

Joint Standing Committee on Agriculture, Conservation and Forestry

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

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

LD 1425, a concept draft pursuant to Joint Rule 208, proposed to make improvement grants available to help agricultural fairs develop a comprehensive long-term marketing plan. The grants would have been for capital improvements and upgrades to internal roadway, drainage, waste and potable water systems and power distribution systems necessary to expand an agricultural fair. The grants could also have been used for marketing.

LD 1516 **An Act to Support Family Farms** **P & S 74**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-424
MCKEE	ONTP MIN	S-581 GOLDTHWAIT

LD 1516 proposed appropriating funds to establish an additional Senior Planner position within the Department of Agriculture, Food and Rural Resources. This position would provide various outreach, planning and research functions for state farmers.

Committee Amendment "A" (S-424) proposed the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed that the additional Senior Planner position be established in the Division of Market and Production Development rather than the office of the Commissioner of Agriculture, Food and Rural Resources.

Senate Amendment "A" to Committee Amendment "A" (S-581) proposed reducing the full-time Senior Planner position to 25 hours per week and providing funding for dues for membership in the Northeastern States Association for Agricultural Stewardship.

Enacted law summary

Private and Special Law 2001, chapter 74 appropriates funds to establish a 25 hours-per-week Senior Planner position within the Department of Agriculture, Food and Rural Resources. The Senior Planner will provide financial and estate planning to farmers, and outreach and assistance in bringing agricultural projects before the Land for Maine's Future Board. This additional position will also provide resources to the department to establish baseline information on farmland values. Chapter 74 also provides funding for dues for membership in the Northeastern States Association for Agricultural Stewardship.

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

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

LD 1534 proposed excluding certain businesses from participating in the Business Equipment Tax Reimbursement (BETR) program. A storeowner would have been ineligible for reimbursement under BETR if the store grossed over \$200,000 per month in which at least 75% of the sales were grocery staples unless the business purchased produce from at least 75 farms in the State each year. The store would also have been ineligible for tax reimbursement if the store owner charged Maine farms a fee to carry the farm's product.

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

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

LD 1771 proposed requiring the Department of Agriculture, Food and Rural Resources to develop and implement the Maine Cattle Health Assurance Program. The bill specified certain components of the program including the development of best management practices to promote dairy and beef farm profitability, animal health and food product safety and environmental quality; an on-site assessment; and an annual inspection and certification for participants in the program. The bill also proposed establishing a nonlapsing fund to receive public and private funding for the program. It would have required 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.

LD 1839 **Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Lease a Certain Parcel of Land to the Federal Aviation Administration** **RESOLVE 71**

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

LD 1839 proposed authorizing the Department of Conservation, Bureau of Parks and Lands to lease 1/4 acre to the Federal Aviation Administration to continue to provide an outer marker light and compass locator elements for the airplane landing system for Northern Maine Regional Airport at Presque Isle.

Enacted law summary

Resolve 2001, chapter 71 authorizes the Department of Conservation, Bureau of Parks and Lands to lease 1/4 acre to the Federal Aviation Administration to continue to provide an outer marker light and compass locator elements for the airplane landing system for Northern Maine Regional Airport at Presque Isle.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1855

An Act to Clarify the Regulatory Authority of the Maine Forest Service Regarding Forestry-related Quarantines

PUBLIC 547

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J GOOLEY	OTP-AM	S-446

LD 1855 proposed specifically authorizing the Director of the Maine Forest Service to address eradication of forest diseases and pests of foreign origin.

Committee Amendment "A" (S-446) proposed authorizing the Director of the Maine Forest Service to adopt rules to establish quarantines when a disease or insect infestation threatens forest trees or shade trees. It proposed allowing the director to order the destruction of trees and plant materials and requiring the director to consult with the landowner and owner of stumpage rights prior to ordering the destruction of condemned material.

Enacted law summary

Public Law 2001, chapter 547 authorizes the Director of the Maine Forest Service to adopt rules to establish quarantines when a disease or insect infestation threatens forest trees or shade trees. It allows the director to order the destruction of trees and plant materials. It requires the director to consult with the landowner and owner of stumpage rights prior to ordering the destruction of condemned material.

LD 1905

An Act to Clarify the Status of Henderson Brook Bridge

P & S 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH BRUNO	OTP-AM	S-471

LD 1905 proposed allowing Henderson Brook Bridge to be maintained as a permanent crossing of the Allagash River in substitution for the potential reconstruction of Schedule Brook Bridge. In exchange, all rights to build or maintain a bridge at Schedule Brook would have been extinguished.

Committee Amendment "A" (S-471) proposed replacing the original bill and changing its title. It proposed allowing Henderson Brook Bridge to remain and be repaired pending the Department of Conservation's review of its 1999 Allagash Wilderness Waterway Management Plan.

Enacted law summary

Private and Special Law 2001, chapter 58 allows Henderson Brook Bridge to remain and be repaired pending the Department of Conservation's review of its 1999 Allagash Wilderness Waterway Management Plan. If, upon completion of the review, the department concludes that the bridge should not remain in use, the department must report that decision to the Legislature.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1918

An Act to Amend the Integrated Pest Management Laws

PUBLIC 497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND MCKEE	OTP-AM	S-413

LD 1918 proposed establishing the Integrated Pest Management Council to facilitate, promote, expand and enhance the adoption of integrated pest management in the State.

Committee Amendment "A" (S-413) proposed prohibiting the deposit of General Fund money into the Integrated Pest Management Fund.

Enacted law summary

Public Law 2001, chapter 497 establishes the Integrated Pest Management Council to facilitate, promote, expand and enhance the adoption of integrated pest management in the State. It prohibits the deposit of General Fund money into the Integrated Pest Management Fund.

LD 1920

An Act to Address Liquidation Harvesting

PUBLIC 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY NASS	OTP-AM	S-488

LD 1920 proposed requiring a landowner harvesting land enrolled under the Tree Growth Tax Law to include on the harvest notification form a statement that the harvest is consistent with the forest management and harvest plan. It proposed clarifying that a change of land use indicated on a harvest notification form constitutes a withdrawal from taxation under the Tree Growth Tax Law. It proposed exempting forestland that is certified by a 3rd-party certification organization as being well-managed from the management plan requirements of the Maine Tree Growth Tax Law. It proposed requiring a person who buys land taxed under Tree Growth Tax Law to have a forest management and harvest plan prepared before harvesting forest products on that land. It proposed requiring the Maine Forest Service to report back to the Legislature in 2005 on the impacts of this legislation on liquidation harvesting.

Committee Amendment "A" (S-488) proposed to do the following:

1. Require the Department of Conservation, Bureau of Forestry to notify tax assessors of actions requiring changes in status under the Maine Tree Growth Tax Law.
2. Make it a civil violation to provide inaccurate information on a harvest notification form.
3. Remove provisions in the original bill relating to evidence of 3rd-party certification in place of a management plan.
4. Clarify the duties of a new landowner and allowing a new owner to continue managing in accordance with the previous owner's plan.

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5. Authorize the Bureau of Forestry to provide assistance to a municipal assessor or the State Tax Assessor in evaluating management plans and determining compliance with a plan.
6. Specifically stating in statute that, upon request, a landowner must allow a tax assessor to see a copy of a forest management and harvest plan prepared for land enrolled under the Maine Tree Growth Tax Law and that the plan is confidential and not a public record.
7. Direct the Bureau of Forestry to provide information on the practice of liquidation harvesting in its biennial report to the joint standing committee of the Legislature having jurisdiction over forestry matters and to provide the joint standing committee of the Legislature having jurisdiction over tax matters with copies of the 2003 report on the state of the State's forests.

Enacted law summary

Public Law 2001, chapter 603 requires a landowner harvesting land enrolled under the Tree Growth Tax Law to include on the harvest notification form a statement that the harvest is consistent with the forest management and harvest plan. It clarifies that a change of land use indicated on a harvest notification form constitutes a withdrawal from taxation under the Tree Growth Tax Law. It requires the Director of the Bureau of Forestry to notify tax assessors of actions requiring changes in status under the Maine Tree Growth Tax Law.

It requires a person who buys land taxed under Tree Growth Tax Law to file a statement indicating that a new forest management and harvest plan has been prepared or a statement from a licensed forester that the land is being managed in accordance with the plan prepared for the previous owner. It requires one of the 2 statements to be filed within one year of the land transfer. A new landowner is prohibited from harvesting prior to filing the statement. It makes it a civil violation to provide inaccurate information on a harvest notification form.

It authorizes the Bureau of Forestry to provide assistance to a municipal assessor or the State Tax Assessor in evaluating management plans and determining compliance with a plan. It specifically states that, upon request, a landowner must allow a tax assessor to see a copy of a forest management and harvest plan prepared for land enrolled under the Maine Tree Growth Tax Law and states that the plan is confidential and not a public record. When the assessor requests assistance of the Bureau of Forestry, the plan must also be available to the Director of the Bureau of Forestry or the director's designee.

