute to be funded through legislative appropriation and whose activities must be coordinated with and supported by the department.

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Committee Amendment "A" (H-230) proposed to remove the provision from the resolve that created a position of State Climatologist to be funded from the General Fund and instead designate the climatologist at the Institute for Quaternary and Climate Studies at the University of Maine as the "Maine State Climatologist."

Enacted law summary

Resolve 2001, chapter 28 designates the climatologist at the Institute for Quaternary and Climate Studies at the University of Maine as the "Maine State Climatologist" and directs the Maine State Climatologist to design and develop a statewide environmental monitoring network to detect changes in key environmental conditions related to climate. The program must be designed to increase public awareness of climate-related phenomena and to identify actions that may be taken to lower risks of climate change and its effects on public health and welfare. The information developed by the program must be available to the public and organized in a manner to help businesses, natural resource managers, farmers and governmental agencies plan for future effects of climate change. The law also directs the Department of Environmental Protection to identify a process for collecting and reporting statewide emissions of greenhouse gases on a regular basis and to develop and maintain a voluntary registry of actions taken subsequent to 1989 by persons or corporations to control emissions of greenhouse gases, including the sequestration of carbon that otherwise might have been released as carbon dioxide.

LD 1449

**An Act to Ensure Municipal Authority over Sludge and Septage
Land Spreading Sites**

PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-302

LD 1449 proposed to allow a municipality to enact stricter standards than the standards adopted by the Department of Environmental Protection for the land spreading of sludge and septage, provided the governing body of the municipality voted in favor of the stricter standards, and the municipality provided for alternative disposal for all sludge or septage generated within that municipality.

Committee Amendment "A" (H-302) replaced the original bill. It proposed to require the Department of Environmental Protection to develop guidance to municipalities regarding the regulation of septage and sludge land application and also required the department to report on the status of that guidance by January 30, 2002. The amendment also clarified that septage is excluded from the definition of solid waste. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 247 requires the Department of Environmental Protection to develop guidance to municipalities regarding the regulation of septage and sludge land application and also requires the department to report on the status of that guidance by January 30, 2002. It also clarifies that septage is excluded from the definition of solid waste.

Joint Standing Committee on Natural Resources

LD 1454

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials

**RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MARTIN	OTP-AM	H-445 S-376 BENNETT

LD 1454 proposed to create a 14-member commission to study the establishment of the Department of Environmental Protection as the lead response agency in all emergency releases and spills of toxic or hazardous materials into the environment. In conducting the study, the commission was required to study the manner in which state, county and municipal governments respond to unplanned or emergency releases and spills of toxic or hazardous materials into the environment and to recommend any changes to laws, rules, ordinances or procedures in order to clearly establish the Department of Environmental Protection as the lead response agency in all geographic areas of the state for all such releases. The proposed commission was also required to make recommendations for any improvements to communications systems, equipment or training at the state, local or county level necessary to establish the department as the lead response agency for such releases.

Committee Amendment "A" (H-445) proposed to amend the duties of the commission. The amendment also proposed to add the Commissioner of Environmental Protection and the Commissioner of Labor and 2 members of private industry to the commission membership. The amendment also proposed to change the appointing authorities. The amendment also clarified that the commission would work with the private sector in undertaking its study and it provided legislative per diem to nonlegislative members of the commission who were not otherwise compensated for attending commission meetings. The amendment also proposed to require the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to reimburse the Legislature for per diem and expenses for commission members who are Legislators and members who are not otherwise compensated and for costs incurred in printing the commission's report.

Senate Amendment "A" to Committee Amendment "A" (S-376) proposed to require the first meeting of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials to be held by August 15, 2001. It also proposed to limit payment of a per diem for attendance at commission meetings to Legislators. The amendment added an emergency preamble and emergency clause.

Enacted law summary

Resolve 2001, chapter 65 establishes the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. The 18-member commission is directed to study the manner in which state, county and municipal governments and private industry respond to unplanned or unlawful releases and spills of toxic or hazardous materials. The commission is to report its findings to the Second Regular Session of the 120th Legislature no later than December 5, 2001.

Chapter 65 was enacted as an emergency measure effective June 28, 2001.

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LD 1477

An Act to Amend Certain Laws Regarding Land and Water
Quality Protection

PUBLIC 232

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-314
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LD 1477 makes many minor changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality.

Committee Amendment "A" (H-314) proposes to change the make-up of the Maine Public Drinking Water Commission and to make several technical corrections to the bill.

Enacted law summary

Public Law 2001, chapter 232 makes the following changes to statutes administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It repeals a provision that prevents a cause of action by a riparian or littoral owner against a licensed discharger under certain circumstances;
2. It changes the date in the definition of "Code of Federal Regulations" to include amendments to that code effective on or before January 1, 2001;
3. It changes the date in the definition of "Federal Water Pollution Control Act" to include amendments to that Act effective on or before January 1, 2001;
4. It amends the definition of "person" to specifically include an association, a partnership and the agents and employees of the legal entities included in the definition;
5. It removes a requirement related to an initial report submitted several years ago and waives the reporting requirement when the program is not funded;
6. It removes an exemption from wastewater discharge licensing requirements for use of control material on invasive aquatic plants by the department or a person designated by the department;
7. It removes the cap of \$1,000,000 for total expenditures in any fiscal year for purposes of grants under the small community grant program;
8. It provides that any standard established by the department pursuant to the Maine Revised Statutes, Title 38, section 413 or 414-A with respect to cooling water discharges and applicable to point sources requires that the location, design, construction and capacity of cooling water intake structures reflect the best available technology for minimizing adverse environmental impacts;
9. It amends the definition of "publicly owned treatment works" to make it more consistent with the federal definition by adding a reference to sewer pipes leading to the treatment facility itself;

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10. It clarifies that a person needing a permit under the storm water management law must receive approval prior to beginning construction;
11. It deletes language in the section of the storm water management law referring to traffic permits, which the department no longer requires. It also adds language providing that a storm water permit is not required in a municipality with delegated authority under the site location of development law if the ordinances under which the project is reviewed are at least as stringent as the department's storm water standards, as determined by the department;
12. It clarifies that the Maine Land Use Regulation Commission, or LURC, may amend permits for projects in LURC jurisdiction that were previously issued by the department pursuant to the natural resources protection laws;
13. It corrects an apparent conflict between the Maine Revised Statutes, Title 38, section 480-E-1 and section 480-V. Currently, Title 38, section 480-E-1 provides that LURC issues all permits under the natural resources protection law, Title 38, chapter 3, subchapter I, article 5-A, for projects within its jurisdiction, using Title 12, sections 681 to 689 and rules and standards adopted under those sections. However, Title 38, section 480-V states that that article does not apply to certain protected natural resources within LURC jurisdiction. Under the bill, Title 38, chapter 3, subchapter I, article 5-A would apply statewide and LURC would continue to issue permits in LURC jurisdiction pursuant to Title 38, section 480-E-1;
14. It requires a 2nd report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the wetlands compensation program;
15. It changes the repeal date for the statutory section providing for a wetlands compensation program from October 15, 2001 to October 15, 2003;
16. It makes 3 changes to the site location of development law's exemption for roundwood and lumber storage yards. First, it clarifies that the phrase "erosion and sedimentation control standards and storm water standards contained in board rules" refers to rules adopted pursuant to the site location of development law. Second, it provides a fee for the processing of an application for a minor revision or transfer of the submitted notice of intent. Third, it deletes a reference to certain guidance documents;
17. It makes 2 changes to the site location of development law's exemptions for certain modifications in permitted subdivisions. The Maine Revised Statutes, Title 38, section 488, subsection 20 currently contains 3 separate exemptions. No change is proposed to the exemption Title 38, section 488, subsection 20 in paragraph A. The proposed amendment to Title 38, section 488, subsection 20, paragraph B adds a requirement, consistent with an existing requirement in Title 38, section 488, subsection 20, paragraph A, that the proposed activity not be contrary to the terms of the original permit. The bill repeals Title 38, section 488, subsection 20, paragraph C, which contains an exemption addressing relocation of septic systems; and
18. It reduces from 4 to 3 the number of members of the Maine Public Drinking Water Commission who represent public water systems and increases the number of public members from 2 to 3. The size of this commission remains at 8 members. An unallocated section reassigns 2 current members as necessary to accommodate the new categories.

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LD 1478 **An Act to Amend Maine's Growth Management Law and Related Laws** **CARRIED OVER**

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

LD 1478 proposes to amend the growth management law and laws relating to growth management.

LD 1478 was carried over to the Second Regular Session.

LD 1488 **An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources** **CARRIED OVER**

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

LD 1488 proposes to establish a system for obtaining information concerning the withdrawal of water from water sources in the State and providing this information to the public. The bill proposes to require each person who makes a withdrawal of water from a water source in excess of either 20,000 gallons a month or 10,000 gallons in any one day to file a water withdrawal report with the Department of Environmental Protection.

LD 1543 **An Act to Reduce the Release of Dioxin from Consumer Products into the Environment** **PUBLIC 277**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COWGER	OTP-AM	S-178

LD 1543 proposed to restrict the disposal of dioxin-forming products to avoid burning or incineration that results in the release of dioxin into the environment, to establish an education and outreach program to reduce the improper management of dioxin-forming products and to encourage the State to purchase alternatives to dioxin-forming products when practicable.

Committee Amendment "A" (S-178) proposed to replace the bill and clarify that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. The amendment also proposed to ban the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. The amendment also includes the outlines of a dioxin-

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related education program included in the bill, but clarifies that it is to be a one-time program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

Enacted law summary

Public Law 2001, chapter 277 clarifies that the out-of-door burning of highly combustible trash is prohibited when municipal trash service is provided, not just in those towns having curbside trash collection services. This law also bans the out-of-door burning of construction and demolition debris containing plastics, rubber, styrofoam, metals, food wastes or chemicals and adds a state goal to reduce the release of dioxin and mercury to the environment. This law also authorizes a one-time dioxin-related education program that must be implemented within existing budgeted resources of the Department of Environmental Protection.

LD 1546 **An Act to Establish the Waste Motor Oil Disposal Site Remediation Program** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1546 proposed to provide a financial mechanism for assisting with the cleanup of waste oil disposal sites located in Plymouth, Ellsworth and Casco, Maine. The bill authorized the Finance Authority of Maine to issue revenue obligation securities in amounts up to \$65,000,000 to fund those clean-up costs. The revenue obligation securities would be retired with funds derived from a 20¢ per quart premium on every quart of motor oil sold in the State at wholesale.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, were eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities would have also covered the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites would have been eligible for participation in the program. The United States Government and its instrumentalities would not have been eligible to participate in the program.

The 16-member Waste Motor Oil Revenue Board would have been created to oversee the process and make determinations as to eligibility for participation in the program.

LD 1559 **An Act to Amend the Zoning Laws Regarding Dimensional Variances** **ONTP**

<u>Sponsor(s)</u> MUSE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1559 proposed to clarify that a dimensional variance under the "practical difficulty" standard was available for area variances in situations where the use pursued is permitted in the zoning district. The "practical difficulty"

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standard applied a balancing test, weighing the difficulty for the property owner in complying with the strict terms of the zoning ordinance against the detriment to the integrity of the zoning ordinance or the negative impact on the neighborhood if the variance was granted.

LD 1601 **An Act to Authorize the Construction of Public Trails in Shoreland Areas** **ONTP**

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

LD 1601 proposed to amend the shoreland zoning ordinance guidelines to provide for the construction of public pathways for recreational public nonmotorized uses such as biking, walking and skiing so long as those pathways met certain construction criteria.

LD 1643 **An Act to Provide Criteria for the Municipal Use of Rate of Growth CARRIED OVER Ordinances**

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

LD 1643 proposes to outline the parameters within which a municipality may adopt a growth rate ordinance. Under the proposal, temporary growth rate ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance may be enacted only as part of an integrated growth management strategy and also may be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposes to clarify that a municipality with a comprehensive plan may implement a growth rate ordinance in its rural area only.

LD 1643 was carried over to the Second Regular Session.

LD 1665 **An Act to Further Reduce Mercury Emissions from Consumer Products** **PUBLIC 373**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MARTIN	OTP-AM MAJ OTP-AM MIN	H-417 H-471 COWGER S-247 MARTIN

LD 1665 proposed to reduce the release of mercury into the environment from consumer products by:

1. Requiring manufacturers to notify the Department of Environmental Protection if they intend to distribute a mercury-added product in Maine;

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2. Requiring product manufacturers to provide information on mercury content to hospitals upon request;
3. It restricts the sale and distribution of certain mercury-added products, including fever thermometers and manometers used to measure vacuum in milking machines;
4. Restricting the sale and use of mercury and bans the use of mercury and mercury compounds in schools;
5. Requiring the Mercury Products Advisory Committee, as established under Public Law 1999, chapter 779, to report on whether and how manufacturers should be required to phase out the use of mercury in products;
6. Requiring the Department of Environmental Protection, in consultation with automobile manufacturers, dismantlers, recyclers and other interested parties, to report on whether and how automobile manufacturers should be required to phase out the use of mercury-added components;
7. Authorizing the Department of Environmental Protection to participate in a regional clearinghouse to coordinate the regulatory actions regarding mercury-added products; and
8. Repealing a section of a resolve requiring the Land and Water Resources Council to report annually on recommended mercury-reduction initiatives.

Committee Amendment "A" (H-417), the majority report of the Joint Standing Committee on Natural Resources, proposed to revise the manufacturer notification provision of the bill and to revise proposed requirements governing the sale or transfer of elemental mercury to exempt transactions for manufacturing or recycling purposes. The amendment also authorizes the handling of mercury thermometers in a manner consistent with standards applicable to universal waste under the United States Department of Environmental Protection's hazardous waste management rules.

House Amendment "A" (H-471) proposed that the disclosure requirements of the bill not apply to drugs that are approved by the United States Food and Drug Administration.

Senate Amendment "A" (S-247) proposed to remove the requirement to analyze each batch or lot of formulated products for mercury content and substituting a requirement to analyze the products at least annually.

Enacted law summary

Public Law 2001, chapter 373 reduces the release of mercury into the environment from consumer products.

LD 1666

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

PUBLIC 231

Sponsor(s)
TOBIN D
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-316

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LD 1666 proposed to prevent discharges from underground oil storage tanks by prohibiting delivery of oil to bare steel and other nonconforming tanks that are illegal to operate under current law and to tanks that do not meet applicable annual inspection requirements intended to ensure the tank is properly maintained and functioning. The bill also proposed to establish a program to expand the pool of qualified persons who can inspect an underground storage tank, and amends the law governing the Underground Oil Storage Replacement Fund to provide financial assistance if substantial tank repairs are needed.

The bill also proposed to revise the law governing the Board of Underground Tank Installers to eliminate the requirement that one of the seats on the 7-member board be reserved for a representative from the Oil and Solid Fuel Board, the Plumbers' Examining Board or the State Board of Certification for Geologists and Soil Scientists.

Committee Amendment "A" (H-316) proposed to make the following changes to the bill:

1. It removed the bill provision that prohibits oil dealers from filling an underground oil storage tank that has not been inspected in accordance with state law;
2. It authorized the Department of Environmental Protection to take administrative enforcement action against the owner and operator of an underground oil storage tank if the tank has not been inspected as required under state law or repaired as necessary to correct any deficiencies discovered during the inspection; and
3. It prohibited oil dealers from filling a nonconforming underground oil storage tank, such as one that is not resistant to corrosion, provided the tank appears on a list of nonconforming tanks published by the department.

Enacted law summary

Public Law 2001, chapter 231 prevents discharges from underground oil storage tanks by prohibiting delivery of oil to bare steel and other nonconforming tanks that are illegal to operate under current law, establishes a program to expand the pool of qualified persons who can inspect an underground storage tank, and amends the law governing the Underground Oil Storage Replacement Fund to provide financial assistance if substantial tank repairs are needed.

This law also revises the Board of Underground Tank Installers to eliminate the requirement that one of the seats on the 7-member board be reserved for a representative from the Oil and Solid Fuel Board, the Plumbers' Examining Board or the State Board of Certification for Geologists and Soil Scientists. This law also authorizes the Department of Environmental Protection to take administrative enforcement action against the owner and operator of an underground oil storage tank if the tank has not been inspected as required under state law or repaired as necessary to correct any deficiencies discovered during the inspection, and prohibits oil dealers from filling a nonconforming underground oil storage tank, such as one that is not resistant to corrosion, provided the tank appears on a list of nonconforming tanks published by the department.

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LD 1693

An Act to Amend the Comprehensive Planning and Land Use
Regulation Laws

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT DAIGLE	OTP-AM	S-265

LD 1693 proposed to amend the comprehensive planning and land use regulation laws. The bill proposed to amend deadlines in the law. The bill enabled multimunicipal planning efforts and allowed for municipalities within the Maine Land Use Regulation Commission's jurisdiction to participate if desired. The bill extended the exemption for designating residential growth areas to commercial and industrial areas in small, slow-growing municipalities. Procedural adjustments were proposed in the state review and financial assistance program guidelines. The bill proposed to reinstate preferences in state grant programs and investments for municipalities with certified growth management programs and comprehensive plans that were inadvertently eliminated in the amendments adopted in the last legislative session and clarified that the State Planning Office has rule-making authority to administer the Maine Revised Statutes, Title 30-A, chapter 187.

Committee Amendment "A" (S-265) proposed to replace the original bill and to amend the comprehensive planning and land use regulation laws.

Enacted law summary

Public Law 2001, chapter 406 amends the comprehensive planning and land use regulation laws in the following ways.

1. It authorizes the State Planning Office within the Executive Department to adopt rules.
2. It clarifies that if a town wants to have a shoreland zone larger than Department of Environmental Protection guidelines, then the shoreland zone ordinance must be based on a comprehensive plan. If the ordinance is not consistent with a comprehensive plan within 24 months after adoption of the plan, the ordinance will no longer be in effect.
3. It provides that after January 1, 2003, rate of growth, zoning and impact fee ordinances must be consistent with a comprehensive plan.
4. It provides that only those portions of a rate of growth, zoning or impact fee ordinance that are not consistent with a comprehensive plan are subject to being deemed no longer in effect.
5. It temporarily exempts from the consistency requirement ordinances of a town that is in the process of preparing a comprehensive plan or implementation program and ordinances that conflict with a newly adopted comprehensive plan or plan amendment.
6. It temporarily exempts from the consistency requirement ordinances of a town that previously requested planning or implementation grants but was denied due to lack of state funds.
7. It exempts slow growing areas from having to establish any growth areas.

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8. It exempts certain financial assistance programs from rules adopted by the Department of Administrative and Financial Services for use in the purchase of services and the awarding of grants and contracts.
9. It allows the State Planning Office to require a higher matching requirement for grants to update comprehensive plans.
10. It requires a recipient of a financial assistance grant to cooperate with the State Planning Office in performing program evaluations.
11. It requires coordination among state agencies.
12. It amends the comprehensive plan and growth management program review process undertaken by the State Planning Office.
13. It provides that the State Planning Office's decision on consistency of a comprehensive plan or growth management program constitutes final agency action.
14. It authorizes the State to make growth-related capital investments in a designated growth area if it is identified in a certified growth management program.
15. It deletes the definition of "service center" from the growth management laws.
16. It requires state agencies to contribute to the implementation of comprehensive plans and growth management programs by making investments, delivering programs and awarding grants in a manner that reinforces the policies and strategies within the comprehensive plans or growth management programs.

LD 1700

Resolve, to Encourage State Monitoring and Management of Conservation Easements

RESOLVE 31

Sponsor(s)
CARR

Committee Report
OTP-AM

Amendments Adopted
H-303

LD 1700 proposed to direct the State Planning Office to compile and maintain information on conservation easements held by state agencies. It also would have appropriated funds for costs associated with this requirement.

Committee Amendment "A" (H-303) proposed to encourage certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directed the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements. The amendment also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 31 encourages certain state agencies to pool existing resources to monitor and manage conservation easements they hold. It also directs the Executive Department, State Planning Office to the extent practicable within existing resources to coordinate the state monitoring and management of conservation easements.

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LD 1702

An Act to Amend the Enhanced Motor Vehicle Inspection Program

ONTP

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1702 proposed to extend to the entire State the enhanced motor vehicle inspection program currently limited to motor vehicles registered in Cumberland County. Under this bill, the program would have applied statewide beginning on January 1, 2002 and would have been phased into the other counties over a 2-year period in the same manner in which the program was phased in when implemented in Cumberland County.

The bill also provided a tax credit in tax year 2002 for official inspection stations that purchased the catalytic converter diagnostic testing devices necessary to conduct the enhanced inspections and allowed a credit in 2003 and beyond for official inspection stations that would purchase a new testing device to replace one that failed.

The bill also required the Department of Environmental Protection to submit a revised state implementation plan to the United States Environmental Protection Agency that incorporated these changes into the enhanced motor vehicle inspection program.

LD 1724

An Act to Provide for Remediation of Abandoned Landfills

PUBLIC 315

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1724 proposed to clarify the authority of the Department of Environmental Protection to undertake or compel remediation of discharges from solid waste landfills. The purpose of the bill was to clarify the department's authority to deal with public health threats from municipal landfills that ceased operation before February 1, 1976 and from private landfills where the owner has gone out of business, is bankrupt or insolvent or can not be located.

Enacted law summary

Public Law 2001, chapter 315 clarifies the authority of the Department of Environmental Protection to undertake or compel remediation of discharges from solid waste landfills. It "delinks" the closure and remediation aspects of the landfill program so it is clear that there are 2 parts: closure, which is almost entirely done and remediation, which will continue for the foreseeable future. It clarifies that municipalities are eligible for reimbursement by the State of 90% of landfill remediation costs provided remediation activities are performed in accordance with a plan approved by the department. It clarifies that the financial assurance requirement for post-closure care of solid waste facilities applies to all private facilities licensed by the Department of Environmental Protection, regardless of when the facilities were licensed, closed or ceased handling waste. Finally, it clarifies that money may be disbursed from the Maine Solid Waste Management Fund to abate public health threats from solid waste disposal without waiting until the threat becomes "imminent" and regardless of whether the threat stems from legal or illegal disposal activity.

Joint Standing Committee on Natural Resources

LD 1775

Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

**DIED ON
ADJOURNMENT**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
S-193

LD 1775 proposed to create the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling to undertake an analysis of plastics generation by type and current method of disposal; study the feasibility of expanding the State's bottle deposit laws to include containers made of high density polyethylene, polyethylene-terephthalate or polyvinyl chloride; study the feasibility of banning the incineration of polyvinyl chloride and other plastics; recommend market-based recycling opportunities for plastics; and recommend incentives for expanded in-state end uses for plastics.

The bill proposed that the commission submit its report, together with any recommended implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than December 1, 2002.

Committee Amendment "A" (S-193) changed the membership of the Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling by replacing a member from the Maine Chamber of Commerce with a representative of the plastics industry and adding a representative of the Maine Resource Recovery Association and a representative of the Maine Municipal Association. The amendment also deleted the task of studying the feasibility of banning the incineration of polyvinyl chloride and other plastics and replaced it with the task of studying the feasibility of reducing the toxicity of waste, including the diversion of polyvinyl chloride from incineration.

LD 1812

An Act to Prevent Infestation of Invasive Aquatic Plants and to Control Other Invasive Species

**PUBLIC 434
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted
H-694 CLARK
H-696 COWGER
H-700 MCKEE

LD 1812 proposed to create a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species.

House Amendment "C" (H-694) proposed to require that the task force work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

Joint Standing Committee on Natural Resources

House Amendment "D" (H-696) proposed to change the fee for a lake and river protection sticker from \$15 for any motorboat or personal watercraft to \$20 for a motorboat or personal watercraft not registered in this State and \$10 for a motorboat or personal watercraft registered in this State.

The amendment also proposed to reduce from \$5,000 to \$250 the maximum fine for operating a motorboat or personal watercraft without a sticker and specifies that a citation for operating a motorboat or personal watercraft without a sticker may not be issued to a person who is also cited at the same time for another watercraft violation and to make adjustments to the allocation section of the bill to reflect adjustments necessitated by the decreased revenues anticipated as a result of the changes to the sticker fees.

House Amendment "E" (H-700) proposed that the report required by the bill include an evaluation of providing information and inspection activities directly by the State or indirectly through contracts with municipalities and other entities.

Enacted law summary

Public Law 2001, chapter 434, which was reported out of committee pursuant to a joint order, creates a program to address threats posed to the inland waters of the State by invasive aquatic plants and nuisance species. The program is implemented through the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife.

The law requires those departments to conduct in 2001 a program that includes a substantial public education component combined with at least 5,000 person hours spent inspecting boats, motors and trailers for invasive aquatic plants at selected boat launching facilities and at no fewer than 10 roadside locations at or near the state border. In 2002 and subsequent years, the actual level of inspections will be determined by those departments in consultation with the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, established in the law.

In addition to the education and inspection components of the program, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife are authorized to jointly issue emergency orders to restrict or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. Such orders must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. If the infested water body is a public drinking water supply, public notification and opportunity for comment is required prior to taking any response action that proposes the use of a chemical control agent.

The law also prohibits the operation of a motorboat or personal watercraft on inland waters after January 1, 2002 unless that motorboat or personal watercraft displays a lake and river protection sticker. The fee for the sticker is \$10 for a motorboat or personal watercraft registered in Maine and \$20 for motorboats and personal watercraft not registered in Maine. The sticker will be available statewide through all agents authorized by the Department of Inland Fisheries and Wildlife to register boats or sell hunting and fishing licenses. The remaining revenues from the stickers are divided between new funds in the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection to be used for education, inspection and enforcement efforts related to the control of invasive aquatic plants and nuisance species, either directly or through grants to public or private entities. Forty percent of the revenues from the stickers are allocated to the Department of Inland Fisheries and Wildlife and 60% of the revenues are allocated to the Department of Environmental Protection.

Joint Standing Committee on Natural Resources

The law also creates a 17-member Interagency Task Force on Invasive Aquatic Plants and Nuisance Species with the responsibility of advising the Land and Water Resources Council on various actions to control invasive aquatic plants and nuisance species and to recommend a state plan to address those threats. The Task Force is also directed to work with representatives from federal, state and local agencies and private environmental and commercial interests to form a northeastern regional panel to establish priorities and coordinate activities to prevent the spread of invasive aquatic plants and nuisance species in the Northeast.

The law transfers from the Maine Rainy Day Fund to the Department of Environmental Protection and Department of Inland Fisheries and Wildlife a sufficient amount of money to fund program costs for the 2001 boating season, but requires that those departments reimburse the Maine Rainy Day Fund in full prior to the end of the 2001-02 fiscal year. Program costs for 2002 subsequent years and are funded entirely from revenues collected from the annual sale of lake and river protection stickers.

The law also directs the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2002, on the invasive aquatic plant education and inspection program conducted during the 2001 boating season and on plans for that program for 2002 and subsequent years. The law authorizes the Joint Standing Committee on Natural Resources to report out legislation on invasive aquatic plants and nuisance species to the Second Regular Session of the 120th Legislature.

LD 1813

An Act to Amend the Clean Car Incentives Pilot Program

PUBLIC 367

Sponsor(s)

Committee Report

Amendments Adopted

OTP MAJ
OTP-AM MIN

LD 1813 is the majority report of the Joint Standing Committee on Natural Resources. It amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752. The bill also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

Committee Amendment "A" (S-251) is the minority report of the Joint Standing Committee on Natural Resources. This amendment repeals the Clean Car Incentive Pilot Program enacted by the 119th Legislature as Public Laws of 1999, chapter 684.

Enacted law summary

Public Law 2001, chapter 367 amends the Clean Car Incentives Pilot Program to allow money in the Clean Fuel Vehicle Fund to be used to pay automobile scrappers up to \$350 for each high-pollution vehicle scrapped under the program. The term "automobile scrapper" is to be defined in rules adopted by the Board of Environmental Protection and may include, but it not limited to, an automobile graveyard, an automobile recycling business or a junkyard, as those terms are defined in the Maine Revised Statutes, Title 30-A, section 3752.

Joint Standing Committee on Natural Resources

The law also directs the Board of Environmental Protection to adopt emergency routine technical rules to define automobile scrappers and to establish the process for making payments to automobile scrappers.

HP 878 **JOINT ORDER - Relative to the Task Force to Study the Costs and Design of a Household Hazardous Waste Disposal Program** **DIED ON ADJOURNMENT**

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order, HP 878 proposed to establish the Task Force to Study the Costs and Design of a Household Hazardous Waste Disposal Program.

HP 1330 **JOINT STUDY ORDER – Joint Study Committee to Study Growth Management** **PASSED**

Sponsor(s)

Committee Report

Amendments Adopted

Joint Order, H.P. 1330 proposed to establish the Joint Study Committee to Study Growth Management. The joint order directed the 13-member committee to study issues related to sprawl and growth management in Maine.

Senate Amendment “A” to H.P. 1330 (S-371) proposed to reduce the cost of the joint order by: reducing the membership of the study committee from 13 to 9 members; restricting the number of meetings of the committee to no more than 3; and specifying a committee budget of \$3,635.

Enacted law summary

H.P. 1330 establishes the Joint Study Committee to Study Growth Management. The 9-member committee is directed to study issues related to sprawl and growth management in Maine and to report its findings and recommendations to the Second Regular Session of the 120th Legislature.

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Joint Standing Committee on State and Local Government

LD 2

An Act to Clarify the Division Line Between the Towns of Deer Isle and Stonington

P & S 3

<u>Sponsor(s)</u> GOLDTHWAIT VOLENIK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-2
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LD 2 proposed to resolve a disagreement among municipal officials over the proper placement of municipal boundary lines between the towns of Deer Isle and Stonington with respect to Eastern Mark Island and Shabby Island. The bill clarified that the municipal jurisdiction for Eastern Mark Island is with Stonington and that Shabby Island is within Deer Isle.

Committee Amendment "A" (S-2) proposed to make the bill retroactive to April 1, 2000.

Enacted law summary

Private and Special Law 2001, chapter 3 resolves a disagreement among municipal officials over the proper placement of municipal boundary lines between the towns of Deer Isle and Stonington with respect to Eastern Mark Island and Shabby Island. The law distinguishes the boundary line between the Town of Deer Isle and the Town of Stonington by clarifying that the municipal jurisdiction for Eastern Mark Island is with Stonington and Shabby Island is within Deer Isle. The law is retroactive to April 1, 2000.

LD 40

An Act to Designate the Maine Dirigo Tartan the Official State Tartan

ONTP

<u>Sponsor(s)</u> FERGUSON RICHARD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 40 proposed to establish the Maine Dirigo Tartan as the official state tartan. As the official state tartan, the Maine Dirigo Tartan would have been distinguished from the Maine State Tartan for which a copyright is held by a private company.

LD 58

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General

ONTP

<u>Sponsor(s)</u> PERKINS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on State and Local Government

LD 58 proposed to amend the Constitution of Maine to establish the direct popular election of the State's Attorney General beginning in 2002 in the manner currently provided for Senators and Representatives.