It directs the Bureau of Forestry to provide information on the practice of liquidation harvesting in its biennial report to the joint standing committee of the Legislature having jurisdiction over forestry matters and to provide the joint standing committee of the Legislature having jurisdiction over tax matters with copies of the 2003 report on the state of the State's forests.

LD 1922

An Act Concerning Rules of the Bureau of Parks and Lands

PUBLIC 604

Sponsor(s)
KILKELLY
CARR

Committee Report
OTP-AM

Amendments Adopted
S-480

LD 1922 proposed consolidating rule-making authority for facilities and lands under the Department of Conservation, Bureau of Parks and Lands' general authority and establishing that violations of rules adopted by the

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bureau are civil violations, unless the offense is designated in the Maine Revised Statutes, Title 12, chapter 220 as a Class E crime.

Committee Amendment "A" (S-480) proposed several technical changes and clarifications to the original bill. It also proposed repealing sections of law in various subchapters administered by the Bureau of Parks and Lands to avoid duplicating language in the general provisions for the bureau.

Enacted law summary

Public Law 2001, chapter 604 consolidates rule-making authority for facilities and lands under the Department of Conservation, Bureau of Parks and Lands' general authority. It establishes that violations of rules adopted by the bureau are civil violations. It designates certain actions within the jurisdiction of the bureau as Class E crimes. It clarifies that the Director of the Bureau of Parks and Lands may authorize employees to issue summonses or to make arrests. It requires the Director to notify the joint standing committee having jurisdiction over parks and lands prior to adopting a policy authorizing employees to make arrests.

LD 1951

An Act to Amend the Pulling Events Laws

**PUBLIC 668
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU KNEELAND	OTP-AM	H-898 S-571 GOLDTHWAIT

LD 1951 proposed increasing the permit fee for pulling events from \$10 to \$20 per pull day and increasing the maximum permit fee for pulls held on consecutive days from \$50 to \$100.

Committee Amendment "A" (H-898) proposed replacing the bill and changing its title. It proposed a new fee structure for permits to conduct pulling events and proposed requiring that the fees be deposited in a nonlapsing account. It proposed other changes to the statutes governing pulling.

Senate Amendment "A" to Committee Amendment "A" (S-571) proposed adding an emergency preamble and an emergency clause.

Enacted law summary

Public Law 2001, chapter 668 provides a new fee structure for permits to conduct pulling events and requires that the fees be deposited in a nonlapsing account. It removes the reference in statute to a specific type of tape for a goad stick. It provides for one member of the Pull Events Commission to be appointed by the Animal Welfare Advisory Council. It clarifies the reporting process and enforcement actions for violations of the laws and rules governing pulling events. Chapter 668 was enacted as emergency legislation with an effective date of April 11, 2002.

Public Law 2001, chapter 668 was enacted as an emergency measure effective April 11, 2002.

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An Act to Amend the Laws Governing Pesticide Control to Increase

PUBLIC 498

<u>(s)</u> LUNDEEN KILKELLY	OTP-AM	<u>Amendments Adopted</u> H-797
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LD 1953 proposed increasing the annual pesticide registration fee from \$105 to \$110 per product, beginning in calendar year 2003.

Committee Amendment "A" (H-797) proposed increasing pesticide product registration fees an additional \$5.

Enacted law summary

Public Law 2001, chapter 498 increases the annual pesticide registration fee from \$105 to \$115 per product, beginning in calendar year 2003.

LD 1965

An Act to Amend the Animal Health and Disease Control Laws

PUBLIC 572

<u>Sponsor(s)</u> KILKELLY CARR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-470
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LD 1965 proposed revisions to statutory provisions for controlling and monitoring livestock and poultry diseases, including changing violations from criminal offenses to civil violations with specified forfeitures. It proposed requirements with respect to testing for equine infectious anemia to apply to boarding stables in addition to racetracks and fairgrounds. It proposed changes in provisions governing licenses for livestock and poultry dealers, operating commercial deer farms and permits for livestock and poultry auctions.

Committee Amendment "A" (S-470) proposed several technical changes and clarifications. It proposed amending penalty sections to allow courts to impose forfeitures up to a statutory maximum rather than establishing the amount of the forfeiture in statute. It proposes enacting a provision for a Class D crime when a disease or pathogen is intentionally, knowingly or recklessly introduced to livestock or poultry. It proposed removing the section in the bill that would have made the Department of Agriculture, Food and Rural Resources' records on health investigations confidential. It proposed removing the definition and inclusion of boarding stables from the provisions that apply to racetracks and fairgrounds with respect to testing for equine infectious anemia.

Enacted law summary

Public Law 2001, chapter 572 revises and updates the provisions for controlling and monitoring diseases affecting livestock and poultry. It establishes civil penalties for violations that prior to enactment of this law were criminal offenses. It enacts a provision for a Class D crime when a disease or pathogen is intentionally, knowingly or recklessly introduced to livestock or poultry. It amends the provisions governing licensing of livestock and poultry dealers, operation of domesticated deer farms and issuance of permits for livestock and poultry auctions.

LD 2072

An Act to Permit Municipalities to Protect their Citizens Against Dangerous Dogs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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dangerous dogs that are more stringent than those provided in the statutes. It proposed amending the statutory definition of "dangerous dog

LD 2096

Public Funds are Used to Acquire Conservation Easements

EMERGENCY

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process for state agencies to use when negotiating conservation easements to be acquired with state funds. The bill Agriculture, Conservation and Forestry to participate in the working group. It would have charged the working management when the landowner retained the right to harvest timber. It proposed requiring the Director of the lands matters no later than January 15, 2003.

Committee Amendment "A" (H- proposed amending the Resolve to rec convened by the Executive Director of the State Planning Office consisting of representatives of the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries Wildlife, the Office of the Attorney General and the Atlantic Salmon Commission. It proposed directing the chairs of the Joint Standing Committee of Agriculture, Conservation and Forestry to appoint a Legislator to serve on the alized its work.

House Amendment "A" to Committee Amendment "A" (H- proposed having the Speaker of the House rather than the chairs of the Joint Standing Committee on Agriculture, Conservation and Forestry appoint the ommittee to Study Access to Private and Public Lands in Maine to participate in the working group.

Senate Amendment "B" to Committee Amendment "A" (S 586) proposed Future Fund for the per diem and expenses of the Legislator who would participate in the working group. The

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Enacted law summary

Resolve 2001, chapter 116 recognizes the ongoing work of a group convened by the Executive Director of the State Planning Office to develop a process for state agencies to use when negotiating conservation easements to be acquired with state funds. The working group consists of representatives of the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife, the Office of the Attorney General and the Atlantic Salmon Commission. The Resolve directs the Speaker of the House to appoint a Legislator who served on the Committee to Study Access to Private and Public Lands to participate in the working group as it finalizes its work.

The working group is charged with developing criteria for acquiring public access rights and guidelines for stipulations regarding forest management when the landowner retains the right to harvest timber. The Director of the State Planning Office is required to provide notices of all remaining meetings of the working group and to report to the joint standing committee of the Legislature having jurisdiction over public lands matters no later than January 15, 2003.

Resolve 2001, chapter 116 was enacted as an emergency measure effective April 11, 2002.

LD 2097

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

PUBLIC 564

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-889
	OTP-AM MIN	

LD 2097 proposed requiring a person submitting a proposal for funding from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to provide information on the anticipated management of the property and costs associated with the management of the property and monitoring for compliance with easements acquired.

It proposed requiring the Director of the Bureau of Forestry within the Department of Conservation to include information on changes in ownership of forest land and parcel size in the biennial state of the forest report. It proposed requiring the Bureau of Revenue Services to provide information on large land transfers in the unorganized territory, on the number of parcels in the unorganized territory taxed under the Maine Tree Growth Tax Law and on the number of landowners owning 500 acres or more of commercial forest land.

LD 2097 also proposed requiring land initially enrolled as open space land after April 1, 2002 to be open to the public for nonmotorized recreation.

Committee Amendment "A" (H-889) was the majority report of the committee. It proposed specifying that the required description of management envisioned for a property would be for the 10-year period following acquisition. It proposed removing the sections in the bill that would have required public access for property initially enrolled as open space land after April 1, 2002.

Committee Amendment "B" (H-890), the minority report of the committee, proposed specifying that the required description of management envisioned for a property would be for the 10-year period following acquisition.

Enacted law summary

Public Law 2001, chapter 564 requires a person submitting a proposal for funding from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to provide information on the anticipated management of the property for the 10 year period following acquisition and costs associated with the management of the property and monitoring for compliance with easements acquired.