LD 61 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Eliminate the Ability of the Legislature to Pass Legislation
Imposing Mandates on Municipalities** **ONTP**

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

LD 61 proposed to eliminate the ability of the Legislature, by 2/3 majority, to pass legislation imposing mandates on municipalities for which no funding is provided.

Committee Amendment "A" (H-288), which was the minority report, proposed to amend the original resolution by retaining the current language in the Constitution of Maine, Article IX, Section 21 with the exception of the requirement that a 2/3 majority of the Legislature vote to impose mandates on local units of government. The amendment proposed to strike the 2/3 majority and replace it with a 3/4 majority. The amendment also proposed to change the proposed referendum question to reflect this change and to refer to local units of government instead of municipalities.

LD 63 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide 4-year Terms for Senators and Members of the
House of Representatives** **ONTP**

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

LD 63 proposed to amend the Constitution of Maine to change Legislators' terms to 4 years following the general election in 2002. Under the proposed bill, the Legislature would meet each year, but the business of the Legislature in the 2nd and 4th years would have been restricted as it is presently in the 2nd year.

LD 70 **An Act to Designate the Second Saturday in September as Maine
Youth Field and Stream Day** **PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CARPENTER	OTP-AM	H-110

Joint Standing Committee on State and Local Government

LD 70 proposed to designate the 2nd Saturday in September of each year as Youth Field Day and to direct the Governor to issue annually a proclamation inviting and urging the youth of this State to observe that day by participating in outdoor activities.

Committee Amendment "A" (H-110) proposed to rename the proposed commemorative day Maine Youth Field and Stream Day and changed the title of the bill to reflect that change. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 68 designates the 2nd Saturday in September of each year as Maine Youth Field and Stream Day. The Governor is directed to issue annually a proclamation inviting and urging the youth of this State to observe this day by participating in outdoor activities.

LD 92

An Act to Establish the Washington County Emergency Medical Services Authority

**P & S 1
EMERGENCY**

<u>Sponsor(s)</u> GOODWIN MICHAUD MH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-6
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LD 92 proposed to establish the Washington County Emergency Medical Services Authority, which would facilitate the provision of medical services to citizens in Washington County. It proposed to establish a 17-member board of directors. The bill also proposed that the authority be empowered to employ personnel, enter into contracts, hold public hearings, sue and be sued, accept funds, grants and services from federal, state, county and municipal governments or any agency, as well as provide gifts from entities and foundations, and allocate and spend funds to promote the authority. It also proposed to require the authority to prepare an annual budget, follow uniform standards established in Maine law, and make provisions for emergency medical services in the county on a contract basis where new services are to be provided. The bill also proposed to require the authority to implement a countywide subscription membership program and to set and adjust an approved cost-basis schedule for emergency medical services provided by the authority.

Committee Amendment "A" (H-6) proposed to make the following changes to the bill.

1. It clarified the Washington County Emergency Medical Services Authority's power to purchase and lease emergency medical services equipment and vehicles.
2. It clarified that the authority is allowed to accept private gifts from individuals.
3. It required that the authority be audited annually.
4. It clarified that debts incurred by the authority do not create any debt liability on the part of the State.

The amendment also proposed to add a fiscal note to the bill.

Joint Standing Committee on State and Local Government

Enacted law summary

Private and Special Law 2001, chapter 1 establishes the Washington County Emergency Medical Services Authority. The law authorizes the Authority to purchase and lease emergency medical services equipment and vehicles. The law allows the authority to accept private gifts from individuals. P&S 2001, chapter 1 also requires that the authority be audited annually and clarifies that debts incurred by the authority do not create any debt liability on the part of the State.

Private and Special Law 2001, chapter 1 was enacted as an emergency measure effective January 25, 2001.

LD 103

An Act to Amend Eminent Domain Powers

PUBLIC 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE DOUGLASS	OTP-AM MAJ ONTP MIN	H-528

LD 103 proposed to allow a person whose land was taken by a municipality by eminent domain to reacquire the property at the price the municipality paid to that person for the property if the municipality does not start development of the property for the purpose for which it was taken within 5 years of the time it was taken.

Committee Amendment "A" (H-528), which replaced the bill and applied to all eminent domain proceedings under Maine law, proposed that if land taken under eminent domain is not used for the purpose of the taking within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognized that the purpose of a taking may be for conservation purposes to prevent development of a piece of land. Following the initial reaffirmation, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. If the project for which the taking was accomplished is ever abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to reacquire the property to the condemnee or condemnee's heir. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice is required to the condemnee or the condemnee's heirs by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 328 applies to all eminent domain proceedings under Maine law. Under chapter 328, if land taken by eminent domain is not used for the purpose for which taken within 8 years, the entity that took the property must reaffirm the need to retain the property. Property taken for development purposes is considered to be used for its intended purpose if substantial on-site construction has been commenced. The amendment also recognizes that the purpose of a taking may be for conservation purposes to prevent development of land. Following the initial reaffirmation of the public need, additional reaffirmations must take place every 3 years as long as the purpose of the taking remains unaccomplished. Subsequently, if the project for which the taking was

Joint Standing Committee on State and Local Government

accomplished is abandoned or if reaffirmation fails to occur, the taking entity must provide a right of first refusal to the condemnee or condemnee's heir to reacquire the property. The reacquisition price is the original condemnation price plus adjustments for improvements to the property and for changes in the Consumer Price Index since the taking. Written notice must be provided to the condemnee or the condemnee's heir by certified mail, return receipt requested. If the address of the condemnee or the condemnee's heir cannot be determined after reasonable diligence, notice may be by 2 newspaper publications. The condemnee or the condemnee's heir then has 90 days to respond or the taking entity may sell the property for fair market value. The condemnee or the condemnee's heir may relinquish his or her rights at any time and full ownership rights transfer to the taking entity.

LD 106

An Act to Establish Maine Lighthouse Week

**PUBLIC 5
EMERGENCY**

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

LD 106 proposed to establish Maine Lighthouse Week during the 3rd full week in June, beginning in 2001.

Enacted law summary

Public Law 2001, chapter 5 designates the 3rd full week in June as Maine Lighthouse Week beginning in 2001.

Public Law 2001, chapter 5 was enacted as an emergency measure effective March 13, 2001.

LD 112

**An Act to Designate the First Saturday in September as Colonel
Freeman McGilvery Day**

PUBLIC 7

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

LD 112 proposed to establish the first Saturday in September as Colonel Freeman McGilvery Day.

Enacted law summary

Public Law 2001, chapter 7 designates the first Saturday in September as Colonel Freeman McGilvery Day.

Joint Standing Committee on State and Local Government

LD 169

**An Act to Ensure the Continuing Beauty and Accessibility of
Capitol Park**

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J DAGGETT	OTP-AM	H-76

LD 169 proposed that any action taken with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920.

Committee Amendment "A" (H-76) proposed to amend the original bill by specifically referencing the 1990 update of the Olmsted Brothers' plan for Capitol Park that was developed by the Pressley firm. It is the 1990 revision that serves as the current guide to restoration of the park. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 468 provides that any action taken with respect to Capitol Park in Augusta must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as updated by the Pressley firm in 1990.

LD 184

An Act to Expand Contract Zoning Authority for Municipalities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL PENDLETON	ONTP	

LD 184 proposed to enable municipalities to include as a condition and restriction of a contract zone a prohibition on converting the use or ownership of the contracted property to one that is exempt from property tax.

LD 207

**Resolve, Authorizing the Commissioner of Administrative and
Financial Services to Purchase Land in Charleston, Maine**

RESOLVE 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P KASPRZAK	OTP-AM	S-18

LD 207 proposed to authorize the Commissioner of Administrative and Financial Services to purchase a parcel of land approximately 4 acres in size, with the buildings located on the property, to increase the security buffer around the Northern Maine Juvenile Facility in Charleston.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (S-18) proposed to amend the original resolve by limiting to \$90,000 the amount that the State may pay for land it is seeking authorization to purchase in the Town of Charleston. It also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 4 authorizes the Commissioner of Administrative and Financial Services to purchase a parcel of land approximately 4 acres in size, with the buildings located on the property, to increase the security buffer around the Northern Maine Juvenile Facility in Charleston. The law limits to \$90,000 the amount that the State may pay for land it will purchase in the Town of Charleston.

LD 236 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in 6 Parcels of Land, One with a Building, Held by the Department of Education and Located in the Unorganized Territories** **RESOLVE 14**

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-59
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LD 236 proposed to authorize the Commissioner of Administrative and Financial Services to sell 6 parcels of land, one with a building, held by the Department of Education in the unorganized territories, but no longer used by the department. Three of the parcels are located in Oxford County, and single parcels are located in each of the following counties: Aroostook, Somerset and Washington.

Committee Amendment "A" (S-59) proposed to amend the resolve by including a public auction as one of the methods for leasing or selling the 6 parcels of land that are the subject of the resolve. It also proposed to make 2 minor technical changes to the original resolve and to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 14 authorizes the Commissioner of Administrative and Financial Services to sell 6 parcels of land, one with a building, held by the Department of Education in the unorganized territories, but no longer used by the department. Three of the parcels are located in Oxford County, and single parcels are located in each of the following counties: Aroostook, Somerset and Washington. The law also specifies that a public auction is one of the methods for leasing or selling the 6 parcels of land that are the subject of the resolve.

LD 241 **An Act to Change the Fiscal Year of Sagadahoc County** **PUBLIC 143**

<u>Sponsor(s)</u> PEAVEY SMALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-116
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Joint Standing Committee on State and Local Government

LD 241 proposed to amend the laws governing the Sagadahoc County budget process to change the dates of submission of the annual budget and the date by which the county commissioners must act on the annual budget. These proposed date changes would enable Sagadahoc County to change its fiscal year from January 1st to December 31st to July 1st to June 30th.

Committee Amendment "A" (H-116) proposed to amend the bill by adding a mandate preamble and by striking out a requirement that the Sagadahoc budget advisory committee hold a joint public hearing with the Sagadahoc County commissioners on the annual county budget. It also proposed to require the Sagadahoc County commissioners to submit a 6-month budget and a 12-month budget to facilitate the transition to a new fiscal year.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 143 amends the laws governing the Sagadahoc County budget process to change the dates of submission of the annual budget and the date by which the county commissioners must act on the annual budget. These date changes enable Sagadahoc County to change its fiscal year from January 1st to December 31st to July 1st to June 30th. The law also requires the Sagadahoc County commissioners to submit a 6-month budget and a 12-month budget to facilitate the transition to a new fiscal year.

LD 245

An Act to Establish Destroyer Escort Day

**PUBLIC 19
EMERGENCY**

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

LD 245 proposed to designate the 3rd Saturday in June of each year as Destroyer Escort Day in honor of the destroyer escort ships and the people from this State who served on them.

Enacted law summary

Public Law 2001, chapter 19 designates the 3rd Saturday in June of each year as Destroyer Escort Day in honor of the destroyer escort ships and the people from this State who served on them.

Public Law 2001, chapter 19 was enacted as an emergency measure effective April 6, 2001.

Joint Standing Committee on State and Local Government

LD 319

**An Act to Allow Municipalities to Advertise Legal Notices in
Weekly Newspapers**

ONTP

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

LD 319 proposed to allow municipalities to advertise public legal notices in weekly newspapers of general circulation to satisfy public notice requirements included in Title 30-A of the Maine Revised Statutes.

Joint Standing Committee on State and Local Government

LD 326

An Act to Eliminate the 3 Advisory Members of the Somerset County Budget Committee

PUBLIC 150

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-65
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LD 326 proposed to change the legislative membership of the Somerset County Budget Committee by eliminating from the budget committee the 3 advisory members and replacing them with one voting member.

Committee Amendment "A" (S-65) proposed to strike the text of the original bill. The amendment proposed to eliminate the 3 nonvoting legislative members from the Somerset County Budget Committee. It also proposed to repeal a requirement that the Somerset County legislative delegation select 3 of its members to serve as nonvoting members on the budget committee.

Enacted law summary

Public Law 2001, chapter 150 eliminates the 3 nonvoting legislative members of the Somerset County Budget Committee. The law also repeals a requirement that the Somerset County legislative delegation select 3 of its members to serve as nonvoting members on the budget committee.

LD 343

Resolve, Authorizing the Department of Marine Resources to Convey by Transfer and Easement to the Boothbay Harbor Sewer District the State's Interest in Certain Property on McKown Point in West Boothbay Harbor

**RESOLVE 7
EMERGENCY**

<u>Sponsor(s)</u> HONEY KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-115 BAGLEY H-32
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LD 343 proposed to authorize the Department of Marine Resources to convey to the Boothbay Harbor Sewer District the department's sewerage facilities located on state property on McKown Point in Boothbay Harbor. The resolve proposed that the department negotiate the transfer to the Boothbay Harbor Sewer System ownership of the transport pipe and collector system from the point of tie-in at the state property line to the point at which the state trunk line ties into the sewer district's collector. The resolve also proposed that the department negotiate an easement for the right-of-way where the line is placed.

Committee Amendment "A" (H-32) added an emergency preamble and emergency clause to the resolve. It also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-115) proposed to amend Committee Amendment "A" to remove the emergency preamble and emergency clause.

Joint Standing Committee on State and Local Government

Enacted law summary

Resolve 2001, chapter 7 authorizes the Department of Marine Resources to convey to the Boothbay Harbor Sewer District the department's sewerage facilities located on state property on McKown Point in Boothbay Harbor. The law authorizes the department to negotiate the transfer to the Boothbay Harbor Sewer System ownership of the transport pipe and collector system from the point of tie-in at the state property line to the point at which the state trunk line ties into the sewer district's collector. The law also authorizes the department to negotiate an easement for the right-of-way where the line is placed.

LD 352

An Act to Prohibit Personal Use of State Vehicles by State Employees

ONTP

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

LD 352 proposed to prohibit state employees from using state-owned or state-leased vehicles for any personal business.

LD 369

An Act to Establish Maine Small Business Week

PUBLIC 36

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL SAWYER	OTP-AM	H-30

LD 369 proposed to designate April 15th as Small Business Day to promote the State's small businesses and our free enterprise system.

Committee Amendment "A" (H-30) replaced the bill and proposed to establish the 3rd week in May, or any other week coinciding with the week designated Small Business Week at the national level, as Maine Small Business Week to promote the State's small businesses and the free enterprise system. It also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 36 designates the 3rd week in May, or any other week coinciding with the week designated Small Business Week at the national level, as Maine Small Business Week to promote the State's small businesses and the free enterprise system.

Joint Standing Committee on State and Local Government

LD 372 **An Act to Clarify Municipal Authority Over Cable Television Franchises** **ONTP**

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 372 proposed to clarify that the authority of municipal officers with respect to the enactment of cable television ordinances and the granting or denial of a cable television franchise is subject to the citizens' rights to invoke the municipality's initiative and referendum processes. A majority of the committee seriously considered an amendment that would have replaced the bill and required municipalities to accept and negotiate on all competing franchise applications and required that, if a competing franchise is granted, it must be granted on essentially the same terms as the existing franchise. After several work sessions, the committee decided not to support the bill or the amendment and voted unanimously ONTP.

LD 381 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State** **ONTP**

<u>Sponsor(s)</u> MENDROS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 381 proposed to amend the Constitution of Maine to establish the direct popular election of the Secretary of State and to provide for filling vacancies in the office of the Secretary of State in the same manner as provided for Governor.

LD 389 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit a Person Employed Full-time in the Judicial or Executive Branch of the State from Serving in the Legislature** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 389 proposed to amend the Constitution of Maine to prohibit full-time employees of the judicial or executive branch of the State from serving in the Legislature.

Joint Standing Committee on State and Local Government

LD 421

An Act to Require the Department of Audit to Conduct Random Audits of State Programs

PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN KNEELAND	OTP-AM	H-101

LD 421 proposed to require the Department of Audit to conduct random audits of state departments and agencies.

Committee Amendment "A" (H-101) proposed to amend the original bill by changing its title and by requiring the Department of Audit to conduct random audits of state programs, rather than state departments and agencies. It also proposed to change the date by which the department must report its findings to the Legislature.

This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 104 requires the Department of Audit to conduct random audits of programs existing within state departments and agencies. The law requires the department to report its findings to the Joint Standing Committee on State and Local Government by January 15, 2002 and no later than January 15th of each year thereafter.

LD 434

Resolve, Regarding the Expansion of a Right-of-way Across the Elizabeth Levinson Center in Bangor

ONTP

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

LD 434 proposed to amend Resolve 1983, chapter 23, as amended by Resolve 1999, chapter 57, that authorized the conveyance of a right-of-way across the Elizabeth Levinson Center on the Hogan Road in Bangor to abutting landowner John Burke. LD 434 proposed to widen the easement granted to Mr. Burke across the Levinson Center property from 50 feet to 100 feet.

LD 444

An Act to Allow Washington County to Elect Its Own District Attorney

DIED BETWEEN BODIES

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

LD 444 proposed to enable the residents of Washington County to elect their own district attorney, creating a new prosecutorial district, Prosecutorial District Number 9. Creating this new district would result in the residents of

Joint Standing Committee on State and Local Government

Hancock County electing their own district attorney in Prosecutorial District 7. LD 444 also proposed that the district attorneys for Districts 7 and 9 be residents of either Washington or Hancock counties.

Committee Amendment "A" (H-77) was the majority report of the committee. It proposed to add a mandate preamble, to insert an appropriation section and to add a fiscal note to the original bill.

House Amendment "A" (H-111) was presented on behalf of the Committee on Bills in the Second Reading to correct an amending clause in the original bill.

House Amendment "A" to Committee Amendment "A" (H-151) proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

Senate Amendment "A" to Committee Amendment "A" (S-85), which was identical to House Amendment "A," proposed to remove the mandate preamble and appropriation section from the committee amendment. It also proposed to add a new appropriation section and to provide that the provisions of the bill apply to elections beginning in calendar year 2002.

None of the amendments were adopted.

LD 446 **An Act to Prohibit State Expenditures on International Treaties not Ratified by the United States Senate** **ONTP**

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

LD 446 proposed to prohibit a state department or agency from expending or awarding funds to implement an international treaty that has not been ratified by the United States Senate and to define the term "implement."

LD 471 **An Act to Provide a Local Option on Display of the United States and State Flags** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS LONGLEY	OTP-AM MAJ ONTP MIN	H-145

LD 471 proposed to amend the Uniform Flag Law to allow the Governor, the county commissioners, the governing body of a municipality and the Maine Land Use Regulation Commission to authorize the flying of the state flag at half-mast in those areas over which those entities have authority.

Committee Amendment "A" (H-145), which was the majority report, proposed to amend the original bill by adding the United States flag to the title and by striking the text of the original bill and replacing it with changes to

Joint Standing Committee on State and Local Government

current language in the Maine Revised Statutes, Title 1. The amendment also proposed to empower the Governor, when the Governor deems it appropriate, to authorize the United States or State of Maine flags to be flown at half staff in a political subdivision or a specified location in the State. It also proposed to strike from current law a reference to committing a Class E crime for violating the Federal United States Flag Code. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 162 authorizes the Governor to authorize the United States or State of Maine flag to be flown at half-staff in a political subdivision or a specified location in the State. The law also repeals the Class E crime of violating the Federal United States Flag Code.

LD 494

An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails

PUBLIC 97

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

LD 494 proposed to authorize 5 or more counties or an organization representing 5 or more counties to form a self-funded pool to cover medical expenses of prisoners in county jails. Essentially, the bill proposed to authorize counties to aggregate their health risks for prisoners and have such a program managed centrally by the Maine County Commissioners Association.

Enacted law summary

Public Law 2001, chapter 97 authorizes 5 or more counties, or an organization representing 5 or more counties, to form a self-funded pool to cover medical expenses of prisoners in county jails. Essentially, the law authorizes counties to aggregate their health risks for prisoners and have such a program managed centrally by the Maine County Commissioners Association.

LD 500

An Act to Clarify the Act of Separation of Frye Island from the Town of Standish

**P & S 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP MAJ	
SAVAGE W	ONTP MIN	

LD 500 proposed to amend Private and Special Laws 1997, chapter 41 to clarify that following its separation from the Town of Standish, the Town of Frye Island must remain in School Administrative District 6 unless such withdrawal is authorized by the Legislature.

Joint Standing Committee on State and Local Government

House Amendment "A" (H-52), which was not adopted, proposed to permit the Town of Frye Island to withdraw from School Administrative District 6 if it joined another school administrative unit. It also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 8 clarifies that the Town of Frye Island must remain in School Administrative District 6 following its separation from the Town of Standish, unless specifically authorized by the Legislature to withdraw from the district.

Private and Special Law 2001, chapter 8 was enacted as an emergency measure effective April 11, 2001.

LD 518

An Act to Promote Affordable Housing for the Elderly

PUBLIC 78

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEDWIN SAWYER	OTP-AM	H-89

LD 518 proposed to enable a municipality to appropriate funds and to issue general obligation bonds to provide municipally owned rental housing for the elderly. To accomplish this, the bill proposed to amend section 5726 of Title 30-A of the Maine Revised Statutes, which delineates the purposes for which municipalities may raise or appropriate money.

Committee Amendment "A" (H-89) proposed to amend the bill by adding the facilitation of affordable housing as a purpose for which municipalities may raise and appropriate money.

Enacted law summary

Public Law 2001, chapter 78 enables a municipality to appropriate funds and to issue general obligation bonds to provide municipally owned rental housing for the elderly and to facilitate the construction of affordable housing. To accomplish this, the law amends section 5726 of Title 30-A of the Maine Revised Statutes, which delineates the purposes for which municipalities may raise or appropriate money.

LD 522

**An Act to Hold Persons Incarcerated in County Jails Accountable
for Certain Costs Associated with Their Incarceration**

ONTP

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

LD 522 proposed to provide that a person booked by a county jail could be held liable for the cost of being processed by the jail. It also proposed to provide that a person incarcerated in a county jail may be held liable for the cost of board in the jail and may be required to pay a damage deposit.

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LD 529

An Act to Create the Office of Ombudsman

ONTP

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 529 proposed to establish the Office of Ombudsman to oversee and hear complaints regarding the actions of administrative agencies of the State. This Act would have taken effect January 1, 2003.

LD 548

An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature

PUBLIC 170

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-176
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LD 548 proposed to repeal the requirement that the budget for Kennebec County be submitted to the Legislature for approval. In place of final approval by the Legislature, this bill proposed to require that the Kennebec County Advisory Budget Committee submit a final budget to the county commissioners who could change the budget only by the unanimous vote of the county commissioners. In turn, the changes made by the county commissioners could be overridden by a 2/3 vote of the advisory budget committee.

Committee Amendment "A" (H-176), which was the majority report, proposed to replace the bill. The amendment proposed to delete references to "advisory" from the laws governing the Kennebec County Budget Committee. It also proposed to eliminate legislative approval for the county budget and to empower the budget committee to submit a final budget to the county commissioners, who could change the budget only by the unanimous vote of the county commissioners. Any changes made by the county commissioners could be overridden by a 2/3 vote of the budget committee. The amendment also proposed to make several technical changes to the laws governing the Kennebec County Budget Committee.

Enacted law summary

Public Law 2001, chapter 170 deletes references to "advisory" from the laws governing the Kennebec County Budget Committee. The law also repeals the requirement that the county budget receive legislative approval and empowers the budget committee to submit a final budget to the county commissioners, who may change the budget only by the unanimous vote of the county commissioners. The law also provides that any changes made by the county commissioners may be overridden by a 2/3 vote of the budget committee. PL 2001, chapter 170 also make several technical changes to the laws governing the Kennebec County Budget Committee.

Joint Standing Committee on State and Local Government

LD 551 **An Act to Amend the Law Regarding the Maine Governmental Facilities Authority** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J		

LD 551, which was not referred to committee was ruled by the Speaker of the House to be improperly before the body and subsequently indefinitely postponed in the Senate. The bill proposed to require a 2/3 vote of approval in each House of the Legislature prior to the Maine Governmental Facilities Authority issuing securities to fund the construction, reconstruction, purchase or acquisition of facilities. The proposed changes would not have affected any project approved prior to the effective date of this bill. A similar bill, LD 1767, which proposed sending out for voter approval an amendment to the Constitution of Maine to require the 2/3 vote of both Houses of the Legislature for the MGFA to issue securities, was referred to the Joint Standing Committee on Appropriations and Financial Affairs and resulted in a divided report. LD 1767 ultimately died between the bodies.

LD 562 **An Act to Allow Municipalities to Create Capital Improvement Districts** **CARRIED OVER**

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

LD 562 proposed to authorize municipalities to create a capital improvement district for the purpose of making an infrastructure improvement that primarily serves the property owners of the district. The bill proposed to establish the process for creating and operating such a district. It also proposed to establish the process for assessing costs of the improvement. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session pending a report from a subcommittee established to resolve issues raised during the public hearing and work sessions on the bill.

LD 568 **An Act to Improve Local Governmental Unit Access to Bulk Purchasing** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL C O'GARA	ONTP	

LD 568 proposed to replicate in the Maine Municipal Bond Bank enabling statutes language from the Maine Health and Higher Educational Facilities Authority Act that would allow local governments and nonprofit groups to obtain the savings associated with the bulk purchase of operational commodities, such as heating oil and other petroleum products.

Joint Standing Committee on State and Local Government

LD 582

An Act to Prohibit the State from Competing with Private Industry

ONTP

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 582 proposed to revise the language of the existing prohibition against conflicts of interest in state purchases to more explicitly prohibit the State and its employees and agents from providing services for fees or from undertaking enterprises that compete with private industry.

See also LD 1578.

LD 597

An Act Concerning Fees Charged to State Agencies for the Review of Leases

ONTP

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 597 proposed to prohibit the Department of Administrative and Financial Services, Bureau of General Services from levying a charge against a state department or agency for the review or approval of a leased space contract in the 2nd year and subsequent years of a leased space contract.

LD 636

An Act to Promote Healthy Workplaces

DIED BETWEEN BODIES

<u>Sponsor(s)</u> TWOMEY LAFOUNTAIN		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 636 proposed to require the State, after January 1, 2003, to provide bicycle and pedestrian access, bicycle parking and shower facilities for office buildings owned by or partly financed by the State. It also proposed to require that the Department of Administration and Financial Services, Bureau of General Services adopt rules to carry out the purposes of the bill.

Committee Amendment "A" (H-297), which was the majority report but which was not adopted, proposed to strike the original text of the bill. The amendment proposed to require that the State provide parking for bicycles adjacent to, and shower and changing facilities for use by state employees in any new state office building that is built after January 1, 2003 and in any existing state office building that is subject to substantial renovation or any new addition to a state office building that extends beyond the exterior walls of the existing building when the renovation or addition is undertaken after January 1, 2003. The amendment also proposed to define "substantial renovation" and "state office building." The amendment also proposed to add a fiscal note to the bill.

Joint Standing Committee on State and Local Government

LD 639 **An Act to Require Notification to All Property Owners in a Municipality of a Zoning Change Made in That Municipality** **ONTP**

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

LD 639 proposed to require that municipalities must notify all property owners within their jurisdictions of the adoption of any new or amended zoning ordinance.

LD 714 **An Act to Authorize a Legislative Technical Advisory Office to Benefit from the Experience of Retired Scientific and Technical Experts** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM MAJ ONTP MIN	H-290

LD 714, modeled after an initiative begun in Delaware in 1999, proposed to authorize a Technical Advisory Office, under the auspices of the Legislative Council, to make use of the technical and scientific expertise of retired volunteers in the State in advising the Legislature. The bill died on the Appropriations Table upon adjournment of the First Regular Session.

LD 769 **An Act to Change the Job Title of County Administrator to County Manager for York County** **PUBLIC 107**

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

LD 769 proposed to establish the position of county manager for York County and to direct the York County Commissioners to hire a county manager in place of the current county administrator by January 1, 2002. The bill also described the duties of York County Manager.

Enacted law summary

Public Law 2001, chapter 107 directs the York County commissioners to hire a full-time county manager in place of a county administrator by January 1, 2002. The law defines the duties of the manager and requires that the appointment process, tenure and pay be the same as for the administrator.

Joint Standing Committee on State and Local Government

LD 796

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>				
DAGGETT	<table style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 0 10px;">OTP-AM</td> <td style="padding: 0 10px;">MAJ</td> </tr> <tr> <td style="padding: 0 10px;">ONTP</td> <td style="padding: 0 10px;">MIN</td> </tr> </table>	OTP-AM	MAJ	ONTP	MIN	
OTP-AM	MAJ					
ONTP	MIN					

LD 796 proposed to prohibit municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing, revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.

Committee Amendment "A" (S-167), which was not adopted, was the majority report of the Joint Standing Committee on State and Local Government. It proposed to strike the text of the bill, including the emergency preamble and emergency clause. The amendment also proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any action having the effect of permitting development if that permit or approval was issued prior to the enactment of the ordinance or bylaw.

House Amendment "A" to Committee Amendment "A" (H-635), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 60 days prior to the initial application for an initiative or referendum petition.

House Amendment "B" to Committee Amendment "A" (H-648), which was not adopted, proposed to prohibit a municipal ordinance or bylaw enacted by citizen initiative or referendum from containing a retroactive clause that would invalidate, repeal, revoke or modify, or have the effect of invalidating, repealing, revoking or modifying, any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken at least 90 days prior to the initial application for an initiative or referendum petition.

House Amendment "C" to Committee Amendment "A" (H-681), which was not adopted, proposed to limit the restriction on retroactive citizen initiatives to those initiatives that invalidate or have the effect of invalidating any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals. The amendment also proposed to require a citizen initiative that contains a retroactive clause that has the effect of invalidating a building permit, zoning permit, land use approval, subdivision approval or site plan approval to be submitted for certification within 60 days of the issuance of the permit or approval that the citizen initiative is attempting to revoke. Under the amendment, the citizen initiative must be voted on at the next regularly scheduled election for that area.

House Amendment "D" to Committee Amendment "A" (H-697), which was not adopted, proposed to prohibit citizen initiatives that invalidate or have the effect of invalidating retroactively any building permit, zoning permit, land use approval, subdivision approval or site plan approval. The amendment proposed to allow a citizen initiative that is not related to previously issued permits or land use approvals.

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LD 837 **An Act to Require that the State Put Out to Open Bid the Phone Card Plan** **ONTP**

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

LD 837 proposed to require that the Director of the Bureau of General Services within the Department of Administrative and Financial Services purchase through competitive bidding toll calling and phone card services for all state departments and agencies on an annual basis.

LD 848 **An Act to Establish the Patricia A. Bailey Memorial** **ONTP**

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

LD 848 proposed to establish the Patricia A. Bailey Memorial, which would have been dedicated to women who serve in law enforcement in the State.

LD 856 **Resolve, Authorizing the Transfer of Land from the State to School Administrative District No. 16** **RESOLVE 13**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-131

LD 856 proposed to authorize the transfer to School Administrative District No. 16 of the Reed Auditorium, certain buildings between the Reed Auditorium and Winthrop Street in Hallowell and sufficient land for a new elementary school. The bill further proposed that following the conveyance of the land and buildings to the district, the district would be eligible to apply for school construction and renovation projects to adapt the buildings to school use.