It requires the Director of the Bureau of Forestry within the Department of Conservation to include information on changes in ownership of forest land and parcel size in the biennial state of the forest report using information available from the Department of Administrative and Financial Services, Bureau of Revenue Services and information reported to the bureau by municipalities.

It requires the Bureau of Revenue Services to report on land transfers of parcels 10,000 acres and greater in the unorganized territory. It requires the State Tax Assessor to report annually to the Bureau of Forestry on the number of parcels in the unorganized territory taxed under the Maine Tree Growth Tax Law with a breakdown by parcel size categories.

It requires the State Tax Assessor to report annually on the number of landowners owning 500 acres or more of commercial forestland, including a breakdown of the number of landowners by acreage categories.

LD 2111 An Act to Authorize County Extension Building Associations to Borrow Money PUBLIC 594

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND KILKELLY	OTP-AM	H-943 H-969 MCKEE

LD 2111 proposed authorizing a county extension building association to borrow money.

Committee Amendment "A" (H-943) proposed replacing the original bill to revise the statutory structure of the provisions and to correct a cross-reference.

House Amendment "A" to Committee Amendment "A" (H-969) proposed adding language to clarify that a county building association is a political subdivision of the State and tax exempt.

Enacted law summary

Public Law 2002, chapter 594 authorizes a county extension building association to borrow money and clarifies that building associations have tax exempt status.

Join

LD 2135

Standards for Timber Harvesting in Shoreland Areas, a Major

RESOLVE 101
EMERGENCY

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-959

LD 2135 proposed authorizing final adoption of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-959) proposed replacing the resolve. The amendment does not authorize adoption of Chapter 21. Instead, it proposed requiring the Department of Conservation to continue to work on developing a regulatory framework and an implementation plan for the Maine Forest Service to assume existing Department of Environmental Protection and Maine Land Use Regulation Commission responsibility for timber harvesting in shoreland areas. It proposed guidance to the department and requiring that the committee of jurisdiction be advised of progress. It proposed authorizing the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill in the First Session of the 121st Legislature.

Enacted law summary

Resolve 2001, chapter 101 denies authorization for the Department of Conservation to finally adopt Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas. It requires the Department of Conservation to review the proposed provisionally adopted rule and use that as a basis to develop recommendations for a regulatory framework and an implementation plan for the Maine Forest Service to assume existing Department of Environmental Protection and Maine Land Use Regulation Commission responsibility for timber harvesting in shoreland areas. It gives guidance to the department in its continuing efforts and requires the department to provide interim progress reports and a final report no later than January 2, 2003 to the joint standing committee of the Legislature having jurisdiction over forestry matters. It authorizes the joint standing committee of the Legislature having jurisdiction over forestry matters to report out a bill in the First Session of the 121st Legislature.

Resolve 2001, chapter 101 was enacted as an emergency measure effective April 3, 2002.

LD 2141

An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare

PUBLIC 617

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-963

LD 2141 proposed amendments to the animal welfare laws to clarify the disposition of dog license fees, and forfeitures for violating the animal welfare laws. It proposed a surcharge of 10% or \$10, whichever is greater, for civil violations or criminal violations of the animal welfare laws and specified that the surcharge be deposited in the Animal Welfare Fund. It proposed allocations from the Animal Welfare Fund to fund 2 District Humane Agents and a Veterinarian positions. It proposed eliminating funding for 4 of the 7 Intermittent State Humane Agents.

Committee Amendment "A" (H-963) proposed changes to the surcharge as proposed in the bill. It proposed a surcharge of \$10 for civil violations of animal welfare laws and 10% of the penalty for criminal violations of

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animal welfare laws. It proposed language to clarify that trapping animals is a violation of the cruelty to animals provisions except as permitted under the laws administered by the Department of Inland Fisheries and Wildlife. It proposed additional cross-references in statutes regarding surcharges and funds received by the courts.

Enacted law summary

Public Law 2001, chapter 617 clarifies that the courts must pay to the towns fines and forfeitures imposed for violations of the Maine Revised Statutes, Title 7, Part 9 and the municipal clerk must deposit the money in the town's animal welfare account. It imposes a surcharge of \$10 on forfeitures for civil violations of the animal welfare laws. It imposes a surcharge of 10% on fines for criminal violations of the animal welfare laws. The surcharge must be deposited in the state Animal Welfare Fund. It allocates from the Animal Welfare Fund to fund 2 District Humane Agents and a Veterinarian positions. It eliminates funding for 4 of the 7 Intermittent State Humane Agents.

LD 2156 **An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Land for Maine's Future Board Under the Government Evaluation Act** **PUBLIC 548**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2156 proposed requiring the Land for Maine's Future Board to include in its annual report an update on projects acquired and managed by a cooperating entity. It proposed allowing the Commissioner of Agriculture, Food and Rural Resources to dispose of interest in land. It also proposed dates for the next review of several agencies under the Government Evaluation Act.

Enacted law summary

Public Law 2001, chapter 548 requires the Land for Maine's Future Board to include in its annual report an update on projects acquired and managed by a cooperating entity. It allows the Commissioner of Agriculture, Food and Rural Resources to dispose of interest in land. It also establishes dates for the next review of several agencies reviewed during the Second Regular Session of the 120th Legislature under the Government Evaluation Act by the Joint Standing Committee on Agriculture, Conservation and Forestry.

LD 2168 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 108**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
MARTIN BUNKER		OTP-AM		S-511 S-513 MARTIN

LD 2168 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey 3 relatively small parcels of public reserved lands.

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Committee Amendment "A" (S-511) proposed adding a fiscal note to the resolve.

Senate Amendment "A" (S-513) proposed language making the transfer of a portion of road in Eagle Lake Township contingent on a vote by the Town of Eagle Lake to accept the private road being conveyed by the Bureau of Parks and Lands. It also proposed granting the State reversionary rights if the road were abandoned or discontinued.

Enacted law summary

Resolve 2001, chapter 108 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey a portion of road in Eagle Lake Township to the Town of Eagle Lake, allowing the road to be established as a public way, maintained by the town. It allows the director to convey a parcel in Eagle Lake, occupied by a septic system, to current lessees of same for fair market value. It also allows the director to convey a portion of the Codyville Public Lot that has been cleared and occupied by residential structures and an associated building to the owners of the structures in exchange for a release of any remaining right they may have in the Codyville Public Lot.

LD 2181 **An Act to Amend the Rule-making Authority of the Department of Conservation Regarding Timber Harvesting in Shoreland Areas** **PUBLIC 566**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2181 proposed amending the statutory provision directing the Department of Conservation to provisionally adopt rules to establish timber harvesting standards in shoreland areas.

Enacted law summary

Public Law 2001, chapter 566 amends the statutory provision directing the Department of Conservation to provisionally adopt rules to establish timber-harvesting standards in shoreland areas. It removes certain parameters previously set in statute. (See the summary for Resolve 101)

HP 1589 **JOINT ORDER, Relative to the Commission to Study Issues Concerning Land Acquisition in Washington County** **ONTP**

Sponsor(s)
MORRISON

Committee Report

Amendments Adopted

HP1589 proposed establishing a 7 member study commission to gather information on patterns of land ownership in Washington County and possible impacts of anticipated land acquisitions and acquisitions of conservation easements in the county. The study commission would have been required to submit a report with findings and recommendations to the joint standing committee having jurisdiction over agriculture, conservation and forestry matters by November 6, 2002. In response to testimony at the public hearing on the joint study order, the committee wrote to Evan Richert, Chair of the Land for Maine's Future Board, requesting that a public meeting be

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held in Washington County to seek input on and offer a forum for discussion of proposals before the board for

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Appropriations and Financial Affairs

PUBLIC 478 An Act to Amend the Maine Insurance Guaranty Association Act LD 915

<u>Sponsor(s)</u> ABROMSON MAYO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-402
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Public Law 2001, chapter 478 makes 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 \$25,000,000.
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 \$25,000 cap on a claim for the return of an unearned premium.
6. 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 Maine Insurance Guaranty Association to accept the late filed claims as covered claims for good cause.
7. It provides that the Maine Insurance Guaranty Association may intervene as a party in a case involving an insolvent insurer.
8. It requires that notification of an insolvency to insureds and other interested parties by the Maine Insurance Guaranty Association include prominent notice of the date by which a claim must be filed with the association.

**PUBLIC 487 An Act to Make Changes to the Respite Care Fund Administered LD 1938
by the Department of Human Services**

<u>Sponsor(s)</u> DUDLEY MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-771
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Public Law 2001, chapter 487 authorizes the Department of Human Services, Bureau of Elder and Adult Services to designate an amount from the Respite Care Fund to carry out the purposes of the National Family Caregiver Support Program.