Committee Amendment "A" (H-131) proposed to strike the original resolve and replace it with language that provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The amendment also proposed that the transfer include the Reed Auditorium at the Stevens School and adjacent buildings. The amendment also proposed that in the event that the State does not transfer the property to the school district, the State would be authorized to offer the land for sale at the appraised market value. This amendment also proposed to extend the repeal date of the resolve from 3 to 5 years and to add a fiscal note to the resolve.

Joint Standing Committee on State and Local Government

Enacted law summary

Resolve 2001, chapter 13 provides School Administrative District No. 16 an option period in which to negotiate the transfer of a parcel of state-owned property at the Stevens School in Hallowell as the site of a new elementary school. The proposed transfer also includes the Reed Auditorium at the Stevens School and adjacent buildings. In the event that the State does not transfer the property to the school district, the law authorizes the State to offer the land for sale at the appraised market value. The law is repealed 5 years after its effective date.

LD 866 **An Act to Amend the Budget Process for Sagadahoc County** **ONTP**

<u>Sponsor(s)</u> LESSARD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 866 proposed that the county commissioners of Sagadahoc County be required to submit any increase in the annual county budget of 10% or more over the previous year's budget to the voters for approval. This bill also proposed to prohibit including the cost of maintaining the Sagadahoc County public safety answering point as part of the overall county budget.

LD 899 **An Act to Expand the Laws Pertaining to Accessibility for Persons with Physical Disabilities** **ONTP**

<u>Sponsor(s)</u> GAGNE GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 899, as proposed, would have applied to new construction and major remodeling, enlarging and renovating, on or after January 1, 2002, of buildings or facilities that are considered public accommodations. The bill proposed that the entrances to these buildings and facilities must be automatic doors or power-assisted doors.

LD 957 **Resolve, to Transfer State Property to the City of Bangor** **ONTP**

<u>Sponsor(s)</u> PERRY SAWYER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 957 proposed to convey a 7.5 acre parcel of state-owned land located on the east side of the Hogan Road in Bangor to the City of Bangor. The property to be transferred, which is a portion of the Elizabeth Levinson Center property, was proposed as a possible site for a medical office complex.

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LD 982 **An Act to Promote Efficiency in County Government in the** **ONTP**
Androscoggin County Budget Process

<u>Sponsor(s)</u> MENDROS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 982 proposed to transfer final budget authority in Androscoggin County from the budget committee to the county commissioners.

LD 985 **Resolve, Creating a Governance System for Unorganized Towns** **ONTP**

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 985 proposed to establish the 15-member Committee to Study the Governance of the Unorganized Territories of Maine. The resolve proposed to charge the committee with examining the feasibility of establishing an alternative system of governance for the unorganized territories, such as that proposed in the report of the subcommittee of the Joint Standing Committee on State and Local Government on LD 299 from the 119th Legislature. The resolve set a reporting deadline of December 15, 2001.

LD 988 **An Act Relating to the Celebration of Veterans' Week** **PUBLIC 100**

<u>Sponsor(s)</u> ABROMSON SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-53
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LD 988 proposed to provide for the observance of Veterans' Week each year in each political subdivision, school system and school administrative district in the State.

Committee Amendment "A" (S-53) provided that the celebration of Veterans' Week would be permissive and that municipalities and schools be encouraged to observe the holiday with appropriate activities.

Enacted law summary

Public Law 2001, chapter 100 encourages the observation of Veterans' Week with appropriate activities each year in every municipality and school administrative unit in the State. Veterans' Week is the period Sunday through Saturday in November in which the federal holiday, Veterans' Day, occurs.

Joint Standing Committee on State and Local Government

LD 1038 **Resolve, Requiring the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to Establish a Permanent Statewide Intergovernmental Advisory Commission** **ONTP**

<u>Sponsor(s)</u> MORRISON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1038 proposed to require the Maine Municipal Association, the Maine County Commissioners Association and the Office of the Governor to establish a permanent statewide intergovernmental advisory commission. The establishment of such a commission was one of the recommendations included in the November 1997 report by the Task Force on Intergovernmental Structure entitled, "Proposal to Reduce the Cost of Government Through Reform of Governmental Relations." Among other duties, the commission would identify ways to reduce duplication of services and to promote communications and cooperation among the 3 levels of government.

LD 1054 **An Act to Ensure Independent Decision Making in Appeals of Denials of Abatement of Property Taxes** **ONTP**

<u>Sponsor(s)</u> KILKELLY DUNLAP	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1054 proposed to provide taxpayers access to an independent decision maker when appealing the denial of a property tax abatement request. The bill proposed to accomplish this by eliminating the ability of a municipality to adopt a board of assessment review appointed by the selectmen when the selectmen also serve as assessors for the municipality. The bill would have permitted cases that are pending on October 1, 2001 to be completed by the board of assessment review and have provided for the termination of the board of assessment review when those pending cases were completed. Under the bill, appeals of requests for abatement in municipalities without a board of assessment review would be filed with the county commissioners.

Committee Amendment "A" (S-132), which was the minority report and which was not adopted, proposed to add a mandate preamble and a fiscal note to the bill.

LD 1083 **An Act to Authorize State Agencies to Arrange for Direct Billing of Hotel Rooms for State Business** **PUBLIC 120**

<u>Sponsor(s)</u> PENDLETON MCDONOUGH	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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Joint Standing Committee on State and Local Government

LD 1083 proposed to allow a state agency to use a purchase order to procure lodging and to permit a hotel, motel or other establishment that provides lodging to bill a state agency directly in connection with a state employee who travels on state business.

Enacted law summary

Public Law 2001, chapter 120 provides that a hotel, motel or other lodging establishment may directly bill a state agency for services provided to a state employee traveling on state business. A state agency may use a purchase order to procure lodging.

LD 1116 **An Act to Honor Maine's French Heritage** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1116 proposed to establish both English and French as the official state languages.

LD 1118 **An Act to Enact the Paperwork Reduction Act** **CARRIED OVER**

<u>Sponsor(s)</u> MCKENNEY TURNER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1118 proposed to establish the Maine Paperwork Reduction Act. The bill proposed to require that similar or identical information and data required to be reported periodically to state agencies or departments by businesses operating in the State be reported to a single agency, the agency of record. The bill proposed that the agency or department of State Government that historically was the first to require a business operating in this State to report information or data during a reporting period established by law or rule be identified as the agency of record. The bill also proposed that requests for additional information by a state agency be made through the agency of record and that a business disclose the identity of the agency of record to any state agency requesting that information.

This bill has been carried over to the Second Regular Session of the 120th and the Joint Standing Committee on State and Local Government established a subcommittee to work with the sponsor and interested parties to develop an amended version of the bill during the interim.

LD 1131 **An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers** **ONTP**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Joint Standing Committee on State and Local Government

LD 1131 proposed to allow municipalities to fulfill their legal notice obligations under Title 1, section 601 of the Maine Revised Statutes by publishing legal notices in a publication distributed by 3rd Class mail providing that the municipal officers have adopted a publication policy. Under the proposed bill, the policy would have to meet the following 3 requirements: The newspaper of general circulation would have a subscription rate of less than 25% of the residents in the municipality; all households in the municipality would receive the 3rd Class publication; and the 3rd Class publication would cost less than the newspaper of general circulation.

LD 1145 **Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Jacob Abbott House Property Located at the Stevens School Campus in Hallowell** **RESOLVE 60**

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-60
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LD 1145 proposed to authorize the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House and transfer the Reed Auditorium in Hallowell with a suitable amount of land.

Committee Amendment "A" (S-60), proposed to strike and replace the title of the resolve. This amendment also proposed to strike section 3 of the original resolve and to amend the resolve to authorize the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House property in Hallowell with a suitable amount of land. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 60 authorizes the Commissioner of Administrative and Financial Services to sell or lease the Jacob Abbott House property in Hallowell with a suitable amount of land. The resolve is repealed 3 years from its effective date.

LD 1146 **An Act to Give the Legislative Council Discretion in Appointing Members to the Revenue Forecasting Commission** **PUBLIC 2
EMERGENCY**

<u>Sponsor(s)</u> MICHAUD MH BRUNO		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1146, which was not referenced to a standing committee, proposed to change the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature's nonpartisan staff familiar with revenue estimating issues. Under the bill, this new member was to be appointed by the Legislative Council.

Enacted law summary

Joint Standing Committee on State and Local Government

Public Law 2001, chapter 2, which was enacted without reference to a standing committee, changes the composition of the Revenue Forecasting Committee by removing the member who is an analyst from the Office of Fiscal and Program Review and replacing that member with another member of the Legislature’s nonpartisan staff familiar with revenue estimating issues. Under the law, this new member is to be appointed by the Legislative Council.

Public Law 2001, chapter 2 was enacted as emergency legislation effective February 22, 2001.

LD 1153 **An Act to Increase Certain Civil Process Fees** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER MCALEVEY	OTP-A ONTP	

LD 1153 proposed to increase the fee paid to sheriffs and deputy sheriffs by the State for service of certain civil process papers. Under the bill, the fee would increase from \$4 to \$8 for regular service and from \$8 to \$16 for service in hand.

Committee Amendment “A” (H-428), the majority report of the committee, retained the provisions of the bill and additionally proposed to increase from \$1 to \$2 the fee county commissioners are authorized to charge for administrative costs related to service of civil process papers. The amendment also added a fiscal note.

The bill has been carried over to the Second Regular Session of the 120th Legislature by the Appropriations Committee.

LD 1165 **An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors** **PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM MAJ ONTP MIN	S-205

LD 1165 proposed to amend the existing competitive bid system of construction procurement for public improvement projects (except public schools, municipal and county government buildings and DOT projects) to allow the following alternative selection methods—design-build, construction-manager-at-risk and construction-manager-advisor. The bill also proposed to expand the requirements for the prebid qualification of contractors.

Committee Amendment "A" (S-205) proposed several clarifications of the alternative methods to the competitive bid process for delivery for public improvement projects provided in the bill. The amendment established the process for selection of state projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various

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alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. The amendment proposed creation of the Alternative Delivery System Review Panel to advise the bureau on policy making and project selection. The amendment also clarified provisions of the bill regarding qualification of contractors to bid on public improvement projects. As proposed in the amendment, the Bureau of General Services would be permitted to require additional financial information from bidders and qualification to bid could be denied based on a contractor's safety record, material misrepresentation, suspension or default on another contract. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 271 amends the existing competitive-bid system of construction delivery for public construction projects (not including public schools, municipal and county government buildings and DOT projects) to allow alternative delivery methods. The bill permits the Bureau of General Services to use design-build, construction-manager-at-risk and construction-manager-advisor delivery methods. The bureau is also empowered to hire an owner's representative under the competitive bid or any of the alternative delivery methods. Chapter 271 establishes the process for selection of public improvement projects that may be considered for alternative methods of delivery and the requirements for requesting proposals, evaluating the qualifications of bidders and bids under the various alternative methods and conducting appeals from decisions of the Department of Administrative and Financial Services, Bureau of General Services. An Alternative Delivery System Review Panel is established to advise the bureau on policy making and project selection. The law also expands the requirements for prospective bidders to provide information in order to qualify to submit bids on public construction projects.

LD 1176

An Act to Require the State to Purchase the Initial Flags That are Required for Veterans' Grave Sites

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PENDLETON	OTP-AM	H-146 H-265 HATCH

LD 1176 proposed to require the State to distribute flags to municipalities for use on veterans' graves. The proposed distribution of a flag for each grave would be a one-time occurrence. The bill, as amended by Committee Amendment "A" and House Amendment "A," was not removed by the Senate from its Special Appropriations Table and died on adjournment of the First Regular Session.

Committee Amendment "A" (H-146) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-265) proposed that distribution of the flags be undertaken by the Department of Defense, Veterans and Emergency Management through its armories for pick up by the municipalities.

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LD 1177 **An Act to Amend the Laws Governing Election of Somerset County Commissioners** **ONTP**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1177 proposed to amend the current laws governing the election of Somerset County commissioners to permit all of the voters in the county, regardless of the commissioner district in which they reside, to vote for each member of the county commission. Although all eligible voters of the county would be allowed to vote for each commissioner candidate under the bill, the bill would not have dissolved the 3 existing county commissioner districts. Commissioner candidates also would still be required to reside in their respective commissioner districts.

LD 1218 **An Act to Amend the Calculation for Annual County Tax Assessments** **CARRIED OVER**

<u>Sponsor(s)</u> DORR		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1218 proposed to require that when county commissioners in each county apportion the annual county tax that they calculate and assess the cost of non-contracted rural sheriff patrol services in proportion to which those services are provided to each municipality and unorganized territory in that county. The bill would provide additional statutory authority to allow counties and municipalities to discuss and develop funding formulas for the assessment of sheriff patrol costs. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session of the 120th Legislature.

LD 1220 **An Act to Require Notice of Use Changes for State Property** **ONTP**

<u>Sponsor(s)</u> TRAHAN MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1220 proposed that an agency of the State be required to publish a 30-day notice when it intends to change all or part of its use of any real property owned by the State or subject to a long-term lease or right-of-way claim by the State. Under the bill, if 25 or more residents petitioned the agency during the notice period, the change would have been prohibited unless the Legislature approved the change by law.

Joint Standing Committee on State and Local Government

LD 1287

An Act Concerning the Administration of County Government

PUBLIC 349

<u>Sponsor(s)</u> DAVIS P SHERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-231
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LD 1287 proposed to make 3 changes in the administration of county government. First, it proposed to repeal a provision of law that requires a substantial reduction in the pay of county commissioners in counties that hire a county administrator. Second, it proposed to establish the same probationary periods for county employees as those for municipal employees. Third, it proposed to give county commissioners discretion at the beginning of the fiscal year in determining what portion of surplus funds may be used to reduce the tax levy.

Committee Amendment "A" (S-231) proposed to add a new section to the bill that would define "unencumbered surplus funds" and would insert that term in the place of "unexpended balance" and "actual revenue in excess of estimates" in the law governing the use of surplus funds by counties. The amendment also proposed to require counties to consider surpluses from all prior years rather than only the preceding year in complying with the provisions of the laws governing use of surplus funds. It also proposed to clarify the sequence of uses of the county surplus in existing law. The amendment further proposed to increase from 10 percent to 20 percent, phased in over 3 years, the amount of surplus funds a county may retain for purposes other than reducing the amount of the tax levy in a fiscal year. Finally, the amendment proposed to permit counties to make expenditures of \$10,000 or less for the procurement of goods and services through oral proposals or bids. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 349 makes several changes in the administration of county government. The law repeals a provision of law that requires a substantial reduction in the pay of county commissioners in counties that hire a county administrator. It establishes the same probationary periods for county employees as those for municipal employees. The law section defines "unencumbered surplus funds" and inserts that term in the place of "unexpended balance" and "actual revenue in excess of estimates" in the law governing the use of surplus funds by counties. Public Law 2001, chapter 349 also requires counties to consider surpluses from all prior years rather than only the preceding year in complying with the provisions of the laws governing use of surplus funds. It also clarifies the sequence of uses of the county surplus in existing law. The law increases from 10% to 20%, phased in over 3 years, the amount of surplus funds a county may retain for purposes other than reducing the amount of the tax levy in a fiscal year. Finally, the law permits counties to make expenditures of \$10,000 or less for the procurement of goods and services through oral proposals or bids.

Joint Standing Committee on State and Local Government

LD 1328

An Act to Amend the Laws Governing Registers of Deeds

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM MAJ	H-252
KILKELLY	OTP-AM MIN	S-214 YOUNGBLOOD

LD 1328 proposed to set uniform standards for registries of deeds with regard to the size, type and format of documents submitted to registries for recording. The bill also proposed to clarify the recording methods that may be used by registries. This bill also proposed to repeal the sunset of the records preservation surcharge.

Committee Amendment "A" (H-252), which was the majority report, proposed to amend the original bill by making less specific the requirements governing type of paper and style of type for any document submitted to any registry of deeds in the State after October 1, 2003. The amendment also proposed to exempt the Department of the Secretary of State from the provisions regarding certain requirements for documents submitted to a registry and to extend the repeal date to January 1, 2005 for the \$3 per document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry of deeds.

This amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-253), which was the minority report and was not adopted, proposed to amend the original bill by deleting administrative information requirements in subsection 4 of the Maine Revised Statutes, Title 33, section 651-B. It also proposed to make less specific the requirements governing type of paper and style of type for any document submitted to any registry of deeds in the State after October 1, 2003. The amendment also proposed to exempt the Department of the Secretary of State from the provisions of section 2 of this Act and to extend the repeal date to January 1, 2005 for the \$3 per document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry of deeds.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-294) proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-313) also proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording.

The amendment also proposed to correct the exemption subsection of Committee Amendment "A" to reflect that the documents exempted are supplied by the Department of the Secretary of State rather than submitted by that department. This amendment was not adopted.

House Amendment "C" to Committee Amendment "A" (H-322) proposed to remove the provisions in the bill and Committee Amendment "A" that specified the type size and style of documents submitted for recording.

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The amendment also proposed to correct the exemption subsection of Committee Amendment "A" to reflect that the documents exempted are supplied by the Department of the Secretary of State rather than submitted by that department. This amendment was not adopted.

House Amendment "D" to Committee Amendment "A" (H-323) proposed to strike the bill, as amended by Committee Amendment "A," retaining only that provision in the amended bill that proposed to extend the repeal date to January 1, 2005 for the document records preservation surcharge. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-214) proposed to strike the bill, as amended by Committee Amendment "A," retaining only that provision in the bill as amended that proposed to extend the repeal date to January 1, 2005 for the document records preservation surcharge.

Enacted law summary

Public Law 2001, chapter 317 extends to January 1, 2005 the repeal date for the \$3 document records preservation surcharge that a register of deeds may collect for all documents recorded in the registry.

LD 1336 **Resolve, to Create Health Days in Maine** **ONTP**

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

LD 1336 proposed to direct the Department of Human Services, Bureau of Health to create a Health Days in Maine program to promote strategies for healthier living by Maine residents and authorize the program to be funded by the Fund for a Healthy Maine.

LD 1356 **An Act to Exempt Municipalities from Having to Zone for Mobile Home Parks** **ONTP**

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

LD 1356 proposed to exempt a municipality from setting aside 10 percent of new residential development for affordable housing if the percentage of housing that is affordable in that municipality exceeds the average percentage of affordable housing for municipalities in the State.

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LD 1387 **An Act to Require the Secretary of State to Make Available at Cost the Laws of Maine on CD-ROM** **ONTP**

<u>Sponsor(s)</u> MICHAEL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1387 proposed to require the Secretary of State to make the Maine Revised Statutes available to the public on CD-ROM at cost.

LD 1388 **An Act to Protect Maine Land Titles by Bringing Finality to Zoning and Subdivision Decisions of Municipalities and the Maine Land Use Regulation Commission** **ONTP**

<u>Sponsor(s)</u> RICHARDSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1388 proposed to provide that subdivision decisions made by a municipality or by the Maine Land Use Regulation Commission are final and are not subject to judicial review. The bill also proposed that the issuance of a building permit creates a conclusive presumption that the lot in question does not create an unapproved subdivision provided that 30 days have elapsed since the issuance of the permit and written notice of the permit application was given to abutters, mortgagors and lien holders. At the public hearing, the sponsor offered an amendment to the bill that would have eliminated the provision that subdivision decisions not be subject to judicial review.

LD 1430 **An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions** **ONTP**

<u>Sponsor(s)</u> GLYNN BROMLEY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1430 proposed to amend current planning law that requires a joint review by the planning boards in abutting municipalities whenever a proposed subdivision crosses a municipal boundary unless this hearing is waived by the municipalities. Under LD 1430, a joint review also could be requested by an abutting municipality when a proposed subdivision is situated within 1,000 feet of the abutting municipality and is reasonably expected to affect traffic, infrastructure, storm water flow or drainage, the environment or the delivery of municipal services in the abutting municipality. Additionally, the bill proposed to clarify that when a joint review is conducted, the applicant must meet all applicable requirements in the local laws and regulations of both municipalities.

Committee Amendment "A" (H-237), which was the minority report and was not adopted, proposed to strike the text of the original bill. The amendment also proposed to require that the municipality in which a proposed subdivision is located provide notice to property owners in a neighboring municipality when the proposed

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subdivision is to be located within 200 feet of the boundary line of that neighboring municipality. It also proposed to require that property owners and residents of the neighboring community who have been given notice be permitted to participate in any public hearing of the reviewing authority to the same extent as property owners and residents of the reviewing authority's municipality. The amendment also proposed to allow the reviewing authority to consider development-related impacts on the abutting municipality in its review of the subdivision application. It also proposed to add a fiscal note to the bill.

LD 1444

An Act to Enhance Local Accountability

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	ONTP A OTP-AM B OTP-AM C	

LD 1444 proposed to repeal the State's growth management program and to direct the Director of the State Planning Office and the Commissioner of Economic and Community Development to jointly report in January of 2002 to the Joint Standing Committee on State and Local Government with a list and description of all state laws and rules that impose planning mandates on towns. The bill also required the Joint Standing Committee on State and Local Government to report a bill to the Second Regular Session of the 120th Legislature that would repeal all the mandates identified in that report, by other persons or by the committee.

Committee Amendment "A" (H-453), which was a minority report of the Joint Standing Committee on State and Local Government and was not adopted, proposed to replace the bill. The amendment proposed to target the resources for growth management by establishing that all municipal requirements placed on municipalities by the growth management laws would be strictly voluntary for those municipalities that experience less than average residential growth rates over the last 10-year period according to U. S. Census data. The amendment also proposed that penalties, sanctions or preemptions of home rule authority that may be part of the growth management laws also would not apply to those municipalities, except that the system of preference for certain state-administered grants would continue to apply to all municipalities. The amendment also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-454), which was not adopted, also was a minority report of the Joint Standing Committee on State and Local Government. It proposed to add an appropriation section and a fiscal note to the original bill.

LD 1445

An Act to Allow a Legislator to Opt Out of the Partisan Staff System

**NOT PROPERLY
BEFORE BODY**

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

LD 1445, which was suggested for referral to the Joint Standing Committee on State and Local Government, proposed to allow a Legislator to decline the services of partisan staff and receive a pro rata share of the budgeted costs of the partisan offices to be used directly by the Legislator for constituent services. The bill would have taken

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effect December 1, 2002. Both the Speaker of the House and the President of the Senate ruled that the bill, which was not referred to a committee, was not properly before the bodies.

LD 1448 **An Act to Designate a Day of Reflection and Tolerance** **ONTP**

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

LD 1448 proposed to designate May 17th of each year as Diversity Day.

LD 1452 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide for the Popular Election of the Constitutional
Officers and State Auditor** **ONTP**

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

LD 1452 proposed to amend the Constitution of Maine to provide for direct popular election of the State's constitutional officers and the State Auditor in the manner currently provided for Senators and Representatives.

LD 1523 **An Act to Preserve the Right to Air-dry Laundry** **ONTP**

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

LD 1523 proposed to prohibit a municipality or person from passing or imposing an ordinance, covenant, contract provision, rule, regulation or restriction that would prohibit the hanging of laundry outdoors except for reasonable health or safety purposes.

House Amendment "A" (H-184), which was not adopted, proposed to remove the provision in the original bill that barred a municipality from prohibiting the hanging of laundry outdoors.

Joint Standing Committee on State and Local Government

LD 1549

An Act to Amend the Organization of Washington County Government

CARRIED OVER

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

LD 1549 proposed to direct the county commissioners in Washington County to report to the Joint Standing Committee on State and Local Government by January 1, 2002 with a plan for hiring a county administrator and increasing the number of county commissioner districts from 3 to 5 in Washington County. The Joint Standing Committee on State and Local Government voted to carry over the bill to the Second Regular Session of the 120th Legislature.

LD 1578

An Act to Clarify the Laws Governing Employment by the State

PUBLIC 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM	S-109

LD 1578 proposed to amend the conflict of interest law to provide that an executive employee receiving outside remuneration for doing something that would reasonably be viewed as part of the employee's job would be a conflict of interest and subject to a civil forfeiture.

Committee Amendment "A" (S-109) proposed to amend the bill to permit receipt of reasonable travel expenses from an outside source. The amendment also added a new section to the bill that prohibits a state employee having a beneficial interest in an entity that is contracting with the state agency that employs that employee. The amendment proposed a specific procedure for the granting of exemptions from the statutory rule contained in the amendment, subject to a right of appeal after notice by any other parties who have bid on the contract in question. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 203 amends the law regarding conflict of interest for state employees in 2 ways. First, it prohibits a state employee from receiving remuneration, other than reasonable travel expenses, for performing a function (such as speaking at a seminar) that would reasonably be viewed as part of the employee's job. Second, chapter 203 prohibits a state employee from having a beneficial interest in any entity that is contracting with the state agency that employs that employee. Certain exemptions are provided to the general prohibition.

Joint Standing Committee on State and Local Government

LD 1586

An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON DAVIS G		

LD 1586 proposed to separate a parcel of property from the Town of Falmouth and annex it to the City of Portland. The property proposed for annexation is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. The property abuts other property under the same ownership in the City of Portland. The turnpike spur represents a substantial barrier to the provision of municipal services such as sewer, water and roads by the Town of Falmouth. The Joint Standing Committee on State and Local Government voted to carry over the bill until the Second Regular Session pending the outcome of negotiations among the parties involved in the annexation.

LD 1633

An Act to Clarify Rights of Retainage in Public Construction Contracts

ONTP

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

LD 1633 proposed to replace the current law authorizing retention of part of the contract price (retainage) for any public improvement contract. Under the change proposed in this bill, the process allows a 5% retainage until substantial completion of the work, at which time the public owner and the contractor develop a punch list of incomplete and unsatisfactory work. After that, 1 1/2 times the value of the punch list work may be retained by the owner and must be reduced proportionately as punch list work is completed.

The Senate initially adopted the Committee Amendment and the Senate Amendment to the Committee Amendment but later receded and concurred with the House, which adopted the majority ONTP report.

Committee Amendment "A" (S-245) was the minority report of the committee and proposed to alter the system of retainage of funds on public construction projects established in the bill by:

1. Adding the architect to the list of those who inspect the project at the substantial compliance stage and prepare the punch list of unsatisfactory work;
2. Increasing the amount of retainage that may be held after substantial compliance to 3 times the value of the punch list items; and
3. Establishing a limit of 60 days after creation of the punch list during which the contractor must make the changes on the list. After that time, the owner may keep the retainage if the punch list items are not completed while the contractor is still obligated to complete the punch list.

Joint Standing Committee on State and Local Government

The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-267) proposed to clarify that the payment of retainage for punch list work is to be made in accordance with the contract schedule. It also proposed to require that these provisions apply to contracts entered into on or after the effective date of this legislation. This amendment was not adopted.

LD 1667 **Resolve, to Approve Conceptual Elements of the Augusta State Facilities Master Plan** **RESOLVE 34**

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

LD 1667 proposed legislative approval of the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the Capitol Area and to require that any necessary modifications in the plan be submitted to the Legislature for approval every 2 years.

Enacted law summary

Resolve 2001, chapter 34 adopts the Augusta State Facilities Master Plan developed by the Capitol Planning Commission as the official master plan for the development of state buildings and grounds in the Capitol Area. Future construction projects in the Capitol Area must be consistent with the master plan. The commission must report to the Legislature every 2 years on recommendations for changes in the master plan.

LD 1673 **An Act to Restructure the Kennebec County Advisory Budget Committee** **PUBLIC 172**

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

LD 1673 proposed to amend the structure of the Kennebec County Advisory Budget Committee. The bill proposed to allow non-elected municipal officials to be members of the budget committee. Existing law only allows municipal officers, or elected town officials, to serve on the county budget advisory committee.

Enacted law summary

Public Law 2001, chapter 172 amends the structure of the Kennebec County Budget Committee. The law allows nonelected municipal officials to be elected members of the county budget committee.

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LD 1678 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission** **CARRIED OVER**

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

LD 1678 proposed to amend the Constitution of Maine to establish the Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The constitutional resolution proposed that the 5 members of the commission – none of whom could be legislators, lobbyists or lobbyist employers at the time of the appointment -- be appointed by the Governor with at least one from each of the 2 major political parties. The resolution proposed that the commission's recommendations automatically take effect for the next legislative session unless the Legislature enacts legislation specifically overriding the commission's recommendations.

This resolution has been carried over to the Second Regular session of the 120th Legislature.

LD 1748 **An Act to Implement Recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-501

LD 1748 represents the recommendations of the Commission to Study Economically and Socially Just Policies for Foreign Investments and Foreign Purchasing by the State. This bill proposed to require suppliers of goods and services for the State to sign an affidavit that they have complied with the state purchasing code of conduct in order to be considered in the competitive bidding process. It would have required the State Purchasing Agent to provide resources to bidders to assist them with compliance with the code of conduct. The proposed code of conduct consisted of a statement of the State's belief in the importance of doing business with companies that follow economically and socially just practices, a list of required business practices and a list of required employment practices for suppliers. The bill proposed that the State Purchasing Agent adopt rules governing the award of bids and to report annually to the joint standing committee having jurisdiction over state and local government matters. It also proposed to amend the commission's implementing legislation to require the commission to meet in September and October 2002 to assess the implementation of its recommendations and to create a new commission to study and establish economically and socially just policies for foreign investment by the State.

Committee Amendment "A" (H-501) was the majority report of the Joint Standing Committee on State and Local Government. It proposed clarifications to the application of the state purchasing code of conduct established in the bill. As amended, the code would have covered purchases by the State Purchasing Agent on behalf of state agencies only for footwear, apparel and textiles valued at over \$2,500 under the state competitive bidding law. The amendment also proposed to revise the statement of belief that is the basis for the purchasing code and that is part of the affidavit required from bidders in the bill. The amended statement of belief would have more clearly stated to potential bidders on covered state contracts the harm to Maine businesses and workers caused by competition from

Joint Standing Committee on State and Local Government

vendors and suppliers who fail to meet the basic tenets of ethical business and employment practices. The amendment also clarified that the code applies only to vendors wishing to contract with the State for covered goods. It would have required those businesses to sign an affidavit that they and, to the best of their knowledge, their suppliers at the point of assembly comply with local laws and with any applicable treaty obligations in the production of goods being offered for sale to the State. Should the State Purchasing Agent based on reliable information determine that a violation of the code has occurred, the amendment proposed that the agent continue the contract but to work cooperatively with the vendor to cure the vendor's or a supplier's violations. The amendment would have provided an ongoing exemption from the requirements of the bill if the State Purchasing Agent finds that needed goods covered by the law are available only from a vendor who is not in compliance with the code.

The amendment also proposed changes in the membership of the commission established in the bill to study ethical foreign investment practices by the State and added an appropriation section and fiscal note to the bill.

The bill, as amended, died on the Appropriations Table but was included without the report back by the old commission and the study of foreign investment in the Part II Budget, Public law 2001, Chapter 439, Part NNNN.