Appropriations and Financial Affairs

**PUBLIC 522
EMERGENCY**

**An Act to Create a Digital Library to Meet the Educational
Research, Business and Economic Needs of Maine**

LD 1471

<u>Sponsor(s)</u> ROSEN EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-767
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Public Law 2001, chapter 522 provides an Other Special Revenue fund allocation of \$500,000 in fiscal year 2001-02 and \$500,000 in fiscal year 2002-03 to the Board of Trustees of the University of Maine System to be used for the creation of a digital library that is accessible statewide. It also requires the Public Utilities Commission to order the National Exchange Carrier Association to transfer \$500,000 by June 30, 2002 and \$500,000 by June 30, 2003 from the Maine Telecommunications Education Access Fund to the University of Maine system to support the creation of the library.

Public Law 2001, chapter 522 was enacted as an emergency measure effective March 12, 2002.

**PUBLIC 559
EMERGENCY**

**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, 2002 and June
30, 2003**

LD 2080

<u>Sponsor(s)</u> BERRY, R GOLDTHWAIT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-968 H-986 BERRY, R
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Public Law 2001, chapter 559 does the following summarized below by part and section:

PART	SECTION	DESCRIPTION
A	A-1	Makes appropriations and allocations of funds.
B	B-1	Makes appropriations and allocations of funds representing reduction proposals or adjustments.
	B-2	Distributes the fiscal year 2001-02 personal services savings implemented by financial order to the affected programs.
	B-3	Distributes the fiscal year 2001-02 All Other savings implemented by financial order to the affected programs.
C	C-1:C-5	Makes appropriations and allocations of funds for approved reclassifications and range changes.

Appropriations and Financial Affairs

- D D-1:D-18 Specifies the General Purpose Aid for Local Schools actual education cost certification and appropriation levels for fiscal year 2002-03 as required by the Maine Revised Statutes, Title 20-A, section 15605.
- D-19 Lapses funds from the Education in Unorganized Territory General Fund account to the General Fund in fiscal year 2001-02.
- D-20 Transfers funds from the Maine Learning Technology Endowment to the General Fund in fiscal year 2001-02.
- D-21 Provides lease purchase authorization for the Maine Learning Technology Endowment program.
- D-22 Provides additional appropriations for General Purpose Aid for Local Schools.
- E E-1 Transfers funds from the Maine Rainy Day Fund to the unappropriated surplus of the General Fund in fiscal years 2001-02 and 2002-03.
- E-2 Extends to fiscal year 2002-03 repayment to the Maine Rainy Day Fund for funds transferred in fiscal year 2001-02 to address aquatic plants and nuisance species.
- E-3 Transfer funds from the Maine Clean Election Fund to the Maine Rainy Day Fund.
- F F-1:F-2 Authorizes the State Controller to establish an Other Special Revenue account for the Office of the Treasurer and the Bureau of Accounts and Control to recover costs of providing administrative services to the Maine Military Authority.
- F-3 Repeals the General Fund appropriation for debt service costs of a tax anticipation note issue in fiscal year 2001-02.
- G G-1 Postpones from January 1, 2003 to May 1, 2003 the scheduled 1/10th of one-percent increase in the percentage of sales and income tax receipts credited to the Local Government Fund.
- H H-1 Postpones for one year the phased-in reductions in tax rates on telecommunications personal property.
- I I-1:I-15 Amends the Real Estate Transfer Tax laws in order to apply the tax to transfers of controlling interests in entities with at least a 50% interest in real property in the same manner as transfers by deed and provides that the distribution of the State's share of the additional revenue be credited to the General Fund as undedicated revenue.
- J J-1:J4 Repeals net operating loss carry backs for tax years beginning on or after 1/1/02 and retains the 2-year carry back provisions for tax years beginning before 1/1/02.
- K K-1 Authorizes the continuation of four limited-period positions in the Bureau of the Budget.
- L L-1 Adjusts the timing of the borrowing through the Maine Governmental Facilities Authority for courthouse projects in Rockland and other locations.

Appropriations and Financial Affairs

- L-2 Authorizes \$55,000 of unencumbered balance appropriated to the Judicial Department of debt service to carry forward at the end of fiscal year 2001-02.
- M M-1 Transfers funds from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2002.
- N N-1:N-2 Increases Retired Teachers Health Insurance from 35% to 40% effective April 1, 2003.
- O O-1 Authorizes use of the General Fund Salary Plan in fiscal years 2001-02 and 2002-03 for authorized Personal Services costs and to receive transfers of Personal Services savings from General Fund accounts.
- O-2 Authorizes use of the General Fund and Highway Fund Salary Plans in fiscal years 2001-02 and 2002-03 for range changes and reclassifications in the Department of Public Safety.
- O-3 Authorizes in fiscal years 2001-02 and 2002-03 the transfer by financial order balances of Personal Services appropriations between General Fund programs and departments.
- O-4 Authorizes the State Budget Officer to calculate in fiscal year 2002-03 All Other savings in General Fund accounts and make appropriation adjustments to those accounts by financial order.
- P P-1 Authorizes adjustments to the state cost allocation plan in fiscal years 2001-02 and 2002-03 which must be credited to the General Fund as undedicated revenue.
- P-2 Transfers funds from the Information Services Internal Service Fund to General Fund undedicated revenue in fiscal year 2001-02.
- Q Q-1 Lapses \$1,200,000 of the \$3,800,000 designated for the demolition of the Maine State Prison at Thomaston from the BPI Capital Construction/Repair General Fund account to the General Fund in fiscal year 2001-02.
- Q-2 Lapses \$250,000 from the BGS – Capital Construction & Improvement Reserve Fund – MCJA General Fund account to the General Fund in fiscal year 2001-02.
- R R-1 Lapses \$80,000 from the Attorney General - Contingent General Fund account to the General Fund in fiscal year 2001-02.
- S S-1 Authorizes the State Budget Officer to calculate in fiscal years 2001-02 and 2002-03 position count and amounts in General Fund accounts in the Department of Behavioral and Developmental Services and make position count and appropriation adjustments to those accounts by financial order.
- S-2 Authorizes the continuation of one project position and two limited-period positions in the Department of Behavioral and Developmental Services.
- T T-1 Authorizes the Commissioner of Conservation to increase parks and land fees by financial order.
- U U-1 Authorizes \$500,000 of the amounts appropriated to the Office of Tourism to be used for tourism promotion in fiscal year 2001-02 rather than being carried forward to fiscal year

Appropriations and Financial Affairs

2002-03.

- U-2 Lapses \$6,000 from the Applied Technology Development Center System - Carrying Account in the Department of Economic and Community Development to the General Fund in fiscal year 2001-02.
- V V-1 Increases the amount of the cap of the Finance Authority of Maine's Mortgage Insurance Fund from \$20,000,000 to \$35,000,000 to allow additional transfers from the Loan Insurance Reserve in the General Fund at the end of each fiscal year.
- V-2 Transfers funds in fiscal year 2001-02 from the Underground Oil Storage Replacement Fund in the Finance Authority of Maine to the General Fund as undedicated revenue.
- W W-1 Lapses \$325,000 from the Land for Maine's Future General Fund account to the General Fund in fiscal year 2001-02.
- X X-1 Allows personal representatives to pay a fee to the probate court to permit the register to publish a notice to creditors.
- X-2:X-4 Allows the State to file a claim for Medicaid reimbursement against the assets of an estate as long as the claim is filed within 4 months of the filing for probate or the appointment of a personal representative.
- X-5 Allows the Department of Human Services to adopt administrative rules that impose a penalty for the transfer of certain assets.
- X-6 Lapses funds from the Medical Care – Payments to Providers General Fund account to the General Fund in fiscal year 2001-02.
- X-7 Lapses funds from the Nursing Facilities General Fund account to the General Fund in fiscal year 2001-02.
- X-8 Lapses funds from the TANF General Fund account to the General Fund in fiscal year 2001-02.
- X-9 Requires up to \$5,583,019 of the carrying balance on June 30, 2001 to be used to reimburse the State's 2 free-standing, non-profit psychiatric hospitals for services provided to indigent patients when these expenses can not be reimbursed from Medicaid or Disproportionate Share programs.
- X-10 Requires the Departments of Human Services and Behavioral and Developmental Services to pursue federal reforms for disproportionate share payment for institutes for mental disease and report to the Joint Standing Committee on Appropriations and Financial Affairs by February 15, 2003.
- Y Y-1 Authorizes the transfer of funds from the unappropriated surplus of the General Fund to the General Fund Carrying Balances – Inland Fisheries and Wildlife program and the allotment of those funds in fiscal year 2002-03 by financial order.
- Z Z-1:Z-3 Amends the insurance code to accrue interest to the General Fund from the Bureau of Insurance Regulatory Fund retroactive to July 1, 1995 and transfers funds from the Bureau of Insurance Regulatory Fund to the General Fund in fiscal year 2001-02.

Appropriations and Financial Affairs

- AA AA-1:AA-8 Establishes additional reporting requirements for the Fund for a Healthy Maine and adjusts current allocations by establishing new program names to help segregate and improve tracking of Fund for a Healthy Maine expenditures.
- BB BB-1:BB-6 Moves Personal Care Assistants program from DHS to the Department of Labor.
- CC CC-1:CC-8 Implements a child welfare initiative that includes: changes to the laws on child welfare services; provides clarification of the roles of the Department of Human Services and parents; authorizes the courts to hold prehearing conferences in child welfare cases; requires the Department of Human Services to adopt performance measures and provide quality indicator reports; and implements an automatic suspension of hiring of caseworkers based on caseworker caseload sizes. Part CC also provides funding for additional caseworkers and case aides, paralegal services, and other support staff and provides funding for a number of other child welfare initiatives including: safe and sober home programs, family visitation services, kinship projects, expanding the community intervention program, family support pilot programs, and continuing pilot programs for homeless youth (Related to LD 2031).
- DD DD-1:DD-4 Establishes 5 demonstration sites to provide adult remedial education services to former students of the Governor Baxter School for the Deaf (Related to LD 1889).
- EE EE-1:EE-2 Changes an Assistant to the Commissioner position within the Department of Public Safety to a Deputy Commissioner position.
- FF FF-1 Deappropriates funds from savings due to a slower start-up and phase-in of Medicaid coverage to noncategorical eligible adults funded in PL 2001, c. 450.
- GG GG-1:GG-26 Establishes partial conformity with the US Internal Revenue Code as of 3/15/02 for purposes of the estate tax and the income tax. Conformity is established for the estate tax except for deaths occurring in 2002. Conformity for the income tax for tax years beginning in 2002 is contingent upon adequate resources being transferred to the General Fund from the Tax Conformity Reserve. A conformity factor is established to adjust the income tax with respect to depreciation, if resources are not adequate. This part also provides for the transfer of savings from any Federal Financial Participation rate change to the Maine Rainy Day Fund and establishes the order of priority for the transfers from the General Fund unappropriated surplus at the close of fiscal year 2001-02.
- HH HH-1:HH-3 Requires the Department of Human Services to administer a program to limit coverage to persons who test positive for HIV; the HIV Medicaid waiver program.
- II ii-1:II-4 Directs the use of certain allocations from the Fund for a Healthy Maine designated for oral health initiatives to provide one-time grants to community oral health programs, to increase oral health services provided through Medicaid and to increase Medicaid dental reimbursement rates.
- JJ JJ-1 Establishes that cost items in the Maine Technical College System collective bargaining agreements are to be included in the Governor's budget and are subject to Legislative approval.

Appropriations and Financial Affairs

- KK KK-1:KK-6 Establishes a program of training requirements for capitol security officers at the Maine Criminal Justice Academy; requires the Commissioner of Public Safety to notify the Legislative Council about prospective rules pertaining to security in the capitol area; and requires the Department of Public Safety to establish a protocol for greater coordination between the Bureau of Capitol Security and the Bureau of State Police, Special Services Unit.
- LL LL-1 Provides that at least \$2,000,000 be available in the Telecommunications Education Access Fund over the 4-year period beginning August 1, 2002 for purposes other than to support the learning technology plan and the digital library at the University of Maine.
- MM MM-1 Requires that, for fiscal years 2003-04 and 2004-05 only, the Governor submit a report if the Governor's recommendations for operational costs of applied research and development differ from the equivalent of not less than 2% of total actual General Fund revenue of the previous year.
- NN NN-1 Designates the Thomas M. Teague Biotechnology Center of Maine, located in Fairfield, Maine, as the Biotechnology Center of Maine.
- OO OO-1 Requires the Commission on Governmental Ethics and Election Practices to provide an estimate of the anticipated funding need for every election and authorizes the commission to submit legislation to request additional funding.
- PP PP-1:PP-2 Allows the use of any money received from the sale of armories up to \$300,000 during fiscal year 2002-03 to fund the National Guard Education Assistance Pilot Program.
- QQ QQ-1 Provides that a retired teacher who is collecting retirement and benefits from the Maine State Retirement System and who becomes an employee of the Legislature be eligible for health insurance in the same manner as any other employee of the Legislature.
- RR RR-1:RR-19 Provides for the implementation of the special retirement plan for game wardens and marine patrol officers originally enacted by PL 2001, c. 439 on a contingent basis.
- SS SS-1:SS-2 Requires the Department of Human Services to continue to provide a limited respite benefit for eligible persons, subject to availability of funds, as a result of the shift of the home-based care program to Medicaid.

Public Law, chapter 559 was enacted as an emergency measure effective March 25, 2002.

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PUBLIC 590 **An Act to Give the Maine Technical College System Limited Revenue Bonding Authority** **LD 1819**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP MAJ ONTP MIN	<u>Amendments Adopted</u>
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Under current law, the University of Maine System has the authority to issue revenue bonds up to \$100,000,000 and the Maine Maritime Academy has the authority to incur debt up to \$4,000,000. These statutes enable the university and academy to improve their facilities without pledging the credit of the State. Public Law, chapter 590 authorizes the Maine Technical College System to issue up to \$35,000,000 in revenue bonds and to issue bonds through the Maine Health and Higher Education Facilities Authority.

PUBLIC 631 **An Act to Increase Home Ownership** **LD 2036**

<u>Sponsor(s)</u> SAXL BENNETT	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-763
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Public Law 2001, chapter 631 increases the amount of bonds that the Maine State Housing Authority may issue that are enhanced by the State's moral obligation by \$500,000,000 to \$2,150,000,000. These bonds are primarily used for the authority's first time home buyer program and secured by first mortgages.

PUBLIC 674 **An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers** **LD 2128**

<u>Sponsor(s)</u> SAXL MICHAUD	<u>Committee Report</u> OTP-AM A OTP-AM B OTP-AM C	<u>Amendments Adopted</u> H-1080 H-1108 BERRY, R
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Public Law 2001, chapter 674 authorizes a General Fund bond issue in the amount of \$28,500,000 to capitalize the State's School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, general renovation needs and learning space upgrades; to provide grants to public educational institutions to install sprinkler

Appropriations and Financial Affairs

systems in dormitories; to renovate the Augusta East Campus Harlow Office Building; and to provide a center for homeless teenagers in the Portland Area.

PUBLIC 679 An Act to Reinstate Tax Deductibility of Qualified Long-term LD 79
Care Insurance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE GAGNON	OTP-AM	H-811

Public Law 2001, chapter 679 expands tax deductions and credits for long-term care insurance to include policies certified by the Superintendent of Insurance.

PUBLIC 682 An Act to Continue the Sales Tax Exemption on Vehicles Sold and LD 1230
Leased and Removed from the State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENNETT	OTP-AM MAJ ONTP MIN	H-784 S-599 GOLDTHWAIT

Public Law 2001, chapter 682 reinstates, effective July 1, 2003, a sales tax exemption which expired June 30, 2001, for leases of certain vehicles to a non-resident if the vehicle is intended to be removed from the State immediately upon delivery.

PUBLIC 705 An Act to Address the Cash Flow and Funding Needs of State LD 2215
Government for the Fiscal Years Ending June 30, 2002 and June
30, 2003

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT BERRY, R		

Public Law 2001, chapter 705 addresses the cash flow and funding needs of State Government for the fiscal years ending June 30, 2002 and June 30, 2003. This bill strikes the limit on the tax anticipation note authority currently established at \$100,000,000. In the absence of this statutory restriction, the limitation of the Constitution of Maine, Article IX, Section 14 restricts this borrowing authority to the lesser of 10% of all the money appropriated, authorized and allocated by the Legislature from undedicated revenues to the General Fund and dedicated revenues to the Highway fund for that fiscal year, exclusive of proceeds or expenditures from the sale of bonds, and 1% of the total valuation of the State. In fiscal year 2001-01, that limit would have been \$293,843,735 based on final General Fund appropriations and Highway Fund allocations for that fiscal year.

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PUBLIC 709 An Act to Clarify that the Sales Tax Exemption for Purchase of LD 457
Manufacturing Equipment Applies Equitably

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH GREEN	OTP-AM MAJ ONTP MIN	S-412 S-598 GOLDTHWAIT

Public Law 2001, chapter 709 expands the sales tax exemption for machinery and equipment used:

1. In the generation of digital television broadcast signals, for sales from March 1, 2003 to July 2003; and
2. In the generation of all radio and television broadcast signals (excludes cable television transmission), for sales after June 30, 2003.

Public Law 2001, chapter 709 was vetoed by the Governor on April 17, 2002 and the veto was overridden by the Legislature on April 24, 2002.