LD 1759

An Act to Define the Responsibilities of the Chief Information Officer and to Make Membership Changes on Technical Boards

PUBLIC 388

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-232
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LD 1759 proposed to establish in statute the position of Chief Information Officer and the Office of Chief Information Officer. The CIO holds the lead information technology position in the executive branch and is responsible for directing, coordinating and overseeing information technology planning, policy-making, architecture and standardization for State Government. Specifically the bill proposed to:

1. Add the CIO to the membership list of several existing boards and commissions usually replacing the Commissioner of DAFS;
2. Amend current DAFS law to account for the existence of the new CIO position;
3. Repeal several functions previously performed by the Bureau of Information Services;
4. Define the responsibilities of the CIO, including responsibilities formerly assigned to BIS; and
5. Repeal current conformance and misuse of State Government computer system laws and reenact them under the new CIO law.

Committee Amendment "A" (S-232) proposed to clarify the title of the bill and spell out that the responsibilities of the chief information officer with respect to information technology advocacy do not extend to the legislative and judicial branches of State Government. The chief information officer acts as a liaison to the judicial and legislative branches for information technology purposes.

Enacted law summary

Joint Standing Committee on State and Local Government

Public Law 2001, chapter 388 establishes in statute the position of Chief Information Officer and the Office of Chief Information Officer within the Department of Administrative and Financial Services and clarifies the role and responsibilities of the CIO. Several new information technology responsibilities are assigned to the CIO and some duties formerly performed by the Director of the Bureau of Information Services are transferred to the CIO. The CIO is to act as advocate and coordinator in the area of information technology within the Executive Branch of State Government and as liaison to the Judicial and Legislative Branches.

LD 1766 **Resolve, to Authorize the Northern Maine Technical College to Transfer .26 Acres of Land to the City of Presque Isle to Ensure Road Safety** **RESOLVE 35**

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

LD 1766 proposed to authorize the transfer of approximately .26 acres of land owned by the Northern Maine Technical College to the City of Presque Isle. The transfer would allow the city to realign a roadway abutting the NMTC campus to ensure safer flow of traffic on that roadway.

Enacted law summary

Resolve 2001, chapter 35 authorizes the transfer of approximately .26 acres of land by the Northern Maine Technical College to the City of Presque Isle. The transfer allows the city to realign a roadway abutting the NMTC campus to ensure safer flow of traffic on that roadway.

LD 1772 **Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001** **RESOLVE 19
EMERGENCY**

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

LD 1772, which was a committee bill pursuant to Joint Order H.P. 1247, proposed the laying of the county taxes and authorizing expenditures of Kennebec County for the year 2001.

Senate Amendment "A" (S-108), which was not adopted, proposed to add \$3,000 for membership in the Kennebec Valley Council of Governments.

Enacted law summary

Resolve 2001, chapter 19 authorizes the laying of the county taxes and authorizes expenditures of Kennebec County for the year 2001.

Resolve 2001, chapter 19 was finally passed as an emergency measure effective May 14, 2001.

Joint Standing Committee on State and Local Government

LD 1773

An Act to Revise the Salaries of Certain Kennebec County Officers

**PUBLIC 161
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1773 was a committee bill pursuant to Joint Order H.P. 1247. It proposed to increase the salaries of certain county officers in Kennebec County for the 2001 fiscal year. The proposed salary increases would apply retroactively to January 1, 2001.

Enacted law summary

Public Law 2001, chapter 161 increases the salaries of certain county officers in Kennebec County retroactively to January 1, 2001.

Public Law 2001, chapter 161 was enacted as an emergency measure effective May 14, 2001.

LD 1795

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale or Lease to the Warren Sanitary District the State's Interests in Certain Real Property in the Town of Warren in Connection with the Construction of the Maine State Prison at Warren

RESOLVE 61

Sponsor(s)
SAVAGE C

Committee Report
OTP-AM

Amendments Adopted
S-233

LD 1795 proposed to authorize the Commissioner of Administrative and Financial Services to convey interests in state property that is part of the Bolduc Correctional Facility to the Warren Sanitary District.

Committee Amendment "A" (S-233), which was adopted, proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 61 authorizes the Commissioner of Administrative and Financial Services to convey interests in state property that is part of the Bolduc Correctional Facility to the Warren Sanitary District. The resolve is repealed 3 years from its effective date.

Joint Standing Committee on State and Local Government

LD 1806

An Act to Repeal Certain Boards and Commissions

PUBLIC 352

Sponsor(s)

Committee Report

Amendments Adopted

LD 1806, which was a committee bill pursuant to Joint Order H.P. 1208, proposed to repeal the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 1999 and 2000 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Interstate Cooperation, the Maine Area Health Education Centers Advisory Commission, the Child Welfare Advisory Committee and the State Advisory Council on Labor. It also proposed to exempt the Board of Emergency Municipal Finance, the Petroleum Advisory Committee and the Facility Siting Board from the annual reporting provisions of the Maine Revised Statutes, Title 5, section 12005-A except for any calendar year in which those bodies meet.

Enacted law summary

Public Law 2001, chapter 352 repeals the following boards and commissions that failed to file an annual report of activities with the Secretary of State for 1999 and 2000 or that filed annual reports with the Secretary of State indicating inactivity in the preceding 24 months: Commission on Interstate Cooperation, the Maine Area Health Education Centers Advisory Commission, the Child Welfare Advisory Committee and the State Advisory Council on Labor. The law also exempts the Board of Emergency Municipal Finance, the Petroleum Advisory Committee and the Facility Siting Board from the annual reporting provisions of the Maine Revised Statutes, Title 5, section 12005-A except for any calendar year in which those bodies meet.

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Joint Standing Committee on Transportation

LD 31

An Act to Eliminate the Fee for Veterans Registration Plates

PUBLIC 444

<u>Sponsor(s)</u> DAVIS P STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-81
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LD 31 proposed to eliminate the one-time additional fee of \$5 for special veterans registration plates.

Committee Amendment “A” (S-81) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 444 eliminates the one-time additional fee of \$5 for special veterans registration plates.

LD 44

An Act to Prohibit the Removal or Destruction of Street Signs

ONTP

<u>Sponsor(s)</u> HEIDRICH BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 44 proposed to prohibit the removal or destruction of street signs. The bill also proposed to make the removal or destruction of street signs a Class E crime.

LD 45

An Act to Prohibit the Collection of Tolls on the Maine Turnpike Over Labor Day Weekend

ONTP

<u>Sponsor(s)</u> MAYO MCALEVEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 45 proposed to prohibit the Maine Turnpike Authority from collecting tolls at the Exit 1 York tollbooth on the Maine Turnpike for southbound traffic on the Sunday preceding Labor Day and Labor Day.

Joint Standing Committee on Transportation

LD 46 **An Act to Allow Funeral Escort Vehicles in a Funeral Procession to be Equipped with Flashing Yellow Lights** **PUBLIC 10**

<u>Sponsor(s)</u> MAYO SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-10
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LD 46 proposed to allow funeral escort vehicles in a funeral procession to be equipped with flashing purple lights.

Committee Amendment "A" (H-10) proposed to allow a vehicle in a funeral procession to be equipped with a flashing yellow light.

Enacted law summary

Public Law 2001, chapter 10 allows a vehicle in a funeral procession to be equipped with a flashing yellow light.

LD 67 **An Act to Create an Emergency Medical Technician License Plate** **ONTP**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 67 proposed to create a license plate for emergency medical technicians.

LD 74 **An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title** **PUBLIC 18**

<u>Sponsor(s)</u> BELANGER KNEELAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-14
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LD 74 proposed to add the manufacturer's suggested retail price as described in the Maine Revised Statutes, Title 36, section 1482, subsection 4, paragraph A to the list of information that must be included in a certificate of title prepared for a new motor vehicle at the time of first sale.

Committee Amendment "A" (H-14) proposed to add the manufacturer's suggested retail price as required information to be included on the application to the Secretary of State for a certificate of title for a new vehicle and the certificate of title. It proposed an effective date of January 1, 2002 for this requirement. If a vehicle is used and purchased before the effective date or used and purchased in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application and the certificate of title if it appears on the original certificate of title document.

Joint Standing Committee on Transportation

Enacted law summary

Public Law 2001, chapter 18 adds the manufacturer's suggested retail price as required information to be included on the application to the Secretary of State for a certificate of title for a new vehicle and the certificate of title. It establishes an effective date of January 1, 2002 for this requirement. If a vehicle is used and purchased before the effective date or used and purchased in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application and the certificate of title if it appears on the original certificate of title document.

LD 78 **An Act to Clarify the Authority of Counties and Municipalities to Restrict Travel Over Local Roads Based on Gross Registered Vehicle Weight** **ONTP**

<u>Sponsor(s)</u> PINEAU WOODCOCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 78 proposed to clarify the authority of county commissioners and municipal officers to restrict vehicle travel over public ways, other than state and state aid highways and bridges, based solely on gross registered vehicle weight.

LD 84 **An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and EMS Personnel** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 84 proposed to permit municipal and volunteer firefighters and emergency medical services personnel to use a siren and flashing red, white and amber lights on a personal vehicle while en route to or at the scene of a fire or other emergency. It also proposed to provide that such vehicles would be covered by the rules of operation applying to authorized emergency vehicles. The bill also would have added requirements that should be met before a person could use a siren and flashing light on a personal vehicle.

LD 89 **An Act to Eliminate the Requirement That a Person Provide a Social Security Number for a Driver's License** **ONTP**

<u>Sponsor(s)</u> CLOUGH MCALEVEY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 89 proposed to remove the requirement that the Secretary of State collect, store and verify a person's social security number upon application or renewal for a noncommercial license or a nondriver identification card number.

Joint Standing Committee on Transportation

Committee Amendment "A" (H-218), the committee minority report, proposed to add a fiscal note to the bill.

LD 95 **An Act to Prohibit the Use of Handheld Devices While Operating a Motor Vehicle** **ONTP**

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 95 proposed to prohibit a person from using a handheld electronic device while operating a motor vehicle unless the person is a law enforcement or safety officer, the driver of an authorized emergency vehicle, the holder of a commercial driver's license who is driving within the scope of the holder's employment or public transit personnel. The bill also proposed to make the offense a traffic infraction.

LD 99 **Resolve, to Name Route 302 the 10th Mountain Division Highway** **RESOLVE 27**

<u>Sponsor(s)</u> DAVIS G ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-219
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LD 99 proposed to name that section of Route 302 that runs between Portland and Fryeburg the 10th Mountain Division Highway.

Committee Amendment "A" (H-219) replaced the resolve and proposed to require the Department of Transportation to designate the part of Route 302 that starts in the City of Portland and continues through the Town of Fryeburg the "10th Mountain Division Highway." This designation would not change or otherwise affect any other names that municipalities may have adopted for this part of Route 302.

Enacted law summary

Resolve 2001, chapter 27 requires the Department of Transportation to designate the part of Route 302 that starts in the City of Portland and continues through the Town of Fryeburg the "10th Mountain Division Highway." This designation may not change or otherwise affect any other names that municipalities may have adopted for this part of Route 302.

LD 102 **An Act to Restrict the Use of Handheld Telephones while Driving** **ONTP**

<u>Sponsor(s)</u> BOUFFARD LEMONT		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 102 proposed to prohibit a person from using a handheld telephone while operating a motor vehicle if the operator holds the telephone in the operator's hand while driving. The bill also proposed to make the offense a traffic infraction.

Joint Standing Committee on Transportation

Committee Amendment "A" (H-38), was the minority report and would have replaced the bill. The amendment proposed to clarify the offense of using a handheld telephone while operating a motor vehicle. The amendment also proposed to specify that law enforcement officers, corrections officers and firefighters; drivers of authorized emergency vehicles; holders of commercial driver's licenses; public transit personnel; municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, could use handheld telephones while driving within the scope of their employment.

LD 113 **An Act to Remove the Weight Limit Restrictions on Vanity Registration Plates** **PUBLIC 34**

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-15
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LD 113 proposed to remove the weight limit restrictions on the issuance of motor vehicle vanity registration plates.

Committee Amendment "A" (H-15) proposed to specify that the Secretary of State may not issue vanity plates for commercial truck tractors, long-term trailers and apportioned registrations under the International Registration Plan.

Enacted law summary

Public Law 2001, chapter 34 removes the weight limit restrictions on the issuance of motor vehicle vanity registration plates but specifies that the Secretary of State may not issue vanity plates for commercial truck tractors, long-term trailers and apportioned registrations under the International Registration Plan.

LD 114 **Resolve, Requiring that the Waldo-Hancock Bridge be Replaced** **ONTP**

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 114 proposed to require the Department of Transportation to replace the Waldo-Hancock Bridge.

LD 116 **Resolve, to Create a Turnpike Exit 9 Pass** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 116 proposed to direct the Maine Turnpike Authority to provide a waiver for travelers entering the Turnpike at Exit 8 or 10 and exiting at Exit 9. As proposed, travelers would have paid the toll at Exit 8 and 10, and upon request, would have received a pass to use Exit 9 at no charge.

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LD 140 **An Act to Require the Commissioner of Transportation to Accelerate Repairs that Improve Access Roads to Rural Areas of the State** **ONTP**

<u>Sponsor(s)</u> BUNKER MICHAUD MH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 140 proposed to require the Commissioner of Transportation to give priority to policies and plans that accelerate repairs to improve access to rural areas of the State.

LD 148 **Resolve, Directing the Department of Transportation to Place Signs for Chamberlain Freedom Park on Existing Signposts on Interstates 95 and 395** **ONTP**

<u>Sponsor(s)</u> LEDWIN YOUNGBLOOD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 148 proposed to direct the Department of Transportation to erect signs identifying the location of the Chamberlain Freedom Park.

LD 155 **Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities** **ONTP**

<u>Sponsor(s)</u> RINES KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 155 proposed to require the State to reimburse to municipalities, by December 31, 2001, the State's share of the costs of salt and sand storage facilities that were constructed by municipalities and approved by the Department of Transportation prior to January 1, 2001.

LD 167 **An Act to Provide Funding for Route 1 Road Construction from Topsfield to Houlton** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 167 proposed to allocate \$10,000,000 from the Highway Fund in fiscal year 2001-02 for the reconstruction of Route 1 from Topsfield to Houlton.

Joint Standing Committee on Transportation

LD 176

An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes

PUBLIC 14

<u>Sponsor(s)</u> POVICH DAVIS P	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 176 proposed to provide for the revocation of a person's license upon conviction for the crimes of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct, attempts thereat or revocation of a juvenile's license upon adjudication of a juvenile for a similar juvenile offense if the crime involved a motor vehicle.

Enacted law summary

Public Law 2001, chapter 14 provides for the revocation of a person's license upon conviction for the crimes of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct, attempts thereat or revocation of a juvenile's license upon adjudication of a juvenile for a similar juvenile offense if the crime involved a motor vehicle.

LD 212

An Act to Improve Child Care Funding

ONTP

<u>Sponsor(s)</u> LONGLEY MENDROS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 212 proposed to establish the Child Care Fund and the "Start ME Right" special registration plate, under which \$14 of the registration fee would be dedicated to the improvement of child care programs.

LD 220

An Act to Establish a Light Trailer Transporter Plate and License

PUBLIC 149

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-136 FISHER S-17
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LD 220 proposed to establish a transporter plate and license to allow a business to transport an unregistered light trailer. A light trailer is a trailer or semitrailer with an unladen gross weight of 3,000 pounds or less.

Committee Amendment "A" (S-17) replaced the bill and proposed to establish a light trailer transit plate and license to allow a business to transport an unregistered light trailer.

House Amendment "A" to Committee Amendment "A" (H-136) proposed that a business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers may apply for a trailer transit license and plate. Issuance of a trailer transit license and plate would not exempt the holder from compliance with any state law or municipal ordinance governing the movement of light trailers over the highways of this State. A light trailer could be transported with a trailer transit plate only if the business owner or an employee of the

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business accompanies the vehicle transporting the light trailer. Trailer transit licenses would be exempt from the provision of law that governs the term of a dealer license.

Enacted law summary

Public Law 2001, chapter 149 establishes a light trailer transit plate and license to allow a business to transport an unregistered light trailer. A light trailer may be transported with a light trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

LD 250 **An Act to Maintain Moosehead Trail Signs** **ONTP**

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

LD 250 proposed to require that the Department of Transportation conduct routine maintenance on signs designating the Moosehead Trail before Memorial Day of each year. The Moosehead Trail consists of the highway beginning in Belfast at the junction of U.S. Route 1 and Route 3, Route 7 to Newport and Dexter, Route 23 to Sangerville to the junction of Route 15 in Guilford, Route 15 to Greenville and Jackman and ending at the junction of Route 15 and U.S. Route 201.

LD 278 **Resolve, to Change the Name of the Maine Turnpike to the Ronald Reagan Highway** **ONTP**

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

LD 278 proposed to rename the Maine Turnpike the Ronald Reagan Highway.

LD 302 **An Act to Designate the Ryefield Bridge an Historic Bridge** **PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT HEIDRICH	OTP-AM	S-9

LD 302 proposed to add the Ryefield Bridge in Harrison and Otisfield to the list of historic bridges for which the State assumes the cost and responsibility for management, maintenance and rehabilitation.

Committee Amendment “A” (S-9) proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 455 adds the Ryefield Bridge in Harrison and Otisfield to the list of historic bridges for which the State assumes the cost and responsibility for management, maintenance and rehabilitation.

LD 306 **An Act to Authorize a Registered Maine Guide Registration Plate** **ONTP**

<u>Sponsor(s)</u> DUNLAP KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 306 proposed to authorize the Secretary of State to issue through the Maine Environmental Trust Fund program a registration plate design depicting the registered Maine guide insignia.

LD 312 **An Act to Modernize the Laws Regarding Bicycle Safety** **PUBLIC 148**

<u>Sponsor(s)</u> KOFFMAN SAWYER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-177
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LD 312 proposed to change the general definition of "bicycle" in the Maine Revised Statutes, Title 29-A, to be consistent with the definition in the Bicycle Safety Education Act. The bill proposed to clarify that bicycle operators are permitted to travel on paved shoulders and that bicycle operators are required to replace their hands on the handlebars after signaling a turn but before turning. Finally, the bill proposed to require the Chief of the State Police to develop new rules for the use of lights and reflectors.

Committee Amendment "A" (H-177) proposed to change the general definition of "bicycle" in the Maine Revised Statutes, Title 29-A to be consistent with the definition of the Bicycle Safety Education Act. The amendment proposed to clarify that bicycle operators are permitted to travel on paved shoulders and that bicycle operators may replace their hands on the handlebars after signaling a turn. The amendment would update the statutes regarding night equipment to reflect current equipment and practices. Finally, the amendment proposed to clarify that vehicles must yield to bicyclists when making right turns.

Enacted law summary

Public Law 2001, chapter 148 changes the general definition of "bicycle" in the Maine Revised Statutes, Title 29-A to be consistent with the definition of the Bicycle Safety Education Act. It clarifies that bicycle operators are permitted to travel on paved shoulders and that bicycle operators may replace their hands on the handlebars after signaling a turn. The law updates the statutes regarding night equipment to reflect current equipment and practices. It also clarifies that vehicles must yield to bicyclists when making right turns.

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LD 317

**An Act to Clarify the Maine Turnpike Authority's Power
Regarding Confidentiality of Information**

PUBLIC 158

<u>Sponsor(s)</u> SAVAGE C FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-10
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LD 317 proposed to clarify that the Maine Turnpike Authority has the same power the Department of Transportation has to keep certain information relating to negotiations for the purchase of property confidential for a limited time.

Committee Amendment "A" (S-10) proposed to clarify that the bill refers to the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority. It also clarifies that records relating to property negotiations must be open for public inspection after 9 months following the project completion date according to the record of the department or authority.

Enacted law summary

Public Law 2001, chapter 158 clarifies that the Maine Turnpike Authority has the same power the Department of Transportation has to keep certain information relating to negotiations for the purchase of property confidential for a limited time.

LD 332

An Act to Require Seat Belts on School Buses

ONTP

<u>Sponsor(s)</u> PENDLETON MURPHY E	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 332 proposed to require that new school buses purchased after January 1, 2002 must be equipped with safety seat belts for use by all passengers.

LD 333

**An Act to Allow the Maine Turnpike Authority to Construct
Communications Facilities**

PUBLIC 41

<u>Sponsor(s)</u> SAVAGE C FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-11
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LD 333 proposed to authorize the Maine Turnpike Authority to construct and install, on the property constituting the turnpike, communications facilities and equipment for the authority's use, the use of others or both. The authority would be authorized to lease its property for the construction and installation of communications facilities and equipment.

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Committee Amendment "A" (S-11) proposed to clarify that any communications tower constructed, acquired, installed, maintained or reconstructed by the Maine Turnpike Authority within turnpike property will be solely for the use of the authority.

Enacted law summary

Public Law 2001, chapter 41 authorizes the Maine Turnpike Authority to construct and install, on the property constituting the turnpike, communications facilities and equipment for the authority's use, the use of others or both. The authority is authorized to lease its property for the construction and installation of communications facilities and equipment. Any communications tower constructed, acquired, installed, maintained or reconstructed by the Maine Turnpike Authority within turnpike property will be solely for the use of the authority.

LD 340 **An Act to Create a Sportsman's License Plate** **ONTP**

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 340 proposed to authorize the issuance of a special sportsman's registration plate that would fund sportsmen's special programs within the Department of Inland Fisheries and Wildlife.

LD 362 **An Act to Exempt Current Property Owners from Fees for Existing Rights-of-Way Across Train Lines** **ONTP**

<u>Sponsor(s)</u> RICHARDSON EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 362 proposed to prohibit railroad corporations from collecting maintenance and insurance fees from property owners using rights-of-way on private crossings prior to the effective date of this bill.

LD 377 **An Act to Consolidate Forms Used in the Course of Automobile Sales** **ONTP**

<u>Sponsor(s)</u> ASH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 377 proposed to require the Secretary of State to provide a single form containing a temporary registration plate registration, an application for the certificate of title and a receipt for sales tax collected from the sale of a motor vehicle.

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LD 378

An Act to Allow Individuals with Disability Registration Plates or Placards to Park Where There is a Parking Meter Without a Charge

PUBLIC 151

<u>Sponsor(s)</u> ANDREWS LEMONT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-83
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LD 378 proposed to allow any vehicle exhibiting a valid disability registration plate or placard to park at a meter free of charge.

Committee Amendment "A" (H-83) replaced the bill and proposed to allow any vehicle exhibiting a valid disability registration plate or placard to park at a parking meter free of charge for up to twice the time limit allowed.

Enacted law summary

Public Law 2001, chapter 151 allows any vehicle exhibiting a valid disability registration plate or placard to park at a parking meter free of charge for up to twice the time limit allowed.

LD 408

An Act to Expand the Jurisdiction of the Maine Turnpike Authority to Include an East-west Highway

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 408 proposed to require the Maine Turnpike Authority to construct, maintain and operate a 4-lane toll highway from a point in or near Bangor in Penobscot County through Calais in Washington County to a point at or near the Canadian border.

LD 411

An Act to Enforce the Speed Limit at Toll Plaza Approaches on the Maine Turnpike

ONTP

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 411 proposed to require the Maine Turnpike Authority to establish a civil violation schedule for persons who exceed the speed limit at toll plazas or approaches to toll plazas.

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LD 443

**An Act to Increase the Penalty for Misuse of Placards or
Registration Plates for Handicapped Motor Vehicle Operators**

PUBLIC 77

<u>Sponsor(s)</u> CLOUGH SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-84
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LD 443 proposed to require that a removable windshield placard belonging to a person with a disability contain the person's name.

Committee Amendment "A" (H-84) replaced the bill and proposed to raise the penalty for the unauthorized use of disability registration plates or a windshield placard from \$100 to not less than \$100 nor more than \$500.

Enacted law summary

Public Law 2001, chapter 77 raises the penalty for the unauthorized use of disability registration plates or a windshield placard from \$100 to not less than \$100 nor more than \$500.

LD 463

**An Act to Authorize the Department of Transportation to Locate
and Construct Railroad Lines**

PUBLIC 74

<u>Sponsor(s)</u> SAVAGE C FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-46
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LD 463 proposed to authorize the Department of Transportation to locate and construct railroad lines.

Committee Amendment "A" (S-46) added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 74 authorizes the Department of Transportation to locate and construct railroad lines.

LD 492

**An Act to Reimburse Communities that have Constructed Sand
and Salt Sheds and are Rated Priority 1 or 2**

INDEF PP

<u>Sponsor(s)</u> NUTTING J DUGAY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-148
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LD 492 proposed to allocate \$1,100,000 from the Highway Fund for the purpose of providing funds to municipalities for the construction of Priority 1 or Priority 2 sand and salt storage buildings.

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Committee Amendment "A" (S-148) proposed to increase the funding for salt and sand storage buildings from \$1,100,000 to \$2,200,000. The additional \$1,100,000 was proposed to fund the Department of Transportation's Priority 1 salt and sand storage projects.

LD 493 **An Act to Require the Department of Transportation to Coordinate with Municipalities Regarding Landscaping and Planting** **PUBLIC 39**

<u>Sponsor(s)</u> GAGNON WHEELER G	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-16
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LD 493 proposed to require the Department of Transportation to consult with a municipality concerning planting done along state and state aid highways within that municipality.

Committee Amendment "A" (S-16) proposed to clarify that "recognized tree board" or "tree warden" means a person or persons designated as such by a municipality and listed with the Department of Conservation.

Enacted law summary

Public Law 2001, chapter 39 requires the Department of Transportation to consult with a recognized tree board or tree warden of a municipality concerning planting done along state and state aid highways within that municipality.

LD 497 **An Act to Reduce Noise Pollution** **PUBLIC 73**

<u>Sponsor(s)</u> LEMONT WHEELER G	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-33
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LD 497 proposed to prohibit the operation of a sound system in a vehicle at a volume that is greater than is reasonable or proper with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It proposed that it is a prima facie violation of this prohibition if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the sound system.

Committee Amendment "A" (S-33), the committee majority report, proposed to clarify the prohibition on operating a sound system in a vehicle by adding that the vehicle must be driven on a public way and that the volume of the sound system must be audible at a distance of greater than 25 feet and exceed 85 decibels.

Enacted law summary

Public Law 2001, chapter 73 prohibits the operation of a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and that exceeds 85 decibels or that is greater than is reasonable or proper with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It provides that it is a prima facie violation of this prohibition if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the sound system. A violation of this

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law is a traffic infraction. A fine of \$50 is assessed for the first offense, \$100 for the second offense and \$150 for the third or subsequent offense.

LD 507 **An Act to Provide Property Tax Relief from the Cost of Public Transportation** **CARRIED OVER**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 507 proposes to reduce the burden on property taxes in communities with public transportation by requiring the State to fund a higher portion of the operating costs of the nonprofit transportation providers. The bill sets the State's minimum contribution for fiscal year 2001-02 at 20% of the property taxes paid to a nonprofit provider in the prior fiscal year. The State's contribution increases by 5% of that amount in each of the next 2 fiscal years until it reaches 30%, where it remains for subsequent fiscal years.

LD 517 **An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification** **PUBLIC 80**

<u>Sponsor(s)</u> SOCTOMAH SHOREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-85
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LD 517 proposed to require an official identification card issued by a federally recognized Indian tribe in the State to be considered an official state nondriver identification card.

Committee Amendment "A" (H-85) proposed to clarify the minimum required information that must be stated on the Maine Indian tribe identification card.

Enacted law summary

Public Law 2001, chapter 80 requires an official identification card issued by a federally recognized Indian tribe in the State to be considered an official state nondriver identification card. The identification card must state, at a minimum, the name, date of birth and address of the cardholder.

LD 521 **An Act to Adopt the Canadian Highway Weight Standards** **CARRIED OVER**

<u>Sponsor(s)</u> MORRISON SHOREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 521 proposes to adopt Canadian highway weight standards on a limited portion of Route 1 from Calais to the junction of Route 1 and Route 9 in Baileyville. The bill allows a maximum gross vehicle weight of 137,700 pounds for a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer.

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LD 523 **An Act to Create a Special Maine Indian Tribe License Plate** **ONTP**

<u>Sponsor(s)</u> SOCTOMAH SHOREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 523 proposed to authorize the issuance of a special registration plate for members of the federally recognized Indian tribes in the State. As proposed, a portion of the one-time additional fee of \$15 would be credited to the Tribal Youth Recreation Fund that would have been created in this bill.

LD 545 **An Act to Remove the Requirement for Display of a Front License Plate on a Motor Vehicle** **ONTP**

<u>Sponsor(s)</u> PERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 545 proposed to amend the law concerning the display of registration plates on motor vehicles by making the display of a front plate optional while maintaining the requirement of the display of a rear plate.

LD 552 **An Act to Improve Police Officer Safety** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 552 proposed to allow emergency lights on a police motorcycle to emit a combination of blue and red lights.

LD 557 **An Act to Amend the Laws Pertaining to Pedestrians on a Public Way** **ONTP**

<u>Sponsor(s)</u> BUCK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 557 proposed to clarify the law pertaining to pedestrian movement on public ways. The bill proposed to require persons using wheels of any kind, such as in-line skates or wheelchairs, to operate on the right side of the road and maintain 10 feet from the center line, giving the right-of-way to motor vehicles.

The bill also proposed to require that organized foot marathons be held on the right side of the public way provided that certain conditions were met: marathon organizers notified applicable law enforcement and government agencies; marathon organizers secured required permits; marathon organizers placed signs at a minimum of every 1/2 mile notifying vehicles of the event; signs included other information for the marathon participants or other vehicles; marathon organizers placed signs in advance of the event and removed signs within

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30 minutes after the end of the event; signs met all other state standards; and participants had the right-of-way over vehicles and other persons except for public safety vehicles in service or on call.

LD 566

An Act to Allow Vehicles to Travel for Inspection and Repair

PUBLIC 180

<u>Sponsor(s)</u> POVICH YOUNGBLOOD	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-291
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LD 566 proposed that registration of a motor vehicle is not required for a motor vehicle purchased at auction by a dealer to be driven 25 miles or less from the dealership for inspection and repair.

Committee Amendment "A" (H-291) replaced the bill. The amendment proposed to allow a holder of a dealer license or a transporter registration certificate to operate a vehicle on a public way if the vehicle owner or the owner's employee operates the vehicle for the sole purpose of traveling to an inspection facility.

Enacted law summary

Public Law 2001, chapter 180 allows a holder of a dealer license or a transporter registration certificate to operate a vehicle on a public way if the vehicle owner or the owner's employee operates the vehicle for the sole purpose of traveling to an inspection facility.

LD 591

An Act to Ensure the Safety of Railroad Bridges

ONTP

<u>Sponsor(s)</u> HALL MICHAUD MH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 591 proposed to authorize the Commissioner of Transportation to limit or prohibit the use of any railroad bridge that is found to be unsafe after an inspection.

LD 595

Resolve, to Allocate Funds to the Department of Transportation for the Construction of a 2nd Bridge in Skowhegan

ONTP

<u>Sponsor(s)</u> HATCH GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 595 proposed to allocate \$3,200,000 from the Highway Fund to the Department of Transportation for an engineering study to build a new bridge in Skowhegan.