P&S 44 An Act to Fund the Collective Bargaining Agreements and LD 2057
EMERGENCY Benefits of State Employees Who are Members of the American
Federation of State, County and Municipal Employees, Council
No. 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL BENNETT		H-759 BERRY R

Public and Special Law 2001, chapter 44 Part A implements the cost items in the collective bargaining agreement reached between the State and the American Federation of State, County and Municipal Employees, Council #93.

1. It reflects the costs from the General Fund to fund salary increases, market and pay equity adjustments and benefits.
2. It provides for a lump-sum payment in fiscal year 2001-02 for bargaining unit members.
3. It provides for the adjustment of salary schedules in fiscal year 2001-02.
4. It provides for the adjustment of salary schedules in fiscal year 2002-03.
5. It provides for a new step above the current highest step of the salary schedule.
6. It provides for similar and equitable treatment of probationary and other employees.

Part B authorizes use of the salary plan program to fund the collective bargaining agreement and other cost items, provides that positions supported from other funds must be funded whenever possible from those other

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sources and provides for reimbursement to the Department of Administrative and Financial Services for costs incurred in the process of collective bargaining, contract administration and related costs.

Private and Special Law 2001, chapter 44 was enacted as an emergency measure effective January 15, 2002.

**P&S 71 An Act to Authorize a General Fund Bond Issue in the Amount of LD 2120
\$24,100,000 for Water Pollution Control, Drinking Water, Water
for Crops and Fish-rearing Facilities, to Clean up Hazardous
Substances and Tire Stockpiles, Promote Public Geographic Data,
Recapitalize the Potato Marketing Fund and Capitalize the Dam
Repair Fund**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD	OTP-AM A OTP-AM B OTP-AM C	S-607 COMMITTEE OF CONFERENCE

Private and Special Law 2001, chapter 71 authorizes a General Fund bond issue to be submitted to the voters in November, 2002 in the amount of \$24,100,000 for the following purposes:

1. The sum of \$5,000,000 to construct and upgrade water pollution control facilities, providing the state match for \$12,500,000 in federal funds;
2. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove overboard discharges;
3. The sum of \$7,000,000 to make renovations and enhance wastewater treatment at the Department of Inland Fisheries and Wildlife's fish-rearing facilities;
4. The sum of \$1,000,000 to protect public health, safety and the environment by providing funds to remove and replace failing septic systems;
5. The sum of \$1,000,000 to clean up uncontrolled hazardous substance sites;
6. The sum of \$500,000 to remediate solid waste landfills;
7. The sum of \$500,000 to clean up tire stockpiles;
8. The sum of \$500,000 to provide funds for the Dam Repair and Reconstruction Fund and the renovation of and capital repairs and improvements to locks under the control of the Bureau of Parks and Lands;
9. The sum of \$1,800,000 to support drinking water system improvements that address public health threats, providing the state match for \$6,000,000 in federal funds;
10. The sum of \$2,300,000 to acquire the technology and services required to establish an Internet-based Maine public library of geographic data, to improve citizens' access to public geographic data, to make grants to municipalities for voluntary automation of parcel and zoning maps to uniform standards, to provide the state match for at least \$1,600,000 in federal funds and to participate in intergovernmental data development agreements;

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11. The sum of \$1,500,000 to support household hazardous waste collection and public recycling;
12. The sum of \$1,000,000 to construct new or retrofit existing pollution control structures on Maine farms to protect the environment;
13. The sum of \$500,000 to construct environmentally sound water sources that help avoid drought damage to crops; and
14. The sum of \$500,000 to recapitalize the Potato Marketing Improvement Fund.

**P&S 72 An Act to Authorize a General Fund Bond Issue in the Amount of LD 2129
\$25,000,000 to Build a New Correctional Facility in Machias and
to Make Improvements to the Maine Correctional Center in South
Windham**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY SHOREY	ONTP	H-1110 BERRY, R

Private and Special Law 2001, chapter 72 authorizes a General Fund bond issue in the amount of \$25,000,000 to raise funds to build a new correctional facility in Machias and to make improvements to the Maine Correctional Center in South Windham.

**P&S 73 An Act to Authorize a General Fund Bond Issue in the Amount of LD 2130
\$34,970,000 to Stimulate Job Growth in Maine, to Renovate
Certain State Facilities and to Promote Homeland Security and
Tourism**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD RICHARDSON	OTP-AM A OTP -AM B OTP-AM C	S-561 H-1107 BERRY, R

Private and Special Law 2001, chapter 73 authorizes a General Fund bond issue to be submitted to the voters in June, 2002 in the amount of \$34,970,000 to stimulate job growth, renovate buildings, defend against terrorism in Maine and promote tourism to be used for the following purposes:

1. Funds of \$4,000,000 for the Municipal Investment Trust Fund to provide loans and grants to municipalities for public infrastructure to support economic development and other purposes of the fund;
2. Funds of \$8,000,000 to the Finance Authority of Maine to create and retain Maine jobs through the funding of community, regional and state business financing programs;
3. Funds of \$540,000 for the protection of the lives and property of Maine citizens;

Appropriations and Financial Affairs

4. Funds of \$6,000,000 to capitalize the Maine Rural Development Authority to facilitate job creation through the development and redevelopment of commercial and industrial buildings in Maine;
5. Funds of \$400,000 for renovation of buildings and associated infrastructure at the Schoodic Education and Research Center. State bond funds will match \$4,000,000 in federal funds;
6. Funds of \$5,000,000 for the construction of a facility for product development and support that will provide the University of Maine with the resources needed to help solve daily manufacturing and engineering problems;
7. Funds of \$4,000,000 for the construction of a facility for product development and support that will provide the University of Southern Maine with the resources needed to help solve daily manufacturing and engineering problems;
8. Funds of \$5,500,000 for medical research and development by Maine-based biomedical research institutions in order to obtain matching federal funds for health research to cure disease and to retain Maine graduates by providing quality Maine jobs;
9. Funds of \$1,000,000 for the planning and construction of the Franco-American Heritage Center at St. Mary's in Lewiston;
10. Funds of \$5,000,000 to construct an auditorium and civic center in Bangor if matching funds are raised locally;
11. Funds of \$30,000 to assist the Moosehead Marine Museum in the renovation of its flagship, the Katahdin; and
12. Funds of \$500,000 for the renovation of the Center Theater in downtown Dover-Foxcroft.

RESOLVE 72 Resolve, Directing the Department of Transportation to Make LD 874
Recommendations to the Legislature to Provide More Stable
Financial Support for the Casco Bay Island Transit District

<u>Sponsor(s)</u> DUDLEY ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-762
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Resolve 2001, chapter 72 requires the Commissioner of Transportation to report the Department of Transportation's recommendations regarding the adequacy of the state operating subsidy for the Casco Bay Island Transit District to the Legislature by January 1, 2003.

Appropriations and Financial Affairs

RESOLVE 74 **Resolve, to Allow the Courts to Utilize the Maine Governmental** **LD 1866**
EMERGENCY **Facilities Authority to Issue a Bond of \$2,500,000 to Finish the**
Repairs at the Lewiston District Court

<u>Sponsor(s)</u> MAILHOT ROTUNDO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-760
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Resolve 2001, chapter 74 authorizes the Maine Governmental Facilities Authority to issue a bond in the amount of \$2,500,000 in order to finish repairs at the Lewiston District Court. This amendment adds an emergency preamble and emergency clause in order for the resolve to take effect when approved. This amendment allows the Maine Governmental Facilities Authority to issue additional securities as early as April 1, 2002, to complete the repairs of the Lewiston District Court. It also adds an appropriation section and a fiscal note to the bill.

Resolve 2001, chapter 74 was finally passed as an emergency measure effective February 21, 2002.

RESOLVE 96 **Resolve, Directing the Department of Defense, Veterans and** **LD 2035**
Emergency Management to Make Recommendations to the
Legislature to Provide Increased Outreach Activities for Women
Veterans

<u>Sponsor(s)</u> O'BRIEN, L	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-828 BERRY, R.
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Resolve 2001, chapter 96 directs the Commissioner of the Department of Defense, Veterans and Emergency Management to review the report of the Advisory Commission on Women Veterans, to develop a plan to meet the outreach needs of women veterans and to implement outreach activities. The Commissioner is also required to report back to the Legislature by January 15, 2003 on the progress of implementing outreach activities for women veterans.

RESOLVE 120 **Resolve, to Establish and Fund the Task Force on Rail** **LD 2214**
EMERGENCY **Transportation**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2001, chapter 120 establishes and funds the Task Force on Rail Transportation.

Resolve 2001, chapter 120 was enacted as an emergency measure effective April 11, 2002.