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LD 598

An Act to Require Investigating Officers to Make Reports to the Secretary of State

ONTP

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

LD 598 proposed to require the investigating officer to specifically check whether a motor vehicle operator involved in an accident has valid liability insurance at the time of the accident and to provide a copy of the report to the Secretary of State. As proposed, the Secretary of State would be authorized to investigate further whether the operator has valid liability insurance.

LD 618

An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike

**PUBLIC 244
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH CATHCART	OTP-AM	H-122 H-306 FISHER

LD 618 proposed that a sign placed by the State on an interstate highway or the Maine Turnpike may not contain an offensive name, as defined in the Maine Revised Statutes, Title 1, section 1101. The bill directed the Commissioner of Transportation to replace a sign that violates this provision with a sign that contains proper place names no later than 30 days after the effective date of the bill.

Committee Amendment "A" (H-122) proposed to clarify that it is the responsibility of the Executive Director of the Maine Turnpike Authority, not the Commissioner of Transportation, to replace signs with offensive names that are located on the Maine Turnpike.

House Amendment "A" to Committee Amendment "A" (H-306) proposed to clarify that the Commissioner of Transportation is only responsible for removing signs with offensive names that are located on an interstate highway.

Enacted law summary

Public Law 2001, chapter 244 provides that a sign placed by the State on an interstate highway or the Maine Turnpike may not contain an offensive name, as defined in the Maine Revised Statutes, Title 1, section 1101. The law directs the Commissioner of Transportation to replace any sign on an interstate highway and the Executive Director of the Maine Turnpike Authority to replace any sign on the Maine Turnpike that violates this provision with a sign that contains proper place names no later than 30 days after the effective date of the bill.

Public Law 2001, chapter 244 was enacted as an emergency measure effective May 22, 2001.

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LD 634

An Act to Ensure Uniform Enforcement of Maine's Weight Laws

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS SAVAGE C		

LD 634 proposed to require the Commissioner of Transportation to regularly review Department of Transportation internal documents for any violation of the highway weight laws and to certify quarterly to the Joint Standing Committee on Transportation that all department vehicles comply with the law. This bill was not referred to committee and was indefinitely postponed on the floor.

LD 638

An Act Establishing Children's Identification Cards

ONTP

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

LD 638 proposed to establish a children's identification card program under the auspices of the Secretary of State. Under this bill, the parent or legal guardian of a child could obtain a child identification card with a digital image for a \$5 fee.

LD 643

An Act to Allow Municipalities to Lower Certain Speed Limits

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY O'GARA	OTP-AM	H-357 H-400 FISHER

LD 643 proposed to allow a municipality, after a public hearing and vote of the municipal officers, to decrease the speed limit in a 25-miles-per-hour zone to 15 miles per hour.

Committee Amendment "A" (H-357) proposed to authorize qualifying municipalities to increase or decrease speed limits on qualifying roads. The amendment proposed to clarify at what point and under what circumstances a municipality is responsible for setting speed limits.

House Amendment "A" to Committee Amendment "A" (H-400) proposed to strike the language that speed limits be validated pursuant to the speed limits published by the Federal Highway Administration.

Enacted law summary

Public Law 2001, chapter 313 authorizes qualifying municipalities to increase or decrease speed limits on qualifying roads. The law clarifies at what point and under what circumstances a municipality is responsible for setting speed limits.

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LD 645

An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Vehicle Inspection Fees

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY LEMONT	OTP-AM MAJ ONTP MIN	H-239

LD 645 proposed to require inspection stations, as part of the standard vehicle inspection, to inspect the brake friction material of a vehicle. The bill also proposed to repeal the statutorily set inspection fees, allowing inspection stations to set their own fees.

Committee Amendment "A" (H-239), the committee majority report, replaced the bill. The amendment proposed to repeal the statutorily set motor vehicle inspection fees and allow vehicle inspection stations to establish their own inspection fees, subject to a maximum fee level of \$12.50 for a standard inspection, \$15.50 for an enhanced inspection on pre-1996 model vehicles pursuant to the Maine Revised Statutes, Title 29-A, section 1751, subsection 2-A and \$18.50 for an enhanced inspection performed on 1996 and later model vehicles pursuant to Title 29-A, section 1751, subsection 2-A. The amendment proposed to increase the fee paid to the Chief of the State Police for vehicle inspection stickers from \$1.50 to \$2.50. It also proposed to remove the section of the bill that pertains to the inspection of brake friction material.

Enacted law summary

Public Law 2001, chapter 234 repeals the statutorily set motor vehicle inspection fees and allows vehicle inspection stations to establish their own inspection fees, subject to a maximum fee level of \$12.50 for a standard inspection, \$15.50 for an enhanced inspection on pre-1996 model vehicles pursuant to the Maine Revised Statutes, Title 29-A, section 1751, subsection 2-A and \$18.50 for an enhanced inspection performed on 1996 and later model vehicles pursuant to Title 29-A, section 1751, subsection 2-A. The law also increases the fee paid to the Chief of the State Police for vehicle inspection stickers from \$1.50 to \$2.50.

LD 652

An Act to Amend the Motor Vehicle Laws

**PUBLIC 361
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G O'GARA	OTP-AM	H-555

LD 652 proposed to make certain changes to the motor vehicle laws, including the following.

1. It amended the definition of "classic vehicle" to include vehicles that are between 16 years and 26 years old.
2. It expanded the enforcement authority of motor vehicle investigators.
3. It specified that operating a vehicle with an expired 14-day temporary registration plate is a traffic infraction.
4. It required that certain applicants for vehicle registration provide either a federal taxpayer identification number or an identification number issued by the Department of Transportation.

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5. It removed the fee for disability placards.
6. It authorized the Secretary of State to suspend fuel decals issued to a person who fails to file any fuel tax report or pay taxes.
7. It changed the dates by which the Secretary of State must make disbursements and transfers relating to the Municipal Excise Tax Reimbursement Fund.
8. It amended the definition of "component part" to include airbags, except for purposes of defining "rebuild" and "salvage vehicle."
9. It allowed certain semitrailers to be titled in this State even if they are registered in another jurisdiction.
10. It eliminated language that establishes as a Class E crime the failure to timely deliver a certificate to the Secretary of State.
11. It required insurance providers to notify the Secretary of State when insurance for a certain types of commercial vehicles is cancelled.

Committee Amendment "A" (H-555) proposed to make the following changes to the bill:

1. It added an emergency preamble and an emergency clause;
2. It created a cross-reference regarding sanctions for operators of all-terrain vehicles on ways;
3. It clarified the admissibility of electronic notification of suspension by a court to the Secretary of State;
4. It clarified that a person who is suspended for failure to comply with motor carrier fuel tax requirements may not operate trucks as a motor carrier. The suspension does not affect an individual's driver's license;
5. It staggered the terms of members of the Motor Carrier Review Board in order to provide continuity to the board's operation. The amendment clarified the board's powers with respect to the recommendations the board may make to the Secretary of State;
6. It clarified that the Secretary of State may waive the examination for a Maine license for a person recently issued a license from any other jurisdiction;
7. It clarified that a person whose license is suspended by this State commits the offense of operating after suspension if the person operates a motor vehicle in this State under a license issued by another jurisdiction;
8. It further clarified the admissibility of electronic notification of suspension by a court to the Secretary of State;
9. It allowed the Secretary of State to enter into a lease-purchase agreement for the new motor vehicle database and computer system;
10. It provided authorization to extend limited-period motor vehicle service representative positions for one month utilizing funds allocated for the current fiscal year;
11. It amended the law to provide staggered registration dates for boat and snowmobile trailers as well as other light trailers, effective January 1, 2002;

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Senate Amendment "A" (S-289) proposed to amend the definition of "authorized emergency vehicle" to include a vehicle operated by a municipal rescue chief or deputy chief.

Enacted law summary

Public Law 2001, chapter 361 makes certain changes to the motor vehicle laws, including the following.

1. It amends the definition of "classic vehicle" to include vehicles that are between 16 years and 26 years old;
2. It expands the enforcement authority of motor vehicle investigators;
3. It specifies that operating a vehicle with an expired 14-day temporary registration plate is a traffic infraction;
4. It requires that certain applicants for vehicle registration provide either a federal taxpayer identification number or an identification number issued by the Department of Transportation. This provision is effective October 1, 2001;
5. It removes the fee for disability placards;
6. It authorizes the Secretary of State to suspend fuel decals issued to a person who fails to file any fuel tax report or pay taxes;
7. It changes the dates by which the Secretary of State must make disbursements and transfers relating to the Municipal Excise Tax Reimbursement Fund. This provision is effective October 1, 2001;
8. It amends the definition of "component part" to include airbags, except for purposes of defining "rebuild" and "salvage vehicle." This provision is effective October 1, 2001;
9. It allows certain semitrailers to be titled in this State even if they are registered in another jurisdiction;
10. It eliminates language that establishes as a Class E crime the failure to timely deliver a certificate to the Secretary of State;
11. It requires insurance providers to notify the Secretary of State when insurance for certain types of commercial vehicles is cancelled;
12. It creates a cross-reference regarding sanctions for operators of all-terrain vehicles on ways;
13. It clarifies the admissibility of electronic notification of suspension by a court to the Secretary of State;
14. It clarifies that a person who is suspended for failure to comply with motor carrier fuel tax requirements may not operate trucks as a motor carrier. The suspension does not affect an individual's driver's license;
15. It staggers the terms of members of the Motor Carrier Review Board in order to provide continuity to the board's operation. Currently, the terms of all members expire simultaneously. The law also clarifies the board's powers with respect to the recommendations the board may make to the Secretary of State;
16. It clarifies that the Secretary of State may waive the examination for a Maine license for a person recently issued a license from any other jurisdiction;

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17. It clarifies that a person whose license is suspended by this State commits the offense of operating after suspension if the person operates a motor vehicle in this State under a license issued by another jurisdiction;
18. It allows the Secretary of State to enter into a lease-purchase agreement for the new motor vehicle database and computer system;
19. It provides authorization to extend limited-period motor vehicle service representative positions for one month utilizing funds allocated for the current fiscal year;
20. It amends the law to provide staggered registration dates for boat and snowmobile trailers as well as other light trailers. This provision is effective January 1, 2002; and
21. It amends the definition of "authorized emergency vehicle" to include a vehicle operated by a municipal rescue chief or deputy chief.

Unless otherwise noted above, most provisions of Public Law 2001, chapter 361 were enacted as an emergency measure on May 29, 2001.

LD 656 **An Act to Require a Continuing Review of Regional Transportation Problems in Northern York County and Southern Cumberland County** **ONTP**

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

LD 656 proposed to require the Commissioner of Transportation to review regional transportation issues in northern York County and southern Cumberland County.

LD 678 **An Act to Establish a Maine Lobster Specialty Plate** **ONTP**

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

LD 678 proposed to authorize the issuance of a special lobster motor vehicle registration plate. Funds from the purchase of these plates would be deposited into the Lobster Fund within the Department of Marine Resources.

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LD 685

An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed

PUBLIC 132

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

LD 685 proposed to create an exception to the prohibition of riding in a vehicle that is being towed. It proposed to allow a person with a disability, as defined in Maine Revised Statutes Title 29-A section 521, to ride in a vehicle that is being towed when it is not practical to transport the person with a disability by any other means.

Enacted law summary

Public Law 2001, chapter 132 creates an exception to the prohibition of riding in a vehicle that is being towed. It allows a person with a disability, as defined in Maine Revised Statutes Title 29-A section 521, to ride in a vehicle that is being towed when it is not practical to transport the person with a disability by any other means.

LD 699

An Act to Allow Access to Highways for Certain Purposes

PUBLIC 301

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

LD 699 proposed to authorize the Commissioner of Transportation to allow access for the development of state and state aid highways.

Enacted law summary

Public Law 2001, chapter 301 authorizes the Commissioner of Transportation to allow access for the development of state and state aid highways.

LD 708

An Act Concerning Commercial Driver License Certification

PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER RAND	OTP-AM	H-134

LD 708 proposed that a physician, physician assistant or nurse practitioner may perform any physical examination required by the Secretary of State for issuance or renewal of a commercial driver's license.

Committee Amendment "A" (H-134) replaced the bill and proposed that physical examinations that may be required by the Secretary of State for the issuance or renewal of a license may be performed by competent treatment personnel as determined by the Medical Advisory Board.

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Enacted law summary

Public Law 2001, chapter 159 provides that physical examinations that may be required by the Secretary of State for the issuance or renewal of a license may be performed by competent treatment personnel as determined by the Medical Advisory Board.

LD 712 **An Act to Exempt Organized Veterans Groups from Motor Vehicle Registration of Ceremonial Vehicles** **PUBLIC 116**

<u>Sponsor(s)</u> CARR KILKELLY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-178
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LD 712 proposed that vehicles owned by organized veterans groups and used exclusively for ceremonial activities are exempt from registration requirements and fees.

Committee Amendment "A" (H-178) proposed to clarify that the inspection requirements in the Maine Revised Statutes, Title 29-A, chapter 15, subchapter I apply to vehicles owned by organized veterans groups and used exclusively for ceremonial activities.

Enacted law summary

Public Law 2001, chapter 116 provides that vehicles owned by organized veterans groups and used exclusively for ceremonial activities are exempt from registration requirements and fees. The inspection requirements in the Maine Revised Statutes, Title 29-A, chapter 15, subchapter I still apply to these vehicles.

LD 718 **An Act Concerning Disability Registration Plates and Placards** **PUBLIC 35**

<u>Sponsor(s)</u> FULLER RAND		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 718 proposed to allow physician assistants and nurse practitioners to make the necessary certifications for issuance of special registration plates or placards to persons with disabilities.

Enacted law summary

Public Law 2001, chapter 35 allows physician assistants and nurse practitioners to make the necessary certifications for issuance of special registration plates or placards to persons with disabilities.

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LD 733 **An Act to Enhance the Revenue for Nongame Species from the Proceeds of Environmental Registration Plate Sales** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 733 proposed to provide for multiple plate designs for the environmental registration plate.

LD 743 **An Act to Authorize Citizen-issued Citations for Violations of the Handicapped Parking Laws** **ONTP**

<u>Sponsor(s)</u> CLOUGH BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 743 proposed to augment the county and municipal volunteer parking enforcement programs established under the Maine Revised Statutes, Title 30-A, sections 471 and 472 by amending the law concerning motor vehicle disability registration plates to authorize any person to issue a citation for a violation of the handicapped parking laws.

LD 759 **An Act to Create an Education License Plate** **ONTP**

<u>Sponsor(s)</u> THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 759 proposed to authorize the issuance of an education registration plate that would be used to fund general purpose aid for education within the Department of Education.

LD 767 **An Act to Facilitate Passenger Rail Transportation by Limiting Liability** **PUBLIC 54**

<u>Sponsor(s)</u> SAVAGE C O'GARA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-23
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LD 767 proposed to limit the liability arising from the providing of passenger rail service to \$75,000,000 in the aggregate.

Committee Amendment "A" (S-23) proposed to clarify that the liability limitation does not apply to a passenger rail transportation service provider that fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. The amendment also proposed to clarify that this proposed law does not affect limitation on damages, limitation of actions, limitation of liability or other protections

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provided to the State, as defined by the Maine Revised Statutes, Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

Enacted law summary

Public Law 2001, chapter 54 limits the liability arising from the providing of passenger rail service to \$75,000,000 in the aggregate. The liability limitation of this law does not apply to a passenger rail transportation service provider that fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. This law does not affect limitation on damages, limitation of actions, limitation of liability or other protections provided to the State, as defined by the Maine Revised Statutes, Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

LD 771 **An Act to Increase Penalties for Those Violating Covered-load Laws** **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 771 proposed to increase the penalty for a person who violates the laws requiring that certain loads carried by a motor vehicle be secured or covered. The bill proposed that a person who violates these laws should pay a fine of not less than \$500 nor more than \$1,000, and that person's license could be suspended.

LD 773 **An Act to Promote Safety and to Help Elderly Drivers by Providing an Optional One-year License** **INDEF PP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-47
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LD 773 proposed to add an optional one-year driver's license for persons 65 years of age and older.

Committee Amendment "A" (S-47) proposed to add an allocation and a fiscal note to the bill.

LD 776 **An Act to Authorize the Department of Transportation to Use the Design-Build Method of Project Delivery** **PUBLIC 140**

<u>Sponsor(s)</u> SAVAGE C FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-54
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LD 776 proposed to authorize the Department of Transportation to use the design-build method of project delivery for public infrastructure projects. Unlike the traditional design-bid-build method of project delivery, design-builders design and build projects under a single contract. In addition to low-bid awards, this bill proposed to authorize the Department of Transportation to award projects on a best-value basis after considering the quality of the design.

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Committee Amendment "A" (S-54) proposed to add the following provisions to the bill.

1. The Department of Transportation shall use the best-value basis of awarding a contract in the case that a scope of work requires substantial engineering judgment.
2. The department shall identify in its planning process those projects that are likely candidates for design-build contracting.
3. The department shall issue a draft request for proposals to prequalified firms for review and comment.
4. A majority of the team that reviews proposals for responsiveness may not be employed by the department.
5. The request for proposals must provide a process for resolution of procurement disputes.

Enacted law summary

Public Law 2001, chapter 140 authorizes the Department of Transportation to use the design-build method of project delivery for public infrastructure projects. Unlike the traditional design-bid-build method of project delivery, design-builders design and build projects under a single contract. In addition to low-bid awards, the law authorizes the Department of Transportation to award projects on a best-value basis after considering the quality of the design.

LD 777

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001

**PUBLIC 83
EMERGENCY**

Sponsor(s)
SAVAGE C
FISHER

Committee Report
OTP-AM

Amendments Adopted
S-48

LD 777

Part A proposed to do the following:

1. Make allocations from the Highway Fund;
2. Make allocations from the Highway Garage Fund; and
3. Make allocations from the Island Ferry Service Fund.

Part B proposed to do the following:

1. Authorize funds in the Buildings Renovations program in the Department of Transportation to be carried forward each year; and
2. Authorize year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Buildings Renovation program and allotted by financial order.

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Committee Amendment "A" (S-48) PART A proposed to do the following:

1. Make supplemental allocations from the Highway Fund;
2. Make supplemental allocations from the Highway Garage Fund;
3. Make supplemental allocations from the Island Ferry Service Fund;
4. Make supplemental allocations from the Federal Expenditures Fund;
5. Make supplemental allocations from Other Special Revenue funds; and
6. Make supplemental allocations from the Marine Ports Fund.

Part B:

1. Proposed to authorize year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Building Renovations Account and allotted by financial order; and
2. Proposed to authorize the transfer of up to 100% of the unallocated balance in the Highway Fund in excess of \$17,715,924 but not exceeding \$3,000,000 at the end of fiscal year 2000-01 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute to the Highway Fund, Highway and Bridge Improvement program account within the Department of Transportation.

Part C:

Part C proposed to authorize the establishment of the Transportation Facilities Fund within the Department of Transportation. This internal service fund is proposed for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings and associated property owned by the department.

Part D:

Part D proposed to establish the Building Renovations Account for the building renovation project at the Department of Transportation main facility in Augusta.

Part E:

Part E proposed to establish a Capital Construction and Improvement Reserve Fund to be used in conjunction with the Building Renovations Account.

Enacted law summary

Public Law 2001, chapter 83 does the following:

PART A

1. Makes allocations from the Highway Fund;
2. Makes allocations from the Highway Garage Fund;

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3. Makes allocations from the Island Ferry Service Fund;
4. Makes supplemental allocations from the Highway Fund;
5. Makes supplemental allocations from the Highway Garage Fund;
6. Makes supplemental allocations from the Island Ferry Service Fund;
7. Makes supplemental allocations from the Federal Expenditures Fund;
8. Makes supplemental allocations from Other Special Revenue funds; and
9. Makes supplemental allocations from the Marine Ports Fund.

PART B

Part B does the following:

1. Authorizes funds in the Buildings Renovations program in the Department of Transportation to be carried forward each year;
2. Authorizes year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Buildings Renovation program and allotted by financial order;
3. Authorizes year-end balances in the Administration and Planning program in the Department of Transportation to be transferred to the Building Renovations Account and allotted by financial order; and
4. Authorizes the transfer of up to 100% of the unallocated balance in the Highway Fund in excess of \$17,715,924 but not exceeding \$3,000,000 at the end of fiscal year 2000-01 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute to the Highway Fund, Highway and Bridge Improvement program account within the Department of Transportation.

PART C

Part C authorizes the establishment of the Transportation Facilities Fund within the Department of Transportation. This internal service fund is established for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings and associated property owned by the department.

PART D

Part D establishes the Building Renovations Account for the building renovation project at the Department of Transportation main facility in Augusta.

PART E

Part E establishes a Capital Construction and Improvement Reserve Fund to be used in conjunction with the Building Renovations Account.

Public Law 2001, chapter 83 was enacted as an emergency measure effective May 3, 2001.

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LD 809 **An Act to Create a Maine Black Bears License Plate** **ONTP**

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

LD 809 proposed to establish the Maine Black Bears Scholarship Fund and the Maine Black Bears special registration plate, under which \$14 of the registration fee would be dedicated to providing scholarships for students attending the University of Maine.

LD 814 **An Act to Promote Safety on the Highways** **ONTP**

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

LD 814 proposed to require that a vehicle hauling a trailer or semitrailer that is wider than the vehicle must be equipped with mirrors that allow an unobstructed view of approaching traffic. The bill also proposed to make it unlawful for certain vehicles to operate in the passing lane when hazardous conditions exist.

LD 826 **Resolve, to Restore the Steel Bridge in New Sharon** **ONTP**

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

LD 826 proposed to direct the Department of Transportation to restore the New Sharon Bridge located on former Route 2 and spanning the Sandy River in New Sharon.

Committee Amendment "A" (H-289), the committee minority report, proposed to replace the resolve and would have recognized the steel bridge in New Sharon as a historically significant bridge.

LD 829 **Resolve, Authorizing the Department of Transportation to Designate Routes for Over-limit Vehicles** **ONTP**

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

LD 829 proposed to direct the Department of Transportation to designate routes that could be traveled by overweight vehicles from ports of entry from the provinces of Quebec and New Brunswick to no more than 10 miles into Maine. The bill proposed to require the department to establish weight limits for those routes that

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corresponded to the maximum weight limits of vehicles established in Quebec and New Brunswick. This resolve would have also required the department to establish a fee schedule that would take into consideration the additional wear and tear on those routes by the over-limit vehicles.

LD 843 **An Act to Clarify when Reduced Speed Limits are in Effect in School Zones** **PUBLIC 145
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD ME	OTP-AM	H-179

LD 843 proposed to require a maximum rate of 15 miles per hour in a school zone when there are signs present indicating that the 15 miles per hour speed limit is in effect or as designated by the Department of Transportation or municipal ordinance.

Committee Amendment "A" (H-179) replaced the bill and proposed to require a maximum rate of 15 miles per hour in a school zone during recess, when children are going to or leaving school during school opening or closing hours, when school speed limit signs are flashing during school opening or closing hours or at other times designated by a municipal traffic ordinance that regulates town ways classified as local by the Department of Transportation in accordance with the federal functional classification system.

Enacted law summary

Public Law 2001, chapter 145 requires a maximum rate of 15 miles per hour in a school zone during recess, when children are going to or leaving school during school opening or closing hours, when school speed limit signs are flashing during school opening or closing hours or at other times designated by a municipal traffic ordinance that regulates town ways classified as local by the Department of Transportation in accordance with the federal functional classification system.

Public Law 2001, chapter 145 was enacted as an emergency measure effective May 14, 2001.

LD 858 **An Act to Revert the Seat Belt Law to the Form Approved by the Citizens** **ONTP**

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

LD 858 proposed to restore statutory language that was repealed in 1997. Prior to the repeal, a person not wearing a seat belt could be fined for not wearing a seat belt only if the person was fined for the primary violation, i.e., the reason the person was originally stopped other than failure to wear a seat belt. This bill would have restored that provision to the form passed at referendum in 1995.

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LD 881 **Resolve, Requiring the Joint Standing Committee on Transportation to Study Passenger and Freight Rail Opportunities in the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> JONES MICHAUD MH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-375
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LD 881 proposed to establish a Blue Ribbon Commission on the East-West Rail Corridor to examine the benefits, feasibility and viability of an east-west rail corridor in the State.

Committee Amendment "A" (H-375) proposed to replace the resolve and direct the Joint Standing Committee on Transportation to study passenger and freight rail opportunities in the State. It directed the committee to examine the feasibility of maintaining and enhancing specific rail corridors such as the east-west and north-south corridors, and also to examine current and potential state policies to enhance the financial viability of rail service throughout the State.

LD 891 **Resolve, to Direct the Department of Transportation to Place a Traffic Light in Auburn** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 891 proposed to direct the Department of Transportation to install a traffic light on Route 4 in Auburn, at the intersection of Center Street and Turner Street.

LD 895 **Resolve, Requiring the Department of Transportation to Construct 4-foot Paved Shoulders on Hazardous Segments of Route 15 in Hancock County** **ONTP**

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 895 proposed to require the Department of Transportation to construct 4-foot paved shoulders on 2 hazardous segments of Route 15 in Hancock County. This bill would have required the department to construct 4-foot paved shoulders at the Stonington and Deer Isle town line from the bottom of the hill to the top of the hill and on the causeway between Little Deer Isle and Deer Isle.

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LD 900

An Act to Create a Specialty License Plate for Native Mainers

ONTP

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

LD 900 proposed to authorize the issuance of a special native Mainer motor vehicle registration plate that would fund special programs within the Department of Inland Fisheries and Wildlife.

LD 927

An Act to Provide Transportation Vouchers to Persons with Disabilities to Improve their Independence and Opportunity to Work

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-581

LD 927 proposed to establish a program providing for the issuance of annual transportation vouchers to persons with disabilities. The purpose of the transportation voucher program, as proposed, was to improve the independence and opportunity to work for persons with disabilities. The vouchers could have been used for fares for public transportation or to pay mileage expenses for private transportation. The bill proposed to appropriate \$500,000 for the biennium from the General Fund to fund the program. The bill directed the Commissioner of Transportation to adopt rules governing the implementation of the transportation voucher program.

Committee Amendment "A" (H-581) proposed to authorize the Department of Labor to establish and administer the transportation vouchers program.

LD 933

Resolve, to Create the Commission to Study Abolishing the Maine Turnpike Authority

ONTP

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

LD 933 proposed to create the Commission to Study Abolishing the Maine Turnpike Authority. Membership of the commission would have included the Joint Standing Committee on Transportation and the Commissioner of Transportation or the commissioner's designee. Commission duties would have included undertaking a comprehensive study to abolish the Maine Turnpike Authority. The study would have included the following: a proposal to develop toll equity; an analysis of the availability of federal highway funds if the Maine Turnpike Authority were to be abolished; an analysis of estimates in cost savings or losses if the Maine Turnpike Authority were to be abolished; an analysis of the implications of abolishing the Maine Turnpike Authority; and a list of options that would provide a course of action to reallocate the functions, duties and obligations of the Maine Turnpike Authority to another agency.

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LD 938

An Act to Amend the Laws Governing Outdoor Signs

ONTP

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 938 proposed to allow messages on changeable message board signs to change as frequently as needed to display information on a timely basis.

LD 948

An Act Creating a Pilot Project to Provide Video Camera Surveillance at Intersections in Ellsworth

DIED BETWEEN BODIES

<u>Sponsor(s)</u> POVICH GOLDTHWAIT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 948 proposed to provide funding to the City of Ellsworth for a 2-year pilot project to enable its police department to enforce the laws governing traffic control devices using a video camera. The funding would have enabled the city to purchase a video camera and equip 5 intersections in the city to accommodate the camera. The bill also proposed that a person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of the laws governing traffic control devices commits a traffic infraction unless a defense applies.

Committee Amendment "A" (H-554), the committee majority report, proposed that a person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of the laws governing traffic control devices or work zone speed limits commits a traffic infraction unless a defense applies. It also proposed to provide authority to the Department of Transportation to conduct a pilot project to enforce the laws governing traffic-control devices and work zone speed limits using photographic methods.

House Amendment "A" to Committee Amendment "A" (H-585) proposed to clarify that the presumption that the owner was operating a vehicle at the time of a violation of the laws governing traffic-control devices or work zone speed limits, as specified in Committee Amendment "A," applies only to the registered owners of offending vehicles captured by photographic law enforcement. This amendment also proposed to change the penalty for a violation of the laws governing traffic-control devices or work zone speed limits captured by photographic law enforcement from an infraction to a warning. The amendment maintained the provision of the committee amendment regarding the establishment of a pilot program by the Department of Transportation.

LD 950

An Act to Eliminate the Fees Imposed on Purple Heart Recipients for Special Registration Plates

PUBLIC 155

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-180
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LD 950 proposed to eliminate the \$10 one-time fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates.

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Committee Amendment "A" (H-180) proposed to also eliminate the one-time additional fee of \$5 for special motorcycle registration plates for Purple Heart medal recipients.

Enacted law summary

Public Law 2001, chapter 155 eliminates the \$10 one-time fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates. It also eliminates the one-time additional fee of \$5 for special motorcycle registration plates for Purple Heart medal recipients.

LD 958 **An Act to Amend the Laws Governing the Registration of Farm Trucks and Require the Secretary of State to Respond to Inquiries from the Public** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 958 proposed to allow farmers to use trucks registered as farm trucks to haul landscaping commodities, supplies and equipment to and from their farms. This bill also proposed to require the Secretary of State to reply responsively to inquiries from the public.

LD 972 **An Act Regarding Modified Show Vehicles** **PUBLIC 225**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-304
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LD 972 proposed to define "modified show vehicle" and "monster truck," and to allow the Secretary of State to provide a specialty plate for a modified show vehicle. The bill also proposed to specify that the inspection standards for a street rod apply to a modified show vehicle.

Committee Amendment "A" (H-304) replaced the bill and proposed to define "modified show vehicle" in the laws governing motor vehicles, establish the fee for registering a modified show vehicle and specify that the Chief of the State Police shall adopt rules that establish inspection standards for modified show vehicles.

Enacted law summary

Public Law 2001, chapter 225 defines "modified show vehicle" in the laws governing motor vehicles, establishes the fee for registering a modified show vehicle and specifies that the Chief of the State Police shall adopt rules that establish inspection standards for modified show vehicles.

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LD 983

An Act to Revise Driver Education Laws

ONTP

Sponsor(s)
BUCK

Committee Report
ONTP

Amendments Adopted

LD 983 proposed to amend the requirements of the standardized driver education curriculum to include an Internet-based course that could be substituted for the minimum number of hours required for classroom instruction.

As proposed, the Secretary of State would expand current record keeping requirements to allow electronic filing, reporting and authorization. The Internet-based course would be governed by certain provider and curriculum conditions.

LD 989

An Act to Strengthen Truck Weight Laws to Deter Gross Vehicle Weight Violations

ONTP

Sponsor(s)
SAVAGE C

Committee Report
ONTP

Amendments Adopted

LD 989 proposed to increase the axle weights allowed for single-axle, tandem-axle and tri-axle trucks. This bill also proposed to increase the fines for trucks found in excess of the axle weight limits.

LD 1004

An Act to Amend the Covered Load Laws

PUBLIC 144

Sponsor(s)
PENDLETON
COLWELL

Committee Report
OTP-AM

Amendments Adopted
S-83

LD 1004 proposed to require a state police officer to check the load on a vehicle to ensure that it is secure at the same time that the officer checks the weight of that motor vehicle. The bill also proposed to make a violation of the unsecured load law an infraction subject to a forfeiture of \$500 for the first offense and a forfeiture of \$1,000 for the 2nd or subsequent offense.

Committee Amendment "A" (S-83) proposed to change the fine for an unsecured load to not less than \$150 nor more than \$500.

Enacted law summary

Public Law 2001, chapter 144 requires a state police officer to check the load on a vehicle to ensure that it is secure at the same time that the officer checks the weight of that motor vehicle. The fine for an unsecured load is not less than \$150 nor more than \$500.

Joint Standing Committee on Transportation

LD 1026

**An Act to Provide George J. Mitchell and William S. Cohen
Lifetime License Plates**

P & S 10

<u>Sponsor(s)</u> QUINT MCALEVEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1026 proposed to authorize the Secretary of State to issue lifetime license plates to William S. Cohen and George J. Mitchell.

Enacted law summary

Private and Special Law 2001, chapter 10 authorizes the Secretary of State to issue lifetime license plates to William S. Cohen and George J. Mitchell.

LD 1053

An Act to Clarify the Release of Driver's License Information

ONTP

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1053 proposed to prohibit the Secretary of State from conditioning the release of records relating to a person's motor vehicle registration and driver's license on the agreement of the person receiving the records to indemnify the Secretary of State for any damages incurred by the Secretary of State due to the release of the records.

LD 1095

An Act to Amend the Law on Local Bridge Reconstruction

ONTP

<u>Sponsor(s)</u> FERGUSON JODREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1095 proposed to authorize municipalities or unorganized townships who share a bridge or who have bridges wholly within one town or territory, but located within 250 feet of another town or territory, to petition the Department of Transportation to reconstruct the bridge on a town way. This bill proposed to require the Department of Transportation to bear 50% of the cost for the construction and to require the other 50% to be split between the 2 municipalities or unorganized townships.

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LD 1097 **An Act to Provide Nesting Areas for Ospreys Displaced by Department of Transportation Bridge Repair** **ONTP**

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

LD 1097 proposed to provide for the relocation of nesting areas for ospreys that are displaced by bridge repair or maintenance within the jurisdiction of the Department of Transportation.

LD 1120 **Resolve, to Direct the Secretary of State's Office to Institute an Organ and Tissue Donor Registry** **ONTP**

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

LD 1120 proposed to direct the Secretary of State to institute an organ and tissue donor registry system based on the donor registry system in the State of Michigan.

LD 1122 **An Act to Exempt Clergy from Using a Social Security Number on a Driver's License** **ONTP**

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

LD 1122 proposed to exempt a minister, member of a religious order or Christian Science practitioner who has received an exemption from self-employment tax from the federal Internal Revenue Service from the requirement that a person's social security number be provided upon application or renewal for a license or nondriver identification card.

LD 1259 **An Act to Protect Maine Citizens from Uninsured Motorists** **ONTP**

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

LD 1259 proposed to require a law enforcement officer to summons a motor vehicle operator who can not provide evidence of insurance and to send a copy of the summons to the Department of Secretary of State. As proposed, if the motor vehicle owner fails to provide proof of insurance to the Secretary of State, Bureau of Motor Vehicles by the end of the third business day after the summons, the Secretary of State could suspend the motor vehicle's registration. The bill also proposed to establish an additional penalty of \$500 if a person is stopped for a routine motor vehicle violation, \$1,000 if a person is arrested for OUI and \$1,000 plus restitution if a person is involved

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in a vehicular accident and fails to produce evidence of liability insurance or financial responsibility. The bill also proposed to require insurance companies to notify the Secretary of State if an insured person allows the insurance to lapse on a motor vehicle.

LD 1271 **An Act Regarding the Budget for the Maine Turnpike Authority for 2002** **P & S 29**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-598

LD 1271 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2002 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "A" (H-598) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 29 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2002 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 1272 **An Act to Allow Fire Police Constables to use Roof-mounted Emergency Lights** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
USHER O'GARA		ONTP		

LD 1272 proposed to allow fire police constables, who are used for traffic and crowd control at the scene of an emergency, to use permanently roof mounted flashing red signal lights while the constable is at the scene of a fire or other emergency.

LD 1275 **An Act to Exempt 100% Disabled Veterans from Paying the Excise Tax and Registration Fee on Motor Vehicles** **ONTP**

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

LD 1275 proposed to exempt 100% disabled veterans from the excise tax and registration fee requirements on a motor vehicle.

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LD 1282

Resolve, to Change Route Designations of Certain Interstates and to Change the Interstate Exit Numbering System

RESOLVE 57

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-183
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LD 1282 proposed to require that the Department of Transportation work with the Maine Turnpike Authority, the Federal Highway Administration and the American Association of State Highway and Transportation Officials to redesignate all of the Maine Turnpike as I-95 and to redesignate current I-95 from Falmouth to West Gardiner as I-295. In addition, the resolve proposed to require that Maine's interstate exits be renumbered to reflect mileage.

Committee Amendment "A" (S-183) proposed to redesignate I-95 from Falmouth to West Gardiner as I-495.

Senate Amendment "A" (S-337) proposed to require that the Maine Turnpike Authority reimburse businesses for the cost of making changes to advertising and promotional materials necessitated by changes to exit numbers on the Maine Turnpike and other segments of the State's interstate highway system. Those costs must be reimbursed from existing budgeted resources upon receipt of an invoice or invoices from an affected business.

Senate Amendment "A" to Committee Amendment "A" (S-335), as amended by Committee Amendment "A," proposed to direct the Department of Transportation to work with the Federal Highway Administration, the American Association of State Highway and Transportation Officials and the Maine Turnpike Authority to improve the system of interstate and exit numbering in the State. This amendment proposed that no exit north of Augusta on I-95 may be affected.

Senate Amendment "B" (S-338) proposed to add a requirement to the original bill that the interstate highway system mile markers start at the easternmost point of the State's interstate highway system.

Senate Amendment "B" to Committee Amendment "A" (S-336), as amended by Committee Amendment "A," proposed to direct the Department of Transportation to work with the Federal Highway Administration, the American Association of State Highway and Transportation Officials and the Maine Turnpike Authority to improve the system of interstate and exit numbering in the State. This amendment proposed that the Legislature endorses changes to the interstate exit numbering system that lessens confusion caused by exits on different segments of highway bearing the same designation and that increases the gap between numerical designations of exits to facilitate the addition of new interchanges between existing ones.

Enacted law summary

Resolve 2001, chapter 57 requires that the Department of Transportation work with the Maine Turnpike Authority, the Federal Highway Administration and the American Association of State Highway and Transportation Officials to redesignate all of the Maine Turnpike as I-95 and to redesignate current I-95 from Falmouth to West Gardiner as I-495. In addition, the resolve requires that Maine's interstate exits be renumbered to reflect mileage.

Joint Standing Committee on Transportation

LD 1285

An Act to Make Supplemental Highway 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, 2001, June 30, 2002 and June 30, 2003

**PUBLIC 440
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM MAJ OTP-AM MIN	S-344

LD 1285 proposed to do the following:

Part A made supplemental allocations from the Highway Fund.

Part B did the following:

1. Made supplemental allocations from the Highway Fund for approved reclassifications and range changes; and
2. Made supplemental allocations from the Federal Expenditures Fund for approved reclassifications and range changes.

Part C amended the law to increase motor vehicle and trailer title fees by \$8.

Committee Amendment "A" (S-344), the committee majority report, proposed to do the following.

Part A made supplemental allocations from the Highway Fund.

Part B did the following:

1. It made supplemental allocations from the Highway Fund for approved reclassifications and range changes;
2. It made supplemental allocations from the Federal Expenditures Fund for approved reclassifications and range changes; and
3. It made supplemental allocations from the Island Ferry Services Fund for approved reclassifications and range changes.

Part C amended the law to increase motor vehicle and trailer title fees by \$8.

Part D made supplemental allocations from the Highway Fund, Highway Garage Fund and Federal Expenditures Fund to accomplish a reorganization of certain programs within the Department of Transportation.

Part E authorized financing for the renovation of the Department of Transportation headquarters building.

Part F made supplemental allocations from the Highway Fund to provide mobile data terminals for State Police patrol cars, to restore and add funding for highway and bridge improvement projects and to adjust funding for the Urban-Rural Initiative Program.

Part G lapsed funds from the Highway Fund Salary Plan to the Highway Fund.

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Part H made supplemental allocations from the Highway Fund to reimburse certain municipalities for sand and salt building projects and to provide funding for certain sand and salt building projects for the Department of Transportation.

Part I authorized the Maine Turnpike Authority to enter into contracts with other states and entities authorized by other states.

Part J allowed another person who has been issued a school bus instruction permit to be a passenger on a bus when it is being operated by a school bus permittee.

Part K required the Secretary of State to convene a task force to study the municipal excise tax and other motor vehicle registration fees.

Part L altered the requirements for reflective materials used by bicycles, motorized bicycles or tricycles during nighttime use.

Committee Amendment "B" (S-345), the committee minority report, proposed to do the following.

Part A made supplemental allocations from the Highway Fund.

Part B did the following:

1. It made supplemental allocations from the Highway Fund for approved reclassifications and range changes;
2. It made supplemental allocations from the Federal Expenditures Fund for approved reclassifications and range changes; and
3. It made supplemental allocations from the Island Ferry Services Fund for approved reclassifications and range changes.

Part C amended the law to increase motor vehicle and trailer title fees by \$6.

Part D made supplemental allocations from the Highway Fund, Highway Garage Fund and Federal Expenditures Fund to accomplish a reorganization of certain programs within the Department of Transportation.

Part E authorized financing for the renovation of the Department of Transportation headquarters building.

Part F made supplemental allocations from the Highway Fund to provide mobile data terminals for State Police patrol cars, to restore and add funding for highway and bridge improvement projects and to adjust funding for the Urban-Rural Initiative Program.

Part G lapsed funds from the Highway Fund Salary Plan to the Highway Fund.

Part H made a supplemental allocation from the Highway Fund to reimburse certain municipalities for sand and salt building projects.

Part I authorized the Maine Turnpike Authority to enter into contracts with other states and entities authorized by other states.

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Part J allowed another person who has been issued a school bus instruction permit to be a passenger on a bus when it is being operated by a school bus permittee.

Part K required the Secretary of State to convene a task force to study the municipal excise tax and other motor vehicle registration fees.

Part L altered the requirements for reflective materials used by bicycles, motorized bicycles or tricycles during nighttime use.

Part M authorized the transfer of funds, subject to available unallocated balances of the Highway Fund, for minimum shift coverage for State Police and for the construction of Priority 1 sand and salt building projects for the Department of Transportation.

Enacted law summary

Public Law 2001, chapter 440 does the following:

Part A makes supplemental allocations from the Highway Fund.

Part B does the following:

1. It makes supplemental allocations from the Highway Fund for approved reclassifications and range changes;
2. It makes supplemental allocations from the Federal Expenditures Fund for approved reclassifications and range changes; and
3. It makes supplemental allocations from the Island Ferry Services Fund for approved reclassifications and range changes.

Part C amends the law to increase motor vehicle and trailer title fees by \$8.

Part D makes supplemental allocations from the Highway Fund, Highway Garage Fund and Federal Expenditures Fund to accomplish a reorganization of certain programs within the Department of Transportation.

Part E authorizes financing for the renovation of the Department of Transportation headquarters building.

Part F makes supplemental allocations from the Highway Fund to provide mobile data terminals for State Police patrol cars, to restore and add funding for highway and bridge improvement projects and to adjust funding for the Urban-Rural Initiative Program.

Part G lapses funds from the Highway Fund Salary Plan to the Highway Fund.

Part H makes supplemental allocations from the Highway Fund to reimburse certain municipalities for sand and salt building projects and to provide funding for certain sand and salt building projects for the Department of Transportation.

Part I authorizes the Maine Turnpike Authority to enter into contracts with other states and entities authorized by other states.

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Part J allows another person who has been issued a school bus instruction permit to be a passenger on a bus when it is being operated by a school bus permittee.

Part K requires the Secretary of State to convene a task force to study the municipal excise tax and other motor vehicle registration fees.

Part L alters the requirements for reflective materials used by bicycles, motorized bicycles or tricycles during nighttime use.

Public Law 2001, chapter 440 was enacted as an emergency measure effective June 21, 2001.

LD 1342 **An Act to Enhance, Upgrade and Encourage Passenger Rail Service in Maine through the Creation of a Rail Trust Fund** **ONTP**

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

LD 1342 proposed to create the Passenger Rail Trust Fund to be used for maintenance and improvements to passenger rail infrastructure, the purchase or lease of real property to support passenger rail service, operating assistance to passenger rail service providers offering service in Maine, a tax-credit incentive for on-time service performance by passenger rail service providers offering service in Maine and passenger rail planning provided by the Department of Transportation.

Proposed sources of funds included all excise tax revenues collected from railroad companies, use tax revenues on special fuel tax refunds collected from railroad companies and a surtax collected from railroad companies that use infrastructure supported by the fund based on passenger use per track-mile.

This bill was jointly referred to the joint Standing Committee on Taxation and the Joint Standing Committee on Transportation.

LD 1353 **An Act to Increase the Maine Turnpike Authority Bond Limit** **PUBLIC 311**

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

LD 1353 proposed to increase the Maine Turnpike Authority bond limit to provide for the financing of ongoing capital improvements to the turnpike.

Enacted law summary

Public Law 2001, chapter 311 increases the Maine Turnpike Authority bond limit to provide for the financing of ongoing capital improvements to the turnpike.

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LD 1361

An Act to Allow the Maine Turnpike Authority to Levy an Administrative Fee against Toll Evaders

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C MCNEIL	OTP-AM	S-82

LD 1361 proposed to give the Maine Turnpike Authority the authority to levy and collect from the registered owner of a vehicle that fails to pay a toll an administrative fee of \$20 per toll not paid. This bill proposed to place the burden for proving that the toll and administrative fee have been paid upon the registered owner.

Committee Amendment "A" (S-82) proposed to exempt certain types of vehicles from the administrative fee authorized by the bill.

Enacted law summary

Public Law 2001, chapter 154 gives the Maine Turnpike Authority the authority to levy and collect from the registered owner of a vehicle that fails to pay a toll an administrative fee of \$20 per toll not paid. This law places the burden for proving that the toll and administrative fee have been paid upon the registered owner. Certain types of vehicles are exempt from the administrative fee.

LD 1380

An Act Regarding Uninsured Drivers

PUBLIC 463

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART BROOKS	OTP-AM	S-144 S-334 CATHCART S-397 SAVAGE C

LD 1380 proposed to authorize the Secretary of State to suspend the license of an uninsured person that is involved in a motor vehicle accident and causes damage to another motor vehicle or a person until the operator has paid for all damages to the other motor vehicle or the person. The bill also proposed to require an insurance company to notify the Secretary of State if an insured person allows the insurance to lapse on a motor vehicle.

Committee Amendment "A" (S-144) replaced the bill and proposed to require that an insurer of a motor vehicle registered in Maine notify the Secretary of State when the insurance on that motor vehicle is cancelled, terminated or lapses. It proposed that the Secretary of State be required to suspend the motor vehicle owner's registration certificate and plates until the owner provides evidence of insurance to the Secretary of State.

The amendment proposed a fine of \$500 if a person is stopped for a routine motor vehicle violation, \$1,000 if a person is arrested for OUI and \$1,000 plus restitution if a person is involved in a vehicular accident and fails to produce evidence of liability insurance or financial responsibility.

The amendment also proposed to authorize the Secretary of State to suspend the license of an uninsured person who is determined to be at fault in a motor vehicle accident and causes damage to another vehicle or a person until the uninsured person has paid for the damage caused to the other motor vehicle or person.

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House Amendment “A” to Committee Amendment “A” (H-536) added an updated allocation section and fiscal note to Committee Amendment “A.”

Senate Amendment “A” to Committee Amendment “A” (S-334) proposed to do the following.

1. It eliminated the portion of the committee amendment that imposed additional fines on a person for failure to produce evidence of liability insurance or financial responsibility after being stopped for a motor vehicle violation, arrested for operating under the influence or involved in a vehicular accident.
2. It removed the requirement that the Secretary of State suspend the driver's license of an uninsured person involved in a motor vehicle accident if that person is at fault and causes damage to another person or vehicle until the uninsured person pays for the damage caused.
3. It required an insurer to notify the Secretary of State by electronic means of the cancellation, termination or lapse of a policy issued for a motor vehicle registered in the State. This requirement would take effect July 1, 2003.
4. It increases the driver's license reinstatement fee from \$30 to \$35, effective January 1, 2003.

Senate Amendment “B” to Committee Amendment “A” (S-397) This amendment proposed to add additional cross-references in the Maine Revised Statutes, Title 29-A to reflect the increase in the driver's license reinstatement fee proposed in Senate Amendment "A" to Committee Amendment "A."

Enacted law summary

Public Law 2001, chapter 463 requires that an insurer of a motor vehicle registered in Maine notify the Secretary of State by electronic means when the insurance on that motor vehicle is cancelled, terminated or lapses effective July 1, 2003. The law requires the Secretary of State to suspend the motor vehicle owner's registration certificate and plates until the owner provides evidence of insurance to the Secretary of State. The fee to reinstate the driver's license is \$35, effective January 1, 2003.

Public Law 2001, chapter 463 was enacted as an emergency measure effective January 1, 2003.

LD 1411

An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks

PUBLIC 267

Sponsor(s)
O'GARA
FISHER

Committee Report
OTP-AM

Amendments Adopted
S-184

LD 1411 proposed to increase fines for the operation of a vehicle in excess of established weight limits. It proposed to make the vehicle registrant responsible for operation of a vehicle in excess of registered weight and to repeal the reduced penalty provision for such a violation. The bill also proposed to amend the minimum fine provision to reflect the amended fine schedule minimum amount. It would repeal the current vehicle-specific aggravated overweight and repeat offender provisions and enact penalty provisions based upon the vehicle registrant's record of prior offenses. Finally, the bill proposed to limit the maximum length of vehicles carrying tree-length logs to 74 feet without a special permit.

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Committee Amendment "A" (S-184) proposed to reduce certain fines for axle weight violations applicable to vehicles hauling special commodities. It also proposed to remove certain repeat violator provisions from the bill. The amendment would also repeal the 80,000 pound gross vehicle weight limit provision for vehicles hauling 53-foot semitrailers.

The amendment would require the Department of Transportation to report to the Legislature on recommended legislation to hold freight shippers and brokers responsible for overweight trucks. It proposed to establish an effective date of January 31, 2002 for the bill except that it provided that the section of the bill that directs the Commissioner of Transportation to report to the Joint Standing Committee on Transportation take effect 90 days after adjournment of the First Regular Session of the 120th Legislature.

House Amendment "A" (H-484) proposed that weight tolerances allowed for certain vehicles must be included in the allowed basic weights of those vehicles when calculating fines for overweight vehicles.

Enacted law summary

Public Law 2001, chapter 267 increases fines for the operation of a vehicle in excess of established weight limits. The law makes the vehicle registrant responsible for operation of a vehicle in excess of registered weight and repeals the reduced penalty provision for such a violation. It repeals the current vehicle-specific aggravated overweight and repeat offender provisions. It limits the maximum length of vehicles carrying tree-length logs to 74 feet without a special permit. The law reduces certain fines for axle weight violations applicable to vehicles hauling special commodities. Finally, it requires the Department of Transportation to report to the Legislature on recommended legislation to hold freight shippers and brokers responsible for overweight trucks.

Except for the provision that directs the Commissioner of Transportation to report to the Legislature, Public Law 2001, chapter 267 was enacted with an effective date of January 31, 2002.

LD 1414

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

**P & S 23
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE C FISHER	OTP-AM	S-51

LD 1414 proposed to do the following.

Part A would make allocations from the Highway Fund.

Part B would make allocations from the Highway Fund representing reduction proposals or adjustments.

Committee Amendment "A" (S-51) proposed to do the following.

Part A would make allocations from the Highway Fund.

Part B would make allocations from the Highway Fund representing reduction proposals or adjustments.

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Enacted law summary

Private and Special Law 2001, chapter 23 does the following.

Part A makes allocations from the Highway Fund.

Part B makes allocations from the Highway Fund representing reduction proposals or adjustments.

Private and Special Law 2001, chapter 23 was enacted as an emergency measure effective May 25, 2001.

LD 1416 **Resolve, to Authorize the Development of a New Railroad Bridge on the Union Branch Railroad Line over Back Cove in Portland** **RESOLVE 18**

<u>Sponsor(s)</u> FISHER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1416 proposed to authorize the Department of Transportation or the Northern New England Passenger Rail Authority to develop and build a railroad bridge across the tidewaters of Back Cove in Portland.

Enacted law summary

Resolve 2001, chapter 18 authorizes the Department of Transportation or the Northern New England Passenger Rail Authority to develop and build a railroad bridge across the tidewaters of Back Cove in Portland.

LD 1427 **An Act to Prohibit Roadblocks for the Purpose of Enforcing the Seat Belt Law for Adults** **ONTP**

<u>Sponsor(s)</u> PERKINS WOODCOCK		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 1427 proposed to prohibit the use of roadblocks for the purpose of determining whether the operator or any passenger 18 years of age or older in a motor vehicle is wearing a seat belt.

LD 1456 **An Act Relating to Restricted Licenses for Certain Drivers** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1456 proposed to give the Secretary of State discretion to issue a restricted license to a person whose license is suspended for a second or subsequent OUI offense. As proposed, the restricted license would not be available

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until the person completed at least 2/3 of the suspension period and an alcohol and drug program. The restrictions would include that the license could be used only to travel between home and employment or a treatment program for a minimum of 18 months, the period of time of the suspension period for second OUI offenses, from the original suspension date. This bill would have also allowed the Secretary of State to impose any other restrictions that would be advisable for the safety of the public or welfare of the operator.

Committee Amendment "A" (H-409), the committee majority report, replaced the bill and would have given the Secretary of State discretion to issue a restricted license to a multiple OUI offender. The restricted license would not be available until 2/3 of the suspension period has expired and the Secretary of State has received notice that the person has committed no motor vehicle offenses since the imposition of the suspension; has completed the alcohol and drug program as defined in the Maine Revised Statutes, Title 29-A, section 2401, subsection 1; has executed an affidavit attesting to at least 3 concurrent years of abstinence from intoxicants; and has completed at least 2 years of volunteer work in substance abuse at a county jail, a hospital or other institution.

The amendment would have also provided that restrictions on the license should include that the license could be used only to travel to and from a treatment program or to employment for the remaining term of the original suspension. The Secretary of State could also consider any other conditions or restrictions advisable for the safety of the public or welfare of the operator.

LD 1480 **An Act to Promote Driver Responsibility** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	ONTP MAJ	
O'GARA	OTP-AM MIN	

LD 1480 proposed to clarify that endangerment of bicyclists and pedestrians is included in the definition of driving to endanger. In addition to other penalties, if the person endangered is a bicyclist or a pedestrian, then the court would suspend the driver's license for 60 days, none of which could be suspended, and impose a fine of not less than \$250, which fine could not be suspended. As proposed, the court would also require that the driver attend and successfully complete a defensive driving course.

Committee Amendment "A" (H-356), the committee minority report, proposed to widen the scope of driving to endanger to include riding a bicycle to endanger. It also proposed to require courts to consider the fact that a person endangered is a bicyclist or pedestrian as an aggravating factor in imposing a sentence.

LD 1485 **An Act to Amend the Laws Regarding Pupil Transportation** **ONTP**

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

LD 1485 proposed to amend the motor vehicle laws to clarify that any motor vehicle carrying more than 10 passengers is classified as a school bus and should meet all the federal and state safety, inspection, construction, lighting, marking and driver licensure requirements of a school bus. The bill also proposed to increase the fee to school bus inspection stations.

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Committee Amendment "A" (H-584), the committee minority report, proposed to change the definition of "private school activity bus" to clarify that these buses should be constructed to meet or exceed all relevant federal motor vehicle safety standards. The amendment also proposed to clarify that private school activity buses would be required to comply only with the school bus provisions regarding mirrors and fire extinguishers.

LD 1507 **Resolve, to Establish the Commission to Study Ways to Improve Transportation for Senior Citizens and the Disabled** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> MARTIN KANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-220
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LD 1507 proposed to create the 11-member Commission to Study Ways to Improve Transportation for Senior Citizens. It proposed to direct the commission to study the public and private transportation programs and services currently available to senior citizens in the State, to identify and prioritize needs in all areas of the State and to make recommendations on the funding and implementation of pilot programs in 2 rural areas of the State that use school buses to transport senior citizens when those school buses are not otherwise being used by the school that owns them.

Committee Amendment "A" (S-220) clarified that in making the legislative appointments to the study commission, the President of the Senate and the Speaker of the House shall give preference to members of the Joint Standing Committee on Transportation. The amendment reduced the number from 2 to one for representatives from local areas on aging, the Maine Council of Senior Citizens and school superintendents and adds a representative from the Maine Association of Pupil Transportation and the Maine Retirement Industry Advisory Council and a representative of a statewide organization that represents persons with disabilities. The amendment also broadened the scope of the pilot program to include other methods for providing transportation in addition to the use of school buses.

LD 1533 **Resolve, to Direct the Secretary of State to Establish a Task Force to Create a New Design for Veterans License Plates** **ONTP**

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1533 proposed to direct the Secretary of State to establish a task force to create a new design for veterans license plates.

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LD 1564

An Act to Amend the Laws Affecting Changeable Message Signs

PUBLIC 268

<u>Sponsor(s)</u> FISHER SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-408
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LD 1564 proposed changes to the use of electronic, digital or mechanical changeable signs. The bill proposed to increase the frequency that messages change from every 4 hours to every 20 minutes and would prohibit flashing, rolling, scrolling or blending. It proposed that changes in sign text must be limited to alphabetic or numeric text and prohibited pictures. The bill also proposed color and sign dimension requirements.

Committee Amendment "A" (H-408) proposed to allow changeable message signs to display more colors than black, white and gray.

Enacted law summary

Public Law 2001, chapter 268 imposes changes to the use of electronic, digital or mechanical changeable signs. The law increases the frequency that messages change from every 4 hours to every 20 minutes and prohibits flashing, rolling, scrolling or blending. It requires that changes in sign text must be limited to alphabetic or numeric text and prohibits pictures.

LD 1614

An Act to Implement the Recommendations of the Secretary of State and the Maine State Police Regarding Low-speed Vehicles

PUBLIC 197

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-220
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LD 1614 proposed to implement the recommendations of the Secretary of State and the Maine State Police regarding low-speed vehicles pursuant to Public Law 1999, chapter 660, section 4 and proposed to make certain changes to the motor vehicle laws regarding golf carts and motorized scooters.

Committee Amendment "A" (H-220) proposed to include a definition of scooter in the general definition section of the Maine Revised Statutes, Title 29-A.

Enacted law summary

Public Law 2001, chapter 197 implements the recommendations of the Secretary of State and the Maine State Police regarding low-speed vehicles pursuant to Public Law 1999, chapter 660, section 4 and makes certain changes to the motor vehicle laws regarding golf carts and motorized scooters.

Joint Standing Committee on Transportation

LD 1626

An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law

**PUBLIC 314
EMERGENCY**

<u>Sponsor(s)</u> FISHER FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-470
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LD 1626 proposed to repeal the current laws governing responsibility for local bridges.

The bill proposed the following:

It placed capital and maintenance responsibility for minor spans that are on state aid highways on the Department of Transportation.

It placed capital and maintenance responsibility for all minor spans that are on town ways on municipalities.

It placed capital responsibility for most bridges on state aid highways and town ways on the Department of Transportation, excepting low use and redundant bridges.

It required that capital responsibility for low use or redundant bridges on town ways be shared by the Department of Transportation and the municipality on a 50%-50% basis, with a 1% valuation cap for low valuation municipalities.

It eliminated county funding for local bridges, except when acting for unorganized townships.

Committee Amendment "A" (H-470) adds a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 314 repeals the current laws governing responsibility for local bridges. It also does the following:

It places capital and maintenance responsibility for minor spans that are on state aid highways on the Department of Transportation;

It places capital and maintenance responsibility for all minor spans that are on town ways on municipalities;

It places capital responsibility for most bridges on state aid highways and town ways on the Department of Transportation, excepting low use and redundant bridges;

It requires that capital responsibility for low use or redundant bridges on town ways be shared by the Department of Transportation and the municipality on a 50%-50% basis, with a 1% valuation cap for low valuation municipalities; and

It eliminates county funding for local bridges, except when acting for unorganized townships.

Public Law 2001, chapter 314 is a State mandate and was enacted as an emergency measure on May 30, 2001.

Joint Standing Committee on Transportation

LD 1664

An Act to Amend Certain Motor Vehicle Laws

PUBLIC 360

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER SAVAGE C	OTP-AM	H-355 H-574 FISHER

LD 1664 proposed certain changes in the motor vehicle statutes that include the following:

1. It defined scooter and imposed the same restrictions on this mode of transportation as on bicycles.
2. It authorized a law enforcement officer who has stopped a vehicle for another violation to demand and inspect the operator's record of duty status and medical examiner's certificate, if the operator is required to have this information.
3. It allowed a permit to be issued by a law enforcement agency to tow an unregistered vehicle using a tow dolly.
4. It allowed Department of Public Safety vehicles operated by motor carrier inspectors to be equipped with amber auxiliary lights.
5. It allowed vehicles designed to respond to a weapon of mass destruction to use a siren and to display and use a red light or combination red and white light.
6. It required an operator passing a stationary authorized emergency vehicle that is using an emergency light to pass that emergency vehicle in a nonadjacent lane, if possible, or at a careful and prudent speed.
7. It prohibited an operator from following within 150 feet of an authorized emergency vehicle, other than fire apparatus, that is using an emergency light.
8. It prohibited a vehicle from standing beside the left-hand side of a way at night in a manner so that its headlights project in the direction of oncoming traffic.
9. It created an exemption to the prohibition against riding in the back of a pickup truck for campers and hikers being transported in Baxter State Park.
10. It required the operator or the owner of a vehicle involved in a reportable accident to produce the vehicle and return the vehicle to the scene of an accident, if possible, at the request of the officer who is investigating the accident.
11. It resolved an inconsistency regarding confining a load of wood chips when the wood chips are transported.

Committee Amendment "A" (H-355) proposed to clarify that a state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable. The amendment also imposed additional restrictions on motorized scooters.

House Amendment "A" (H-574) proposed to change an incorrect reference from fire inspector to fire investigator. It clarified that vehicles driven by capital security officers are authorized emergency vehicles, but these vehicles are prohibited from exceeding maximum speed limits. The amendment also clarified that vehicles designed to respond to a weapon of mass destruction are authorized emergency response vehicles.

Joint Standing Committee on Transportation

Enacted law summary

Public Law 2001, chapter 360 affects the motor vehicle statutes as follows.