Appropriations and Financial Affairs

RESOLVE 121 Resolve, to Establish a Fatherhood Issues Study Commission LD 472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	OTP-AM	H-852

Resolve 2001, chapter 121 establishes a study commission to examine various issues associated with being a father in Maine and provides funds for the per diem and expenses of legislative members and the reimbursement of necessary expenses of public members of the Commission on Fatherhood Issues, as well as printing and mailing costs.

**RESOLVE 122 Resolve, Appropriating Funds for the Seeds of Peace International LD 1931
Camp**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN CATHCART	OTP-AM	H-859 S-590 GOLDTHWAIT

Resolve 2001, chapter 122 provides a General Fund appropriation of \$25,000 in fiscal year 2002-03 to support scholarships for the Seeds of Peace International Camp in Otisfield.

Joint Standing Committee on Banking and Insurance

LD 600

An Act to Implement the Recommendations of the Joint Select Committee on School-based Health Care Services

ONTP

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

LD 600 was carried over from the First Regular Session and 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.

As a result of an agreement between the bill's proponents and the State's health carriers, a pilot program to provide insurance coverage for services provided in school-based health centers will begin in 2003. LD 600 was voted "Ought Not to Pass" by the committee because of the establishment of this pilot project. An independent evaluation of the pilot project will be completed and the results will be reported to the Legislature after the first year of the pilot.

LD 782

An Act to Define Undisputed Claims for Covered Health Insurance Benefits

PUBLIC 569

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY HONEY	OTP-AM	S-463

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 late payment of undisputed claims.

Committee Amendment "A" (S-463) added a new title and replaced the bill. It proposed to enact a definition of "undisputed claim" and clarify that the definition applied only to claims made for covered benefits under health insurance policies. This amendment also added a fiscal note to the bill.

Joint Standing Committee on Banking and Insurance

Enacted law summary

Under current law, health insurers and health maintenance organizations must pay undisputed claims for covered benefits within 30 days. Public Law 2001, chapter 569 defines the term "undisputed claim" as a claim for payment of covered health care expenses that is submitted on the insurer's standard claim form using the most current published procedural codes with all the required fields completed with correct and complete information. The law also clarifies that the definition applies only to claims made for covered benefits under health insurance policies.

LD 915

An Act to Amend the Maine Insurance Guaranty Association Act

PUBLIC 478

Sponsor(s)
ABROMSOM
MAYO

Committee Report
OTP-AM

Amendments Adopted

LD 915 was originally referred to the Joint Standing Committee on Banking and Insurance, but was recommitted to the Joint Standing Committee on Appropriations and Financial Affairs and carried over from the First Regular Session. 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 when 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 cap of \$10,000 on a claim for the return of 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 parity 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 "B" (S-402) 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.

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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 by a court or the final date set by a court and allows the Maine Insurance Guaranty Association to accept a late filed claim as a covered claim for good cause.
4. It requires that notification of an insolvency to insureds and other interested parties by the Maine Insurance Guaranty Association include prominent notice of the date by which a claim must be filed with the association.
5. It eliminates the premium tax offset provision.
6. It clarifies the applicability provision.

Enacted law summary

Public Law 2001, chapter 478 amends the Maine Insurance Guaranty Association Act. In the event of an insolvency of a property and casualty insurer licensed to transact insurance business in the State, the Maine Insurance Guaranty Association pays valid claims of policyholders and certain other claimants and refunds unearned premium as provided by law.

Public Law 2001, chapter 478 exempts certain types of insurance from being subject to the Act, including life, health, disability or annuity insurance; insurance of warranties and service contracts; insurance protecting the interest of a creditor arising out of a creditor-debtor transaction; insurance offering protection against investment risks; and insurance provided or guaranteed by a governmental entity.

Public Law 2001, chapter 478 amends the definition of an insolvent insurer to clarify that it means a member insurer against whom a final order of liquidation has been entered. It excludes from the definition of “covered claims” any first-party claims of an insured whose net worth exceeds \$25,000,000. The law raises the cap on unearned premium that may be refunded to policyholders to \$25,000.

Public Law 2001, chapter 478 provides that the association may intervene as a party in a case involving an insolvent insurer. The law establishes a bar date for filing covered claims as the earlier of 24 months after the order of liquidation or the final date set by a court and allows the association to accept late-filed claims as covered claims for good cause. The law also 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.

Public Law 2001, chapter 478 applies to the obligations of the Maine Insurance Guaranty Association as those obligations exist on the law's effective date, July 25, 2002, except that the first-party exclusion contained in Title 24-A, Maine Revised Statutes, section 4435, subsection 4; the unearned premium cap and the bar date contained in Title 24-A, Maine Revised Statutes, section 4438, subsection 1; and the right of intervention contained in Title 24-A, Maine Revised Statutes, section 4438, subsection 2, paragraph C apply only to new insolvencies occurring on or after July 25, 2002.

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LD 1554

An Act to Allow Health Insurance Premiums to be Eligible for Medical Savings Accounts

ONTP

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

LD 1554 was carried over from the First Regular Session. The bill 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 deductibles. Contributions to, interest earned on and qualified withdrawals from medical savings accounts would have been exempt from Maine state income tax.

Committee Amendment "A" (H-1048) was the minority report of the committee and replaced the bill. It would provide enabling legislation for health insurance carriers to offer medical savings accounts in conjunction with health insurance for policyholders in the individual health insurance market. Medical savings accounts must conform to the requirements for the accounts under federal law. Individuals with medical savings accounts are eligible for a federal tax deduction for contributions to the accounts and are not taxed for withdrawals to pay qualified medical expenses. The amendment did not propose to create any state income tax deduction or exemption for contributions or qualified withdrawals from medical savings accounts. The amendment also would require the Department of Professional and Financial Regulation, Bureau of Insurance to provide technical assistance to those companies that offer medical savings accounts in conjunction with individual health insurance policies within the bureau's existing resources. The legislation would be repealed upon the repeal of federal legislation authorizing medical savings accounts. The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

House Amendment "A" to Committee Amendment "A" (H-1058) proposed to make contributions to, interest earned on and qualified withdrawals from individual medical savings accounts exempt from Maine state income tax. The provision would be repealed upon the repeal of federal legislation authorizing individual medical savings accounts. House Amendment "A" to Committee Amendment "A" was not adopted.

LD 1627

An Act to Ensure Equality in Mental Health Coverage

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM MAJ	H-1052
DOUGLASS	OTP-AM MIN	H-1077 DUDLEY

LD 1627 was carried over from the First Regular Session. The bill 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. LD 1627 would expand the coverage of illness to include children's disorders and adult disorders as defined in the Diagnostic and Statistical Manual of Mental Disorders, as periodically revised, and would 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.

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Committee Amendment "B" (H-1052) is the minority report of the committee and replaced the bill. The amendment proposed to expand the coverage of illness to include 11 categories of mental illness as defined in the Diagnostic and Statistical Manual of Mental Disorders, as periodically revised, and allow that coverage to be delivered as a carve out under a managed care system. The amendment would require parity coverage for those mental illnesses and apply the provision to all health benefit plans covering groups of 21 or more. The amendment made no change to the current law that requires carriers to offer "parity" coverage for individual health plans and group health plans covering fewer than 20 persons.

Like the majority report, the amendment would include licensed clinical professional counselors in the definition of providers eligible to treat mental illness and receive reimbursement for those services. The amendment also would require coverage for residential treatment services and home support services. The provisions apply to all policies and contracts issued or renewed on or after the effective date of the bill. The amendment also added a fiscal note.

House Amendment "A" to Committee Amendment "B" (H-1077) proposed to appropriate the savings realized in the bill as amended by Committee Amendment "B" to the Maine Rainy Day Fund.

Committee Amendment "A" (H-1051) is the majority report of the committee. It changed the bill title and replaced the bill. The amendment proposed to include licensed clinical professional counselors in the definition of providers eligible to treat mental illness. The amendment also would require that health insurance policies that cover mental illness include coverage for residential treatment up to 30 days per contract year. The amendment made no change to the existing law mandating "parity" for certain biologically-based mental illnesses. The amendment provided that the bill's provisions apply to policies, contracts and certificates issued or renewed on or after January 1, 2003. The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 1627 was enacted in the House and Senate, but vetoed by the Governor.

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** **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1768 was carried over from the First Regular Session and jointly referred to the Joint Standing Committees on Banking and Insurance and Health and Human Services. LD 1768 was 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 have included the following requirements:

1. All Maine citizens 62 years of age and older would be eligible;

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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 would be available 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 1784

An Act to Address the Health Coverage Crisis for Maine's Small Businesses and Self-employed Persons

PUBLIC 677

<u>Sponsor(s)</u> SAXL LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-970
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LD 1784 was carried over from the First Regular Session and was a concept draft pursuant to Joint Rule 208. The bill proposed to establish a reinsurance mechanism for the small group health insurance market.