1. It defines scooter and imposes the same restrictions on this mode of transportation as on bicycles. It also imposes additional restrictions on motorized scooters;
2. It allows a permit to be issued by a law enforcement agency to tow an unregistered vehicle using a tow dolly. Currently, a permit may be issued to tow by use of a service wrecker or tow bar;
3. It allows Department of Public Safety vehicles operated by motor carrier inspectors to be equipped with amber auxiliary lights;
4. It allows vehicles designed to respond to a weapon of mass destruction to use a siren and to display and use a red light or combination red and white light. It clarifies that these vehicles are authorized emergency response vehicles;
5. It requires an operator passing a stationary authorized emergency vehicle that is using an emergency light to pass that emergency vehicle in a nonadjacent lane, if possible, or at a careful and prudent speed;
6. It prohibits an operator from following within 150 feet of an authorized emergency vehicle, other than fire apparatus, that is using an emergency light;
7. It prohibits a vehicle from standing beside the left-hand side of a way at night in a manner so that its headlights project in the direction of oncoming traffic;
8. It creates an exemption to the prohibition against riding in the back of a pickup truck for campers and hikers being transported in Baxter State Park;
9. It requires the operator or the owner of a vehicle involved in a reportable accident to produce the vehicle and return the vehicle to the scene of an accident, if possible, at the request of the officer who is investigating the accident;
10. It resolves an inconsistency regarding confining a load of wood chips when the wood chips are transported;
11. It clarifies that a state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable;
12. It changes an incorrect reference from fire inspector to fire investigator; and
13. It clarifies that vehicles driven by capital security officers are authorized emergency vehicles, but these vehicles are prohibited from exceeding maximum speed limits.

Joint Standing Committee on Transportation

LD 1671

Resolve, to Create the Commission to Study Combining the Resources of the Maine Turnpike Authority and the Department of Transportation

ONTP

<u>Sponsor(s)</u> SHOREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1671 proposed to create the Commission to Study Combining the Resources of the Maine Turnpike Authority and the Department of Transportation. As proposed, duties of the commission would have included the following: the identification of potential cost savings to turnpike users and taxpayers associated with combining the resources of the Maine Turnpike Authority and the Department of Transportation; the identification and resolution of conflicts or problems associated with combining the resources of the Maine Turnpike Authority and the Department of Transportation; the use of bond raising techniques and toll collection mechanisms used by the Maine Turnpike Authority to develop and implement other highway transportation projects; and the use of excess tolls collected on the existing turnpike system to assist in funding the Highway Fund or other special projects.

LD 1683

An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force

PUBLIC 453

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-221
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LD 1683 proposed to allow 3 sets of special veterans registration plates to be issued to a qualified veteran. The bill proposed to establish a maximum registered gross vehicle weight of 9,000 pounds for a vehicle to qualify for special veterans plates. The bill repeals the Korean War special commemorative decal and allows the issuance of 22 veteran decals to be used in connection with the special veterans registration plate.

Committee Amendment “A” (H-221) proposed to add an allocation section and fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 453 allows 3 sets of special veterans registration plates to be issued to a qualified veteran. The bill establishes a maximum registered gross vehicle weight of 9,000 pounds for a vehicle to qualify for special veterans plates. The law repeals the Korean War special commemorative decal and allows the issuance of 22 veteran decals to be used in connection with the special veterans registration plate.

Public Law 2001, chapter 453 was enacted with an effective date of November 5, 2001 to commemorate Veterans Day.

Joint Standing Committee on Transportation

LD 1774

Resolve, Regarding Legislative Review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a Major Substantive Rule of the Department of Transportation

RESOLVE 46

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-627

LD 1774 provided for legislative review of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a major substantive rule of the Department of Transportation.

Committee Amendment "A" (H-627) proposed to direct the Department of Transportation to make the following revisions to the Highway Driveway and Entrance Rules, Parts A and B.

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more.
2. Clarify that entrance mitigation provisions apply only when the department determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit.
3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. Clarify that the status of a proposed driveway or entrance access as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance.
4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the department determines that more entrances would be safer. Provide an exception to this provision for forestry and farming activities.
5. Reduce and simplify the corner clearance provisions applicable to arterials to a minimum of 125 feet, which can be waived for driveways. Clarify that the department may require greater corner clearance if the department determines it is necessary to prevent a significant impact on public safety or a reduction in the posted speed limit.
6. Simplify the shared-access provisions to clarify the conditions for landowner compliance.

Enacted law summary

Resolve 2001, chapter 46 authorizes final adoption of Chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a major substantive rule of the Department of Transportation. The resolve directs the Department of Transportation to make the following revisions to the Highway Driveway and Entrance Rules, Parts A and B.

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more;
2. Clarify that entrance mitigation provisions apply only when the department determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit;

Joint Standing Committee on Transportation

3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. Clarify that the status of a proposed driveway or entrance access as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance;
4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the department determines that more entrances would be safer. Provide an exception to this provision for forestry and farming activities;
5. Reduce and simplify the corner clearance provisions applicable to arterials to a minimum of 125 feet, which can be waived for driveways. Clarify that the department may require greater corner clearance if the department determines it is necessary to prevent a significant impact on public safety or a reduction in the posted speed limit; and
6. Simplify the shared-access provisions to clarify the conditions for landowner compliance.

LD 1777 **Resolve, Regarding Legislative Review of Portions of Chapter 1: Vehicle Inspection Manual, a Major Substantive Rule of the Department of Public Safety** **RESOLVE 43 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1777 provided for legislative review of Portions of Chapter 1: Motor Vehicle Inspection Manual, a major substantive rule of the Department of Public Safety.

Enacted law summary

Resolve 2001, chapter 43 authorizes final adoption of Portions of Chapter 1: Motor Vehicle Inspection Manual, a major substantive rule of the Department of Public Safety.

Resolve 2001, chapter 43 was enacted as an emergency measure effective May 31, 2001.

LD 1831 **Resolve, to Name the Bridge Between Gardiner and Randolph the Pearl Harbor Remembrance Bridge** **RESOLVE 64**

<u>Sponsor(s)</u> FISHER TREAT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1831 proposed to name the bridge between Gardiner and Randolph the Pearl Harbor Remembrance Bridge.

Enacted law summary

Resolve 2001, chapter 64 names the bridge between Gardiner and Randolph the Pearl Harbor Remembrance Bridge.

Joint Standing Committee on Transportation

SP 589

JOINT RESOLUTION – Memorializing Congress and the United States Department of Transportation to Study the Sufficiency of West-East Transportation Links

PASSED

Sponsor(s)
BENNETT
SAXL

Committee Report
OTP

Amendments Adopted

SP 589 proposed to memorialize Congress and the United States Department of Transportation to study the sufficiency of west-east transportation links in the northeastern portion of North America. This study would evaluate the economic potential of the northeast region with and without significant changes in its transportation infrastructure. It would further urge the Department of Transportation to conduct this study in cooperation with Canada.

Enacted law summary

SP 589 memorializes Congress and the United States Department of Transportation to study the sufficiency of west-east transportation links in the northeastern portion of North America. This study would evaluate the economic potential of the northeast region with and without significant changes in its transportation infrastructure. It would further urge the Department of Transportation to conduct this study in cooperation with Canada.

HP 720

JOINT ORDER - Relative to the Joint Select Commission to Examine the Laws Governing the Operation of Emergency Vehicles

ONTP

Sponsor(s)
BULL
MCALEVEY

Committee Report
ONTP

Amendments Adopted

HP 720 proposed to establish the Joint Select Commission to Examine the Laws Governing the Operation of Emergency Vehicles. It was proposed that the commission would review any necessary changes to laws governing the operation of emergency vehicles, including, but not limited to, the use of emergency lights, the general operation of emergency vehicles and the training of operators of emergency vehicles.

Joint Standing Committee on Transportation

HP 1327

**JOINT ORDER - Relative to the Committee to Study the
Authorization of Specialty License Plates**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER O'GARA	OTP	

HP 1327 proposed to establish the Committee to Study the Authorization of Specialty License Plates. It was proposed that the committee would study the issues regarding legislative authorization of specialty license plate requests. These issues include statutory requirements, impacts on State resources and public safety concerns. In addition, the committee would study the experiences of other states that authorize specialty license plates and would consider viable alternatives to the issuance of specialty license plates.

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Joint Standing Committee on Utilities and Energy

LD 24

An Act to Amend the Charter of the South Berwick Sewer District

P & S 2
EMERGENCY

<u>Sponsor(s)</u> MURPHY E LEMONT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-9
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LD 24 proposed to amend the territorial limits of the South Berwick Sewer District.

Committee Amendment "A" (H-9) proposed to add an emergency preamble and clause to the bill.

Enacted law summary

Private and Special Law 2001, chapter 2 amends the territorial limits of the South Berwick Sewer District.

This law was enacted as an emergency measure effective on April 6, 2001.

LD 33

An Act to Lower In-state Phone Costs for Rural Maine

PUBLIC 106

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-76
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LD 33 proposed to require the Public Utilities Commission, on petition, to expand a basic service calling area that encompasses only a single exchange.

Committee Amendment "A" (S-76) proposed to replace the bill. This amendment:

1. proposed to allow 50 or more customers within a single-exchange basic service calling area to petition the Public Utilities Commission to expand that basic service calling area;
2. proposed to require the commission, upon receipt of the petition, to either expand the calling area or to explain why it is not expanding the calling area;
3. proposed to permit the commission to allow affected carriers to recover any costs associated with the expansion of the calling area; and
4. proposed to require the commission to adopt rules establishing standards for expanding single-exchange calling areas.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Public Law 2001, chapter 106:

1. Allows 50 or more customers within a single-exchange basic service calling area to petition the Public Utilities Commission to expand that basic service calling area;
2. Requires the commission, upon receipt of the petition, to either expand the calling area or to explain why it is not expanding the calling area;
3. Permits the commission to allow affected carriers to recover any costs associated with the expansion of the calling area; and
4. Requires the commission no later than 30 days after the effective date of this Act to adopt rules establishing standards for expanding single-exchange calling areas.

LD 122

An Act to Revise the Hampden Water District Charter

P & S 5

Sponsor(s)
DUPREY

Committee Report
OTP-AM

Amendments Adopted
H-8

LD 122 proposed to amend the terms of the trustees of the Hampden Water District and to provide that the compensation of the trustees and the treasurer of the board of trustees will be determined by the board of trustees.

Committee Amendment "A" (H-8) proposed to make technical corrections to the bill, remove obsolete language and address some technical formatting issues in the Hampden Water District charter. The amendment also proposed to exempt the district from a provision of the Maine Revised Statutes, Title 35-A that would otherwise conflict with that portion of the bill that provides that the trustees of the district set their own salary.

Enacted law summary

Private and Special Law 2001, chapter 5 amends the terms of the trustees of the Hampden Water District and provides that compensation for the trustees and the treasurer of the board of trustees will be determined by the board of trustees.

Joint Standing Committee on Utilities and Energy

LD 157

An Act to Clarify Marketing Standards for Telephone Utilities and Competitive Electricity Providers

PUBLIC 71

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-93
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LD 157 proposed to clarify that provisions regarding consumer protection contained in the Maine Revised Statutes, Title 35-A and in rules promulgated by the Public Utilities Commission, govern the practices of telephone utilities regulated by the Public Utilities Commission and competitive electricity providers licensed by the Public Utilities Commission and that the provisions of the consumer solicitation sales law and the transient seller law do not.

Committee Amendment "A" (H-93) proposed to replace the bill. This amendment proposed to remove a conflict of laws. Under this amendment, current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming" would be exempted from the provision of the consumer solicitation sales law that requires a consumer's written authorization to consummate certain sales made in person or over the phone. Under current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming," oral authorization obtained by an independent 3rd party and, in the case of the law regulating slamming, toll-free electronic authorization are also permitted. This amendment proposed to preserve these provisions. Other provisions of the consumer solicitation sales law would continue to apply in all these contexts. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 71 removes a conflict of laws. Under this law, current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming" are exempted from the provision of the consumer solicitation sales law that requires a consumer's written authorization to consummate certain sales made in person or over the phone. Under current provisions of law and implementing rules regulating the sale of electricity and the telephone practices known as "slamming" and "cramming," oral authorization obtained by an independent 3rd party and, in the case of the law regulating slamming, toll-free electronic authorization are also permitted. This amendment preserves these provisions. Other provisions of the consumer solicitation sales law continue to apply in all these contexts.

LD 240

An Act to Permit an Unspent Balance in the Public Advocate Regulatory Fund to be Carried Forward in Full for Fiscal Years 2000-01 and 2001-02

PUBLIC 28

<u>Sponsor(s)</u> SAVAGE W FERGUSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-31
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LD 240 proposed to allow the Public Advocate to make use of the entire unspent balance from fiscal years 2000-01 and 2001-02. Only 10% of the unspent balance may be carried forward under current law.

Joint Standing Committee on Utilities and Energy

Committee Amendment "A" (H-31) proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 28 enables the Public Advocate to make use of an unspent balance carried forward from fiscal years 2000-01 and 2001-02 in full, rather than merely the 10% portion of that balance that is authorized under current law.

LD 288

An Act to Clarify Access to Private Lines in a Public Way

**PUBLIC 110
EMERGENCY**

Sponsor(s)
TRACY

Committee Report
OTP-AM

Amendments Adopted
H-142

LD 288 proposed to repeal the requirement that a person who is not a transmission and distribution utility must post a surety bond prior to constructing and maintaining its lines in, upon, along or under the roads, streets and public ways maintained by any municipality.

Committee Amendment "A" (H-142) proposed to replace the bill. This amendment proposed to accomplish the following:

1. To amend the law relating to the construction of private lines in the public way and to expand its application to state-regulated roads;
2. To refine the bonding requirement for persons building private lines in a public way;
3. To make the requirement that the Public Utilities Commission issue a finding that a private line is not a duplication of existing facilities and does not interfere with the adequate and safe delivery of electricity to others contingent upon a transmission and distribution utility's raising these issues as an objection to the construction of a private line;
4. To establish that a transmission and distribution utility may not refuse to energize a line if the line meets the utility's standards, provided the standards are the same as the standards the utility applies to its own lines, and the person owning the line reimburses the utility for connecting the line to the utility's system; and
5. To add an emergency preamble and emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 110 accomplishes the following.

1. It amends the law relating to the construction of private lines in the public way and expands its application to state-regulated roads.

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2. It refines the bonding requirement for persons building private lines in a public way.
3. It makes the requirement that the Public Utilities Commission issue a finding that a private line is not a duplication of existing facilities and does not interfere with the adequate and safe delivery of electricity to others contingent upon a transmission and distribution utility's raising these issues as an objection to the construction of a private line.
4. It establishes that a transmission and distribution utility may not refuse to energize a line if the line meets the utility's standards, provided the standards are the same as the standards the utility applies to its own lines, and the person owning the line reimburses the utility for connecting the line to the utility's system.

This law was enacted as an emergency measure effective on May 9, 2001.

LD 304 **An Act Regarding the Franchises of Transmission and Distribution Electric Companies** **ONTP**

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

LD 304 proposed to provide that if a transmission and distribution utility furnishes service to another transmission and distribution utility and if it is not subject to regulatory limits on its rate of return, it would not require approval from the Public Utilities Commission to furnish service.

LD 314 **An Act to Require Notice to Telephone Customers in Maine Prior to Price Increases** **PUBLIC 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER	OTP-AM	S-7

Currently, there are no provisions in Maine law requiring a telephone utility offering intrastate toll services to provide notice of an increase or decrease in price. LD 314 proposed to establish such a requirement and direct the Public Utilities Commission to adopt rules for its implementation.

Committee Amendment "A" (S-7) proposed to replace the bill. This amendment proposed to require a telephone utility offering intrastate toll service to provide prior written notice of any increase in the price for such service or change in terms or conditions for such service that would result in an increase in costs for any customer. The amendment also proposed to require the utility to file a tariff revision with the Public Utility Commission identifying the new price or the change in the terms or conditions of service. The amendment proposed to specify that failure to provide such notice would result in the increase in price or change in terms or conditions becoming invalid. Customers who are not provided the notice would be able to withhold payment for the increased prices, and a telephone utility that fails to provide the required notice must refund the excess payments. The amendment also proposed to require telephone utilities to provide notice to customers of the

Joint Standing Committee on Utilities and Energy

requirements of the law and of customer rights under it. The Public Utilities Commission would be directed to adopt implementing rules. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 29 requires a telephone utility offering intrastate toll service to provide prior written notice of any increase in the price for such service or change in terms or conditions for such service that would result in an increase in costs for any customer. The law also requires the utility to file a tariff revision with the Public Utility Commission identifying the new price or the change in the terms or conditions of service. The law specifies that failure to provide such notice results in the increase in price or change in terms or conditions being invalid. Customers who are not provided the notice may withhold payment for the increased prices, and a telephone utility that fails to provide the required notice must refund the excess payments. The law also requires telephone utilities to provide notice to customers of the requirements of the law and of customer rights under it. The Public Utilities Commission is directed to adopt implementing rules.

LD 316

**An Act to Authorize Representation by the Public Advocate of
Consumer Interests on Regional Decision-making Bodies**

**PUBLIC 27
EMERGENCY**

<u>Sponsor(s)</u> CARPENTER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-8
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LD 316 proposed to allow the Public Advocate, when necessary, to serve as a voting member of a regional body that is directly concerned with matters affecting the price and quality of retail utility service in Maine, such as the New England Power Pool.

Committee Amendment "A" (S-8) proposed to clarify that if the Public Advocate serves as a voting member of a regional body such as the New England Power Pool, this does not create or constitute a conflict of interest. The amendment also proposed to add a fiscal note and an emergency to the bill.

Enacted law summary

Public Law 2001, chapter 27 allows the Public Advocate, when necessary, to serve as a voting member of a regional body that is directly concerned with matters affecting the price and quality of retail utility service in Maine, such as the New England Power Pool. The law provides that if the Public Advocate serves as a voting member of a regional body such as the New England Power Pool, this does not create or constitute a conflict of interest.

This law was enacted as an emergency measure effective on April 6, 2001.

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LD 357

An Act to Protect the State's Heating Oil Consumers

ONTP

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 357 was a concept draft pursuant to Joint Rule 208. The bill proposed to study how the Legislature could establish an energy policy in the State that would protect consumers from the increasing costs of heating fuel. As proposed, the Legislature would work with the Finance Authority of Maine to develop a program that would offer low-interest loans or no-interest loans to fuel companies so that fuel companies could pass any savings on to the consumers.

LD 386

An Act Regarding the Use of Revenues Collected by the Public Utilities Commission

ONTP

<u>Sponsor(s)</u> MCDONOUGH RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 386 proposed to make it unlawful for the Public Utilities Commission to pay dues from its budget to any regional or national organization without the explicit approval of the Legislature.

LD 390

An Act to Require Telephone Utility Participation in Enhanced 9-1-1

PUBLIC 53

<u>Sponsor(s)</u> BERRY D		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-78
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LD 390 proposed to require every telephone utility providing local exchange service in Maine to implement Enhanced 9-1-1 and to provide the necessary subscriber information to the E-9-1-1 system in a format established by Department of Public Safety, Emergency Services Communication Bureau rules. It also proposed to require each telephone utility and cellular or wireless telecommunications service provider to designate a contact person for all matters relating to E-9-1-1 service.

Committee Amendment "A" (H-78) proposed to do the following:

1. To change the term "local exchange telephone utility" to "local exchange carrier" and provide a definition of this term;
2. To provide that local exchange carriers and cellular and wireless providers must designate a primary contact person to work with the Emergency Services Communication Bureau but that that person may delegate the authority to others;

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3. To establish a penalty provision, administered by the Public Utilities Commission, for violations of the law;
4. To require the Emergency Services Communication Bureau to submit for review by the Joint Standing Committee on Utilities and Energy any rules it proposes to adopt pursuant to the Maine Revised Statutes, Title 25, section 2933; and
5. To add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 53 requires every telephone utility providing local exchange service in Maine to implement Enhanced 9-1-1 and to provide the necessary subscriber information to the E-9-1-1 system in the format and frequency established by Department of Public Safety, Emergency Services Communication Bureau rules. It requires local exchange carriers and cellular and wireless providers to designate a primary contact person to work with the Emergency Services Communication Bureau but that that person may delegate the authority to others. It establishes a penalty provision, administered by the Public Utilities Commission, for violations of the law. It also requires the Emergency Services Communication Bureau to submit for review by the Joint Standing Committee on Utilities and Energy any rules it proposes to adopt pursuant to the Maine Revised Statutes, Title 25, section 2933.

LD 420

An Act to Strengthen Energy Conservation

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W FERGUSON		

LD 420 proposes to require the Public Utilities Commission to establish total conservation program expenditures for each transmission and distribution utility that account for relative levels of total conservation program expenditures in this State compared with other New England states that do not exceed .25 cents per kilowatt hour.

LD 435

**An Act to Amend the Charter of the Lewiston-Auburn Water
Pollution Control Authority**

P & S 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT DOUGLASS	OTP-AM	H-22

LD 435 proposed to amend the Charter of the Lewiston-Auburn Water Pollution Control Authority to include Lewiston's Assistant City Administrator and Auburn's Assistant City Manager as board members under certain circumstances.

Committee Amendment "A" (H-22) proposed to remove language from the charter relative to the service of the City Administrator of Lewiston or the City Manager of Auburn on the board of the Lewiston-Auburn Water

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Pollution Control Authority in the event of the termination of their offices. This language would no longer be needed as the bill would amend the charter to include the Assistant Administrator and Assistant City Manager as board member in the event of such terminations.

Enacted law summary

Private and Special Law 2001, chapter 6 amends the Charter of the Lewiston-Auburn Water Pollution Control Authority to include Lewiston's Assistant City Administrator and Auburn's Assistant City Manager as board members under certain circumstances. It also removes language from the charter relative to the service of the City Administrator of Lewiston or the City Manager of Auburn on the board of the Lewiston-Auburn Water Pollution Control Authority in the event of the termination of their offices.

LD 483

An Act to Revise the Sewer Lien Laws

PUBLIC 319

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM MAJ	H-460
BENNETT	OTP-AM MIN	

LD 483 proposed to revise the law concerning sanitary district liens in 2 ways.

1. It proposed to provide that a sanitary district lien must be placed on a mobile home and not on the land when the mobile home is located on the land of another person and the owner of the mobile home is directly obligated to the district to pay the sewer rate.
2. It proposed to require the district to notify the owner of the real estate subject to a lien prior to foreclosure in the same manner as current law requires a municipality to notify prior to foreclosure the owner of real estate on which a tax lien has been placed.

Committee Amendment "A" (H-460) proposed to do the following.

1. Remove that portion of the bill that requires that a sanitary district lien be placed on a mobile home;
2. Add to the provision of the bill requiring a district to notify a person of the impending foreclosure of any lien placed the person's property by establishing the form of the notice; and
3. Add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 319 revises the law concerning sanitary district liens. It requires a district to notify the owner of real estate subject to a lien prior to foreclosure in the same manner as a municipality must provide such notice prior to foreclosure of a tax lien.

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LD 486

An Act to Implement a State Universal Service Fund

ONTP

<u>Sponsor(s)</u> COLWELL FERGUSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 486 proposed to require that a state universal service fund, or USF, be established to reimburse telephone companies for the reduction of access rates required by the Maine Revised Statutes, Title 35-A, section 7101-B.

LD 495

An Act to Amend the Small Power Production and Cogeneration Laws

PUBLIC 76

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-38
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LD 495 proposed to direct the Public Utilities Commission to promote renewable energy and cogeneration at regional and federal forums and as the commission implements the State's electric industry restructuring laws.

Committee Amendment "A" (S-38) proposed to ensure that the Public Utilities Commission is not directed to promote the State's renewable power producers and cogenerators at the expense of the interests of competition, consumers of electricity or economic development in this State.

Enacted law summary

Public Law 2001, chapter 76 requires the Public Utilities Commission to promote renewable power and cogeneration in positions the commission takes at regional and federal forums and as the commission implements the State's electric industry restructuring laws, provided that the promotion of renewable power and cogenerators is not at the expense of the interests of competition, consumers of electricity or economic development in this State.

LD 503

An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company

P & S 16
EMERGENCY

<u>Sponsor(s)</u> GOLDTHWAIT KOFFMAN	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-45
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LD 503

Joint Standing Committee on Utilities and Energy

This legislation proposed to expand the eminent domain authority of the Town of Bar Harbor to allow it to acquire the property assets including personal property assets of the Bar Harbor Water Company. This bill proposed to allow the town to operate a water supply system.

Committee Amendment "A" (S-45) proposed to replace the bill. This amendment proposed to grant authority to the Town of Bar Harbor to acquire by purchase or eminent domain the Bar Harbor Water Company.

This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-175) proposed to remove from the committee amendment the grant of authority to the Town of Bar Harbor to acquire by eminent domain the Bar Harbor Water Company. This amendment proposed to retain that portion of the amendment that authorizes the town's acquisition of the water company by purchase.

Enacted law summary

Private and Special Law 2001, chapter 16 grants authority to the Town of Bar Harbor to acquire by purchase or eminent domain the Bar Harbor Water Company.

This law was enacted as an emergency measure effective on May 9, 2001.

LD 570

An Act to Remove Redundant Written Authorization Requirements

PUBLIC 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MICHAUD MH	OTP-AM	H-42

LD 570 proposed to remove the requirement for multiple written authorizations in order to install new utility services. Written authorization would only be required for the first utility installing service. Any subsequent utility installing services would not be required to obtain written authorization in order to install new services.

Committee Amendment "A" (H-42) proposed to make it clear that the first utility to install service to a lot in a subdivision or structure in a shoreland zone must comply with the written authorization requirements of current law.

Enacted law summary

Public Law 2001, chapter 40 removes the requirement for multiple written authorizations in order to install new utility services. Written authorization is only required for the first utility installing service. Any subsequent utility installing services is not required to obtain written authorization in order to install new services.

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LD 585

An Act Concerning Telemarketing

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-123 MILLS
COLWELL	ONTP MIN	S-173 MILLS
		S-91

LD 585 proposed to remove telemarketers from the provisions of Maine's consumer solicitation sales laws that require the contents of any telemarketer's contract be in writing, provide that the consumer has a right of avoidance and require that the telemarketer comply with transient sellers requirements, including the requirement that a telemarketer not call persons who have put their name on the Direct Marketing Association do-not-call list.

Committee Amendment "A" (S-91), which is the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and amend the title to reflect the changes to the bill. This amendment proposed to exempt affiliates and agents of supervised lenders, to the extent they are selling or offering to sell the services of the supervised lender, from the provisions of the law relating to transient sellers of consumer merchandise. It also proposed to exempt supervised lenders and their affiliates and agents, to the extent they are selling or offering to sell the services of the supervised lender, from the law relating to consumer solicitation sales.

Senate Amendment "A" to Committee Amendment "A" (S-122) proposed to amend the committee amendment by removing the exemption from the laws governing consumer solicitation sales by a supervised lender or an agent or affiliate of a supervised lender to include only the sale of a credit card.

Senate Amendment "B" to Committee Amendment "A" (S-123) proposed to amend the committee amendment by refining the exemption from the laws governing transient sales by an agent or affiliate of a supervised lender.

Senate Amendment "C" to Committee Amendment "A" (S-124) proposed to amend the committee amendment by refining the exception from the consumer solicitation sales law. This amendment proposed to exempt supervised lenders selling credit cards from that law, provided the sales are not completed during the initial contact with the consumer but are completed only after the consumer undertakes an affirmative act indicating the consumer's acceptance of the terms of the sale, such as initiating a call to activate the credit card.

Senate Amendment "D" to Committee Amendment "A" (S-165) proposed to amend the committee amendment by exempting supervised lenders and their affiliates and agents from the consumer solicitation sales law only to the extent that they are selling credit services and the transaction requires a separate, additional affirmation by the consumer.

Senate Amendment "E" to Committee Amendment "A" (S-173) proposed to amend the committee amendment to provide that lenders and their affiliated telemarketing firms are exempt from the consumer solicitation sales law only to the extent that they are selling credit services and that the transaction requires an acceptance initiated by the consumer.

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Enacted law summary

Public Law 2001, chapter 276 exempts lenders and their affiliated telemarketing firms from the consumer solicitation sales law to the extent that they are selling credit services and that transaction requires an acceptance initiated by the consumer.

LD 620

An Act to Amend the Charter of the Gray Water District

P & S 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER KILKELLY	OTP-AM	H-86

LD 620 proposed to clarify the election procedures of the Gray Water District.

Committee Amendment "A" (H-86) proposed to make clear that the terms of the current trustees of the Gray Water District are not affected by this bill.

Enacted law summary

Private and Special Law 2001, chapter 11 clarifies the election procedures of the Gray Water District and makes clear that the terms of the current trustees of the Gray Water District are not affected.

LD 637

An Act to Amend the Charter of the Portland Water District to Conform to Changes in the Municipal Election Date for the City of Portland

**P & S 7
EMERGENCY**

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

In November 2000, the City of Portland changed the date of its municipal elections from May to November. LD 637 proposed to make a conforming change in the charter of the Portland Water District with respect to trustees elected from the City of Portland.

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Enacted law summary

Private and Special Law 2001, chapter 7 makes a change in the charter of the Portland Water District with respect to the date on which trustees are elected from the City of Portland in order to conform to the change in date of the City of Portland's municipal elections.

This law was enacted as an emergency measure effective on April 10, 2001.

LD 646 **An Act to Establish the Maine Energy Advisory Council** **CARRIED OVER**

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

LD 646 proposes to establish the Maine Energy Advisory Council, which will advise and make recommendations to the State Planning Office concerning energy issues.

LD 662 **An Act to Remove Barriers to Providing Natural Gas Services** **PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA BERRY D	OTP-AM	S-64

Present law does not permit a gas utility authorized and serving customers in the State to establish service in or to any municipality within the State without the approval of the Public Utilities Commission even if no other gas utility is furnishing or is authorized to furnish gas service. LD 662 proposed to remove the approval requirement.

Committee Amendment "A" (S-64) proposed to replace the bill with new language to achieve the intent of the bill. This amendment proposed to provide that:

1. A gas utility that has received Public Utilities Commission approval to serve somewhere in the State is not required to seek further approval from the commission to serve elsewhere in the State except in towns in which another gas utility is actually providing similar service; and
2. The commission may by order limit a gas utility to a certain area of the State.

Enacted law summary

Public Law 2001, chapter 124 provides that a gas utility that has received Public Utilities Commission approval to serve somewhere in the State is not required to seek further approval from the commission to serve elsewhere in the

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State except in towns in which another gas utility is actually providing similar service. The commission may by order limit a gas utility to a certain area of the State.

LD 741 **An Act to Mitigate Volatile Energy Costs** **ONTP**

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

LD 741 proposed to require the Public Utilities Commission to use funds from the asset sale gain account to provide a subsidy to nonresidential electricity consumers.

LD 808 **An Act to Amend the Laws Governing the Service Territory of
Kennebunk Light and Power District** **DIED IN
CONCURRENCE**

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

LD 808 proposed to amend the laws governing the service territory of Kennebunk Light and Power District to include the entire Town of Kennebunk and to override those provisions of the Maine Revised Statutes, Title 35-A that require the permission of the Public Utilities Commission for the extension of the district's service either by purchase of existing facilities or by construction of new facilities to portions of the Town of Kennebunk that it does not presently serve. The bill proposed to authorize the district to fund the cost of a lease or purchase of tangible assets through the use of a rate surcharge to be paid by its retail customers in the subject area.

LD 830 **An Act to Designate the Town of Topsham Communications Center
as a Public Safety Answering Point** **ONTP**

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

LD 830 proposed to designate the Topsham Communications Center in the Town of Topsham as a public safety answering point for the purposes of providing enhanced 9-1-1 service to certain communities within Sagadahoc County.

Committee Amendment "A" (H-103) was the minority report of the Joint Standing Committee on Utilities and Energy. This amendment proposed to add an appropriation section and a fiscal note to the bill.

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LD 840

An Act to Streamline Installation of Private Electrical Lines

ONTP

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

LD 840 proposed to provide that when a private line extension from a transmission and distribution utility's line is built in accordance with national, state and local codes as well as any transmission and distribution utility requirements contained in its filed tariffs, the transmission and distribution utility could not establish or require satisfaction of further conditions as a precondition to connecting the person's private line extension to the utility's system.

LD 869

An Act to Establish the Lineworker Safety Act

ONTP

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

LD 869 proposed to enact the Lineworker Safety Act. This bill proposed to require that under certain circumstances a minimum of 2 qualified lineworkers be present and working. The bill also proposed to prohibit a public utility or private contractor from allowing a lineworker to work more than 17 consecutive hours without a 7-hour rest period. Finally, the bill proposed to impose monetary penalties on utilities or contractors that violate this Act.

LD 884

An Act to Revise the Charter of the Ogunquit Sewer District

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	OTP-AM	S-77

LD 884 proposed to amend the charter of the Ogunquit Sewer District. The bill proposed to change the lien procedures of the district to enhance notification to those affected by liens for unpaid assessments, supplemental assessments or rates and to allow the district to avoid forfeiture of its liens in the event that properties subject to its liens become the subject of bankruptcy proceedings.

Committee Amendment "A" (S-77) proposed to make technical corrections to the bill, remove certain language that is redundant given provisions that already apply to the district by operation of general law, clarify that the district hold its own election to fill trustee positions if the Town of Ogunquit does not hold an annual election, clarify the terms of office of the trustees, provide that district officers are elected at the annual district meeting and increase the district's debt limit from \$30,000 to \$100,000.

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Enacted law summary

Private and Special Law 2001, chapter 19 amends the charter of the Ogunquit Sewer District. The law also changes the lien procedures governing liens for unpaid assessments, supplemental assessments or rates to provide for 2 notices to the landowners prior to foreclosure on liens.

The law also provides that the district must hold its own election to fill trustee positions if the Town of Ogunquit does not hold an annual election, clarifies the terms of office of the trustees, provides that district officers are elected at the annual district meeting and increases the district's debt limit from \$30,000 to \$100,000.

LD 892 **An Act to Alleviate Heating Prices** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 892 was a concept draft pursuant to Joint Rule 208.

This bill proposed to direct the Executive Department, State Planning Office to inventory wood used for heating and provide information on installing, purchasing and using wood stoves.

LD 904 **An Act to Amend the Charter of the Corinna Water District** **P & S 13
EMERGENCY**

<u>Sponsor(s)</u> TOBIN J DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-99
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LD 904 proposed to create the Corinna Standard Water District.

Committee Amendment "A" (H-99) proposed to replace the bill. This amendment proposed to modernize the charter of the Corinna Water District using the Standard Water District Enabling Act. The amendment proposed to preserve certain provisions of the existing charter:

1. The authority of the district to take water from any source in the Town of Corinna;
2. The district's authorization to incur debt up to \$1,000,000, though the district is also granted the authority of a standard water district to increase this debt limit through the use of a referendum process; and
3. Exemption from review by the Public Utilities Commission of the district's management and allocation of funds received from the Department of Environmental Protection, except on request by the department.

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Enacted law summary

Private and Special Law 2001, chapter 13 modernizes the charter of the Corinna Water District using the Standard Water District Enabling Act. The amendment preserves certain provisions of the existing charter:

1. The authority of the district to take water from any source in the Town of Corinna;
2. The district's authorization to incur debt up to \$1,000,000, though the district is also granted the authority of a standard water district to increase this debt limit through the use of a referendum process; and
3. Exemption from review by the Public Utilities Commission of the district's management and allocation of funds received from the Department of Environmental Protection, except on request by the department.

This law was enacted as an emergency measure effective on May 8, 2001.

LD 910

An Act Concerning Private Line Extensions

PUBLIC 201

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-115
TRAHAN	ONTP MIN	

LD 910 proposed to establish standards for transmission and distribution utilities that charge customers for single-phase overhead line extensions. The standards would provide for amortization of the costs for up to 5 years and apportionment of costs among multiple users of the line. The bill also proposed to require the Public Utilities Commission to adopt rules establishing standards for the payment of the costs associated with single-phase overhead line extensions provided by a transmission and distribution utility to a customer. These rules would be major substantive rules and would be required to be submitted for legislative review by January 1, 2002.

Committee Amendment "A" (S-115) is the majority report of the Joint Standing Committee on Utilities and Energy. The amendment proposed to replace the bill and alter the title to more accurately reflect the content of the bill as amended. This amendment proposed to direct the Public Utilities Commission to adopt rules governing line extensions. The rules must establish standards for construction of private line extensions, terms and conditions for the transference of private lines to transmission and distribution utilities and requirements for apportioning among users the costs of single-phase overhead line extensions. The commission would also be directed to examine issues related to establishing minimum qualifications for persons who construct private line extensions.

Enacted law summary

Public Law 2001, chapter 201 directs the Public Utilities Commission to adopt rules governing line extensions. The rules must establish standards for construction of private line extensions, terms and conditions for the transference of private lines to transmission and distribution utilities and requirements for apportioning among users the costs of single-phase overhead line extensions. The commission is also directed to examine issues related to establishing minimum qualifications for persons who construct private line extensions.

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LD 930

An Act Authorizing the Public Utilities Commission to Award Restitution to Customers Damaged by Inferior Utility Service

ONTP

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

LD 930 proposed to authorize the Public Utilities Commission to order restitution up to the level possible in Small Claims Court to customers who sustain damages resulting from utility service.

Committee Amendment "A" (H-402) was the minority report of the Committee. The amendment proposed to replace the bill and to change the title to reflect the content of the amendment. This amendment proposed to authorize the commission to investigate a complaint regarding damages caused by an unreasonable utility practice. The amendment also proposed to establish a mediation program at the commission to assist customers in resolving such complaints.

LD 931

An Act to Provide for the Security of Certain Utility Information

**PUBLIC 135
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-130

LD 931 proposed to allow the Public Utilities Commission to designate as confidential information certain information about public utility operations and facilities and to share that information with state agencies such as the Maine Emergency Management Agency in the Department of Defense, Veterans and Emergency Management, the Department of Public Safety and the State Planning Office.

Committee Amendment "A" (H-130) proposed to replace the bill. This amendment proposed:

1. To authorize the Public Utilities Commission to issue an order designating certain information confidential if the release of the information could compromise the security of a utility to the detriment of the public interest;
2. To allow access to the information by discovery in the context of commission proceedings but to allow the commission to limit discovery if necessary to protect the public interest;
3. To allow the commission to release or direct the release of the information to other state agencies for public health and safety purposes but to require notice to the affected utility; and
4. To allow agencies receiving the information to release the information to others but requires notice, through the commission, to the utility, except in emergency situations;

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Enacted law summary

Public Law 2001, chapter 135:

1. Authorizes the Public Utilities Commission to issue an order designating certain information confidential if the release of the information could compromise the security of a utility to the detriment of the public interest;
2. Allows access to the information by discovery in the context of commission proceedings but allows the commission to limit discovery if necessary to protect the public interest;
3. Allows the commission to release or direct the release of the information to other state agencies for public health and safety purposes but requires notice first to the affected utility; and
4. Allows agencies receiving the information to release the information to others but requires notice, through the commission, to the utility, except in emergency situations.

This law was enacted as an emergency measure effective on May 14, 2001.

LD 934 **An Act to Allow Timely Public Comment on Matters Heard Before Sanitary Districts** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 934 proposed to require a sewer district or a sanitary district to provide an opportunity for the public to comment before the board of trustees takes a final vote on important matters affecting the users of the district.

LD 959 **An Act to Change the Assessment for Sprinkler Systems to a Per-use basis** **ONTP**

<u>Sponsor(s)</u> MICHAEL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 959 proposed to provide that beginning January 1, 2002, the charge a water utility collects from a customer for water service to support the operation of a private fire protection system be based on actual metered water use and not potential use.

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LD 1000

An Act to Promote Consistency in Dialing Cellular and Landline Telephone Numbers

ONTP

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1000 proposed to require a provider of cellular or wireless telecommunications service in this State to configure its system so that a caller making an intrastate call would complete the call by dialing the same number of digits as the caller would dial if the caller were using telephone utility landline service.

LD 1059

An Act Concerning Private Line Extensions Provided by Central Maine Power Company

ONTP

<u>Sponsor(s)</u> TURNER		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 1059 proposed to:

1. Void the Public Utilities Commission order of November 10, 1999 in Docket Number 99-042 and reinstate Central Maine Power Company's terms and conditions relating to single-phase overhead line extensions in effect prior to the order;
2. Require Central Maine Power Company to connect to a single-phase overhead line constructed by or at the expense of a customer if that line meets all relevant safety and electrical standards for connection to the system. It also proposed to require Central Maine Power Company, if it acquires ownership of such line, to pay the customer at whose expense the line was constructed full and fair compensation for the costs of construction and all reasonable repair and maintenance costs paid for by the customer prior to acquisition by Central Maine Power Company;
3. Require the commission to open a proceeding to establish a mechanism under which Central Maine Power Company would reimburse customers who were charged for line extensions pursuant to the revised terms and conditions approved by the commission in its order of November 10, 1999 in Docket Number 99-042. It also proposed to require the commission to determine how the costs of reimbursement and of future line extensions and of reimbursing customers for the costs of line extensions paid for by customers are to be recovered through rates.

LD 1121

An Act to Allow Flexibility in Regulation of Telephone Utilities

PUBLIC 137

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-165
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Joint Standing Committee on Utilities and Energy

LD 1121 proposed to grant the Public Utilities Commission the authority to exempt a telephone utility or a group of telephone utilities from any provision of the Maine Revised Statutes, Title 35-A if the commission finds that granting the exemption will adequately maintain standards of safety, customer protection and the public interest. The commission would be required to adopt standards and procedures for granting exemptions by rule and to inform the joint standing committee of the Legislature having jurisdiction over utility matters of its activities.

Committee Amendment "A" (H-165) proposed to replace the bill and accomplish the following:

1. To leave in place provisions of law that authorize the Public Utilities Commission to grant exemptions to telephone utilities from the Maine Revised Statutes, Title 35-A, sections 307 and 310 and chapters 9 and 11 but modify the provisions to make clear that the commission, before granting exemptions, must find that granting the exemptions will not have a negative impact on competition;
2. To provide additional authority to the Public Utilities Commission to grant exemptions from Title 35-A, sections 304 and 504, provided similar findings are made; and
3. To require the commission to report annually to the Joint Standing Committee on Utilities and Energy on its activities in granting exemptions to telephone utilities from provisions of law.

Enacted law summary

Public Law 2001, chapter 137 accomplishes the following:

1. It leaves in place provisions of law that authorize the Public Utilities Commission to grant exemptions to telephone utilities from the Maine Revised Statutes, Title 35-A, sections 307 and 310 and chapters 9 and 11 but modifies the provisions to make clear that the commission, before granting exemptions, must find that granting the exemptions will not have a negative impact on competition;
2. It provides additional authority to the Public Utilities Commission to grant exemptions from Title 35-A, sections 304 and 504, provided similar findings are made; and
3. It requires the commission to report annually to the Joint Standing Committee on Utilities and Energy on its activities in granting exemptions to telephone utilities from provisions of law; and

LD 1139

An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities

CARRIED OVER

Sponsor(s)
EDMONDS

Committee Report

Amendments Adopted

LD 1139 proposes to require transmission and distribution utilities to purchase power from hydroelectric energy facilities with a capacity of less than 5 megawatts at the average wholesale market clearing price for the period during which the electricity is metered.

Joint Standing Committee on Utilities and Energy

LD 1162

An Act to Ensure Telecommunications Protections for Deaf and Hard-of-hearing People

PUBLIC 377

<u>Sponsor(s)</u> TREAT SAVAGE W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-227
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Under current law, telephone utilities must provide a 70% rate reduction for intrastate toll calls made on lines used for making calls from certified deaf, hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications. The 70% rate reduction also applies to calls using the state telecommunications relay service. Upon request, this discount is also provided to any noncertified user making calls to a certified user, provided the noncertified user informs the local exchange carrier or toll provider of the relevant billed calls made during each billing period.

LD 1162 proposed to extend these same discounts to charges imposed by cellular or wireless telecommunications service providers.

Committee Amendment "A" (S-227) proposed to replace the bill. This amendment proposed to establish an equal access program to ensure that telecommunications services are available to deaf, hard-of-hearing and speech-impaired consumers at a cost that is reasonably comparable to the cost of such services to other telephone customers. The equal access program would be established in the Division of Deafness within the Department of Labor. The program would provide a 70% rebate of the cost of those calls made using wireless or cellular services that are presently provided a 70% discount when made over landline services. The program would be funded by an assessment on wireless and cellular service providers.

The program would be repealed October 31, 2005.

The amendment also proposed to add equipment necessary to use short message services or text message services to the definition of "specialized customer telecommunications equipment" for the purposes of the telecommunications equipment fund. This will would allow that fund to be used to purchase such equipment for deaf, hard-of-hearing or speech-impaired persons.

This amendment also proposed to add a representative of a wireless or cellular service provider to the membership of the Telecommunications Relay Service Advisory Council.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 377 establishes an equal access program to ensure that telecommunications services are available to deaf, hard-of-hearing and speech-impaired consumers at a cost that is reasonably comparable to the cost of such services to other telephone customers. The equal access program is established in the Division of Deafness within the Department of Labor. The program provides a 70% rebate of the cost of those calls made using wireless or cellular services that are presently provided a 70% discount when made over landline services. The program is funded by an assessment on wireless and cellular service providers.

Joint Standing Committee on Utilities and Energy

The program is repealed October 31, 2005.

The law also adds equipment necessary to use short message services or text message services to the definition of "specialized customer telecommunications equipment" for the purposes of the telecommunications equipment fund. This will allow that fund to be used to purchase such equipment for deaf, hard-of-hearing or speech-impaired persons.

The law also adds a representative of a wireless or cellular service provider to the membership of the Telecommunications Relay Service Advisory Council.

LD 1229 **An Act to Assist the State's Ski Industry through the Provision of Special Electric Rate Contracts** **ONTP**

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

LD 1229 proposed to prohibit the use of different engineering, equipment, fuel and other cost assumptions for potential special rate contract customers who are similarly situated and prohibit unreasonable discrimination for or against particular customers. This bill also proposed to require renewal of special rate contracts when, if the alternative electricity or energy source originally available to the customer had been relied on, it would still be available to the customer following the expiration of the original special rate contract.

LD 1297 **An Act to Ensure Proper Funding of the Public Utilities Commission** **PUBLIC 136
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-121

LD 1297 proposed to authorize the Public Utilities Commission to release funds designated for salaries and to use them for other commission expenses and to make all funds that were budgeted but unused in fiscal year 2000-01 available for use in the subsequent 2 fiscal years. The bill also proposed to increase the public utilities assessment for fiscal years 2001-02 and 2002-03.

Committee Amendment "A" (H-121) proposed to add a fiscal note to the bill.

Joint Standing Committee on Utilities and Energy

Enacted law summary

Public Law 2001, chapter 136 authorizes the Public Utilities Commission to release funds designated for salaries and use them for other commission expenses and to make all funds that were budgeted but unused in fiscal year 2000-01 available for use in the subsequent 2 fiscal years. The law also increases the public utilities assessment for fiscal years 2001-02 and 2002-03.

This law was enacted as an emergency measure effective on May 14, 2001.

LD 1322

An Act to Increase the Borrowing Capacity of the Topsham Sewer District

**P & S 20
EMERGENCY**

Sponsor(s)
LESSARD
SMALL

Committee Report
OTP-AM

Amendments Adopted
H-228

LD 1322 proposed to increase the borrowing capacity of the Topsham Sewer District from \$1,000,000 to \$2,000,000.

Committee Amendment "A" (H-228) proposed to:

1. Remove obsolete language from the Topsham Sewer District charter;
2. Remove language from the Topsham Sewer District charter relating to approval in a municipal town meeting of the issuance of debt by the district in excess of the debt limit;
3. Insert a new provision in the charter allowing the district through a local referendum process to increase its debt limit; and
4. Make the bill subject to local referendum approval.

Enacted law summary

Private and Special Law 2001, chapter 20:

1. Increases the borrowing capacity of the Topsham Sewer District from \$1,000,000 to \$2,000,000;
2. Removes obsolete language from the Topsham Sewer District charter;
3. Removes language from the Topsham Sewer District charter relating to approval in a municipal town meeting of the issuance of debt by the district in excess of the debt limit;

Joint Standing Committee on Utilities and Energy

4. Inserts a new provision in the charter allowing the district through a local referendum process to increase its debt limit; and
5. Makes the law subject to local referendum approval.

This law was enacted as an emergency measure effective on May 15, 2001.

LD 1333 **An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission** **DIED BETWEEN BODIES**

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

LD 1333 proposed to permit consumer-owned water utilities to exercise local control by opting out of regulation by the Public Utilities Commission with respect to their rates, terms of service and business affairs.

Committee Amendment "A" (H-307) proposed to clarify certain portions of the bill and make clear the rights of action and appeal that are available with respect to actions or failures of action by a locally governed water district. This amendment also proposed to replace that portion of the bill that made the election of a consumer-owned water district to become a locally governed water district subject to approval by a majority of the municipalities within the district. Under this amendment, the election would be subject to referendum approval by the voters within the district. This amendment also proposed to provide that a locally governed water district must allocate as a percentage of gross revenue its charges for water service for fire protection according to the provisions of commission rules governing such cost allocation for consumer-owned water utilities, or, if no rules exist, based on the results of a full allocation study of the district's system.

LD 1385 **An Act to Amend the Laws Regarding When the Public Utilities Commission Must Give Notice of its Proceedings** **ONTP**

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

LD 1385 proposed to remove the requirement that the Public Utilities Commission give notice of any public proceeding at which the commission could adopt a position that it would take in a federal proceeding.

Joint Standing Committee on Utilities and Energy

LD 1412 **An Act Relating to the Transfer of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc. to Great Northern Energy, LLC** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH STANLEY		

LD 1412 proposed to provide that the rights and privileges held by Great Northern Paper, Inc. that relate to the location, construction, operation or maintenance of dams used in the generation of electricity may be transferred to Great Northern Energy, LLC upon the acquisition by Great Northern Energy of the dams.

LD 1442 **An Act to Create the Boothbay Region Water District** **P & S 15
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ ONTP MIN	S-66

LD 1442 proposed to create the Boothbay Region Water District.

Committee Amendment "A" (S-66), the majority report, proposed to replace the bill. This amendment proposed to create the Boothbay Region Water District, subject to referendum approval, and require the Town of Boothbay Harbor and the East Boothbay Water District to sell their water-related assets to the Boothbay Region Water District for the consideration of the district assuming the liabilities and responsibilities associated with the existing water systems.

Enacted law summary

Private and Special Law 2001, chapter 15 creates the Boothbay Region Water District, subject to referendum approval, and requires the Town of Boothbay Harbor and the East Boothbay Water District to sell their water-related assets to the Boothbay Region Water District for the consideration of the district assuming the liabilities and responsibilities associated with the existing water systems.

This law was enacted as an emergency measure effective on May 9, 2001.

Joint Standing Committee on Utilities and Energy

LD 1467

**An Act to Facilitate the Implementation of the Enhanced 9-1-1
Emergency System**

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-442 H-687 GOODWIN S-252 MARTIN

LD 1467 proposed the following.

1. To increase the telephone surcharge from 32¢ to 58¢ to fund the E-9-1-1 program;
2. To standardize the surcharge remittance process for all telecommunications providers;
3. To clarify that the Emergency Services Communication Bureau owns the E-9-1-1 databases;
4. To authorize the bureau to coordinate with telephone companies and municipalities for maintenance of the system following implementation;
5. To provide that Emergency Medical Dispatch, or EMD, is an essential part of the E-9-1-1 service to the caller;
6. To repeal the payment process utilized by phone companies following the surcharge sunset period; and
7. To provide the bureau authority to ensure that E-9-1-1 calls are answered by public safety answering points should circumstances require the bureau to act to provide public safety answering points coverage.

Committee Amendment "A" (H-442) proposed:

1. To remove the emergency preamble and emergency clause from the bill;
2. To remove provisions of the bill requiring the Emergency Services Communications Bureau to establish emergency medical dispatch as a component of the statewide E-9-1-1 system;
3. To clarify the confidentiality of all E-9-1-1 databases, wherever located;
4. To remove the portion of the bill that authorizes the Emergency Services Communications Bureau to provide call answering coverage in areas of the State that have decided not to participate in the E-9-1-1 system;
5. To add a provision to the bill that provides that the bureau is not required to provide call answering coverage in counties or municipalities that choose not to participate in the E-9-1-1 system;
6. To establish the E-9-1-1 surcharge at 50¢ per month per line. The current surcharge is 32¢. The bill proposed 58¢;
7. To remove the portion of the bill that proposed to repeal Public Law 1999, chapter 651, section 4; and
8. To add an allocation section and a fiscal note to the bill.

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Senate Amendment "C" (S-306) proposed to specify that the State Police may provide facilities or other assistance for the operation of public safety answering points.

Senate Amendment "A" (S-252) proposed to allow Hancock County and Aroostook County to retain any E-9-1-1 surcharge collected in those counties beyond whatever has been spent.

Senate Amendment "B" (S-292) proposed to provide that the 50¢ surcharge reverts back to 32¢ on June 30, 2002 unless affirmative action is taken by the Legislature to change the law.

House Amendment "A" to Committee Amendment "A" (H-687) proposed to require the Joint Standing Committee on Utilities and Energy to conduct a State Government evaluation of the enhanced 9-1-1 emergency system in 2001.

Senate Amendment "A" to Committee Amendment "A" (S-315) proposed to provide that the 50¢ surcharge reverts to 32¢ 90 days after adjournment of the First Regular Session of the 121st Legislature. This amendment also proposed to reallocate review under the State Government Evaluation Act of the Emergency Services Communications Bureau within the Department of Public Safety from the joint standing committee of the Legislature having jurisdiction over criminal justice matters to that having jurisdiction over utilities matters.

LD 1538 **An Act to Promote Retail Electricity Competition** **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1538 proposed to amend certain provisions of Maine's electric utility restructuring laws to:

1. Modify the surety bond requirements imposed on competitive electricity providers; and
2. Require that the Public Utilities Commission approve only those standard offers after July 1, 2001 that are at least one full year in duration and that provide a known and fixed price to customers to provide the full requirement energy and capacity needs of the customer group.

LD 1618 **An Act to Review Utility Easements on a Periodic Basis** **ONTP**

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1618 proposed to require a transmission and distribution utility that owns transmission or distribution facilities located on an easement over property of another person to provide to the owner of the property notice of any change in the ownership of the facilities located on the easement and any modification of the facilities or use of the facilities that involves a permanent increase in the voltage carried over the facilities. It also proposed to require the utility at least once every 50 years and, for facilities constructed prior to the year 2001, at least once prior to January 1,

Joint Standing Committee on Utilities and Energy

2003, to offer the owner of the property an opportunity to review with the utility the current use of the facilities and any changes in the facilities or their use over the preceding 50 years.

LD 1661 **An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond** **P & S 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO TURNER	OTP-AM	H-166

LD 1661 proposed to amend the charter of the Portland Water District by adding the Town of Raymond as a member of the district in order to allow the extension of water and wastewater services within the town.

Committee Amendment "A" (H-166) proposed to add a mandate preamble to the bill and a transition clause relating to the current trustees of the Portland Water District. The amendment also proposed to incorporate a change made by Private and Special Law 2001, chapter 7 that changes the date of the regular municipal elections from May to November.

Enacted law summary

Private and Special Law 2001, chapter 25 amends the charter of the Portland Water District to add the Town of Raymond as a member of the district.

This law was enacted as an emergency measure effective on May 9, 2001.

LD 1735 **An Act to Amend the Charter of the Vinalhaven Water District** **P & S 21
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM	H-269

LD 1735 proposed to amend the charter of the Vinalhaven Water District.

Committee Amendment "A" (H-269) proposed to make technical changes to the bill and remove language that makes certain service of the Vinalhaven Water District discretionary.

Enacted law summary

Private and Special Law 2001, chapter 21 amends the charter of the Vinalhaven Water District.

Joint Standing Committee on Utilities and Energy

This law was enacted as an emergency measure effective on May 16, 2001.

LD 1798

An Act to Amend the Charter of the Buckfield Village Corporation

**P & S 26
EMERGENCY**

<u>Sponsor(s)</u> GAGNE FERGUSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-535
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LD 1798 proposed to allow the voters of the Buckfield Village Corporation to determine that the assessors of the corporation appoint some or all of the other officers. It also proposed to allow a person to be appointed to an office who is not a resident of the corporation.

Committee Amendment "A" (H-535) proposed to make technical changes to clarify the language of the bill.

Enacted law summary

Private and Special Law 2001, chapter 26 allows the voters of the Buckfield Village Corporation to determine that the assessors of the corporation appoint some or all of the other officers. It also allows a person to be appointed to an office who is not a resident of the corporation.

This law was enacted as an emergency measure effective on May 31, 2001.

LD 1820

An Act to Amend the Charter of the Limestone Water and Sewer District

**P & S 34
EMERGENCY**

<u>Sponsor(s)</u> YOUNG	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-712
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LD 1820 proposed to amend the Charter of the Limestone Water and Sewer District by updating the procedures for filing a lien for nonpayment of sewer charges.

Committee Amendment "A" (H-712) proposed to remove the language that defines a mobile home as real estate and requires the treasurer of the district to provide a 2nd notice to parties named on the lien certificate and to each record holder no fewer than 30 days and no more than 45 days prior to the foreclosure of the mortgage created by the lien. This amendment also proposed to add a mandate preamble, emergency preamble and emergency clause to the bill.

Enacted law summary

Joint Standing Committee on Utilities and Energy

Private and Special Law 2001, chapter 34 amends the Charter of the Limestone Water and Sewer District by updating the procedures for filing a lien for nonpayment of sewer charges. It requires the treasurer of the district to provide a 2nd notice to parties named on the lien certificate and to each record holder no fewer than 30 days and no more than 45 days prior to the foreclosure of the mortgage created by the lien.

This law was enacted as an emergency measure effective on June 20, 2001.

LD 1828

An Act to Clarify the Laws Regarding the Extension of Water and Wastewater Service to the Town of Raymond

**P & S 32
EMERGENCY**

Sponsor(s)
BRUNO

Committee Report

Amendments Adopted
S-343 FERGUSON

LD 1828 proposed to correct an inconsistency between the State's election laws that require a certain notice period before holding a special town meeting and the recently adopted amendment to the charter of the Portland Water District that adds the Town of Raymond to the district and requires the town to hold a special town meeting to participate in the election of a trustee. Because the amendment to the charter was signed into law on May 25, 2001 on an emergency basis as Private and Special Law 2001, chapter 25 and the date of election of one of the district's trustees is scheduled for June 11, 2001, the Town of Raymond can not comply with the law without violating the time frames of the State's election laws. This bill proposed to correct the inconsistency by not requiring the Town of Raymond to participate in the June 2001 trustee election.

The bill also proposed to clarify that the Town of Raymond is not required to hold a vote under the Maine Revised Statutes, Title 22, section 2653, the authorization of fluoridation, to receive water from the Portland Water District.

Because the original bill would not take effect until after the Portland Water District trustee election in June, 2001, **Senate Amendment "A" (S-343)** proposed to specify that the bill, which exempts the Town of Raymond from participating in the Portland Water District trustee election, applies on a retroactive basis.

Enacted law summary

Private and Special Law 2001, chapter 32, which was enacted without reference to committee, corrects an inconsistency between the State's election laws that require a certain notice period before holding a special town meeting and the recently adopted amendment to the charter of the Portland Water District that adds the Town of Raymond to the district and requires the town to hold a special town meeting to participate in the election of a trustee. Because the amendment to the charter was signed into law on May 25, 2001 on an emergency basis as Private and Special Law 2001, chapter 25 and the date of election of one of the district's trustees is scheduled for June 11, 2001, the Town of Raymond can not comply with the law without violating the time frames of the State's election laws. This bill corrects the inconsistency by not requiring the Town of Raymond to participate in the June 2001 trustee election.

The law also clarifies that the Town of Raymond is not required to hold a vote under the Maine Revised Statutes, Title 22, section 2653, the authorization of fluoridation, to receive water from the Portland Water District.

Joint Standing Committee on Utilities and Energy

Because the original bill would not take effect until after the Portland Water District trustee election in June, 2001, the law applies on a retroactive basis.

This law was enacted as an emergency measure effective on June 14, 2001.

SP 566 **JOINT ORDER, Relative to Blue Ribbon Commission on Electric Energy Production, Demand and Cost** **DIED ON ADJOURNMENT**

Sponsor(s) | Committee Report | Amendments Adopted

SP 566 proposed to create the Blue Ribbon Commission on Electric Energy Production, Demand and Cost. The commission would be directed to study developments in the Maine electric energy market since deregulation and report to the Legislature its findings. The commission would be directed to report on the issues studied with any recommended legislation to the Second Regular Session of the 120th Legislature no later than January 1, 2002.

Committee Amendment "A" ((S-138)) proposed to direct that a subcommittee of the Joint Standing Committee on Utilities and Energy conduct a study of the electric industry. The subcommittee would be required to report its findings together with any recommendations to the Second Regular Session of the 120th Legislature no later than January 1, 2002.

HP 719 **JOINT ORDER, Relative to Special Legislative Oversight Committee for Regional Electricity Issues** **ONTP**

Sponsor(s) | Committee Report | Amendments Adopted

HP 719 proposed to create a Special Legislative Oversight Committee for Regional Electricity Issues. The committee would be directed to study and make recommendations concerning:

1. The design and operation of the New England regional electricity market;
2. The appropriate size and scope of a regional transmission organization to be created to serve the needs of Maine's consumers of electricity;
3. The extent to which the State's consumers of electricity may be harmed by anticompetitive behavior in the energy market and ways the Legislature may act to protect consumers; and
4. Related matters that the committee considers appropriate. The committee would be directed to submit a report with recommendations and any accompanying legislation to the Joint Standing Committee on Utilities and Energy during the Second Regular Session of the 120th Legislature by January 15, 2002.

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