Committee Amendment "A" (H-970) replaced the bill and changed the bill title. It proposed to establish the Maine Small Business Health Coverage Plan to provide health care coverage to small employers, including self-employed individuals, and their employees and dependents. The plan would operate under the supervision of a board of directors and in coordination with the Department of Human Services. The amendment would require the board to submit a business plan to implement the health coverage program and any necessary federal waivers to the Legislature for affirmative approval before the program begins operation. The amendment proposed to repeal the program in 6 years unless the program was continued by the Legislature. The amendment also added an appropriations section, an allocations section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 677 establishes the Maine Small Business Health Coverage Plan to provide health care coverage to small employers, including self-employed individuals, and their employees and dependents. Small employers are defined as those employers with 50 or fewer employees. The Maine Small Business Health Coverage Plan operates under the supervision of an 11-member board of directors and in coordination with the Department of Human Services. Public Law 2001, chapter 677 requires the board to submit a business plan and actuarial analysis to implement the health coverage program and any necessary federal waivers to the Legislature for affirmative approval before the program begins operation.

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Public Law 2001, chapter 677 requires the board to contract with a health insurer, health maintenance organization or the Department of Human Services to provide coverage under the plan through a comprehensive managed care plan, indemnity plan or both. The law requires the board to solicit bids from qualified bidders through a request for proposal process and to award the contract by October 1, 2003. In the event that the Department of Human Services is awarded the bid, the board must notify the Legislature. Coverage under the Maine Small Business Health Coverage Plan must be available beginning January 1, 2004.

Public Law 2001, chapter 677 requires that the plan seek to maximize federal matching funds under the Medicaid program to subsidize coverage for under the plan. The maximum contribution for employees covered under the plan who are categorically-eligible for Medicaid is limited to the cost-sharing requirements of the Medicaid program. The law also requires the Department of Human Services to apply for any federal waivers necessary to implement the plan.

LD 1804

An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State

PUBLIC 570

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-464

LD 1804 was carried over from the First Regular Session and proposed to:

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.

Committee Amendment "A" (S-464) replaced the bill. It proposed to amend the provisions governing multiple-employer welfare arrangements to allow an arrangement based on geographic association. Employers with 100 or fewer employees and licensed hospitals located within a 40-mile radius are permitted to form an arrangement to self-fund health insurance coverage with the approval of the Superintendent of Insurance. These arrangements are required to meet the same statutory standards as other multiple-employer welfare arrangements.

The amendment also proposed to change the provision relating to actuarial reports by making the filing of an actuarial report at least once every 2 years mandatory for the first 4 years. After 2 reports have been filed, an arrangement may apply to the superintendent for a waiver from the mandatory filing requirement. The amendment also added a fiscal note to the bill.

Enacted law summary

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Public Law 2001, chapter 570 amends the provisions governing multiple-employer welfare arrangements to allow an arrangement based on geographic association. Employers with 100 or fewer employees and licensed hospitals located within a 40-mile radius are permitted to form an arrangement to self-fund health insurance coverage with the approval of the Superintendent of Insurance. These arrangements are required to meet the same statutory standards as other multiple-employer welfare arrangements.

The law also changes the provision relating to actuarial reports filed by multiple employer welfare arrangements by making the filing of an actuarial report at least once every 2 years mandatory for the first 4 years. After 2 reports have been filed, an arrangement may apply to the superintendent for a waiver from the mandatory filing requirement.

LD 1835

An Act to Amend the Loan Broker Law

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAFOUNTAIN	OTP-AM	H-789

LD 1835 proposed to amend the laws governing loan brokers or credit services organizations to apply consumer protections to transactions involving brokers who are paid by lenders or other creditors to arrange credit transactions.

Committee Amendment "A" (H-789) replaced the bill. It proposed to clarify that credit services organization registration requirements do not apply to certain business entities. The amendment would exempt supervised financial organizations and the affiliates, employees or agents of supervised lenders who are not compensated by the consumer. The amendment also would exclude closing agents, telemarketers and automobile dealers that do not accept compensation from the consumer for the provision of credit services. The amendment also proposed to clarify that an employee of a person or entity excluded from the registration requirements is not required to register as a credit services organization unless the employee is being compensated for the services by the consumer.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 509 amends the laws governing loan brokers, or credit services organizations, to apply consumer protections to transactions involving brokers who are paid by lenders or other creditors to arrange credit transactions.

The law clarifies that credit services organization registration requirements do not apply to certain business entities. These include supervised financial organizations and the affiliates, employees or agents of supervised lenders who are not compensated by the consumer, closing agent, telemarketers or automobile dealers that do not accept compensation from the consumer for the provision of credit services. The law also clarifies that an employee of a person or entity excluded from the registration requirements is not required to register as a credit services organization unless the employee is being compensated for the services by the consumer.

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LD 1880

An Act to Reduce Identity Theft by Regulating Electronically Printed Credit Card and Debit Card Receipts

PUBLIC 527

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B COLWELL	OTP-AM	S-426

LD 1880 proposed to prohibit a person from issuing to a cardholder a credit card receipt that contains more than the last 5 digits of the credit card or contains the expiration date. The bill would not apply if the only means of recording the card number is by handwriting or imprint. LD 1880 proposed to take effect January 1, 2004.

Committee Amendment "A" (S-426) replaced the bill. The amendment proposed to prohibit a person from issuing to a cardholder a credit card or debit card receipt that contains more than the last 5 digits of the credit card or debit card account number or contains the expiration date. The amendment would not apply if the only means of recording the card number is by handwriting or imprint. The amendment allocated the provisions to the Maine Revised Statutes, Title 10 and retained the effective date of January 1, 2004. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 527 prohibits a business or merchant from issuing to a cardholder a credit card or debit card receipt that contains more than the last 5 digits of the credit card or debit card account number or contains the expiration date. The law does not apply if the only means of recording the card number is by handwriting or imprint.

Public Law 2001, chapter 527 has a delayed effective date of January 1, 2004.

LD 1959

An Act to Eliminate Department of Professional and Financial Regulation, Bureau of Insurance Travel Restrictions for Obtaining Health Care

DIED BETWEEN
BODIES

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

LD 1959 proposed to override current Department of Professional and Financial Regulation, Bureau of Insurance rules that restrict travel distances for obtaining health care by allowing patients enrolled in health maintenance organizations to seek appropriate care in centers of excellence outside of the standard travel area. The bill also would require that the Superintendent of Insurance define "center of excellence" under rule-making authority that already exists under statutes.

Committee Amendment "A" (H-965) is the majority report of the committee and replaced the bill. The amendment proposed to authorize the Superintendent of Insurance to approve a pilot project allowing a carrier to offer a health plan exempt from the statutory and regulatory provisions relating to geographic access standards. Health plans offered under an approved pilot project must comply with all other

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provisions of the Maine Insurance Code. The amendment also proposed to authorize the approval of pilot projects for multistate health insurance products by the superintendent under the same conditions. The provision would be repealed January 1, 2008. The amendment also adds a fiscal note to the bill.

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

Committee Amendment "B" (H-966) is the minority report of committee and replaced the bill. The amendment proposed to authorize the Superintendent of Insurance to approve a pilot project allowing a carrier to offer a health plan meeting the exception to the travel distance standards in Bureau of Insurance Rule Chapter 850 if the plan satisfied quality standards and cost indicators adopted by rule by the Superintendent of Insurance. The amendment would limit the distances that enrollees may be required to travel for services to no more than 50% above the current limit for that particular type of service. Health plans offered under an approved pilot project must comply with all other provisions of the Maine Insurance Code. The amendment also proposed to authorize the approval by the superintendent of pilot projects for multistate health insurance products under the same conditions. The provision would be repealed January 1, 2005. The amendment also added an appropriation and an allocation section and a fiscal note to the bill.

Committee Amendment "B" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-505) proposed to define the permissible pilot project area as Sagadahoc County and northeast Cumberland County only. Senate Amendment "A" to Committee Amendment "A" was not adopted.

LD 1976

An Act to Modify Investment-related Insurance Company Provisions of the Maine Insurance Code

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-812 S-439 LAFOUNTAIN

LD 1976 proposed to permit property, casualty and nonlife insurers, upon prior approval of the Superintendent of Insurance, to invest more than 10% of their assets in qualifying indexed mutual funds managed by one investment firm.

Committee Amendment "A" (H-812) replaced the bill. The amendment proposed to permit property and casualty and life and health insurers to invest up to 20% of their assets in qualifying index mutual funds with the prior approval of the Superintendent of Insurance. The amendment also proposed to make technical corrections to the admitted assets and valuation provision to clarify the intent of Public Law 2001, chapter 72. The amendment also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-439) proposed to repeal and replace the provision to clarify the permissible criteria used by the Superintendent of Insurance to recognize admitted assets and to value assets and liabilities.

Enacted law summary

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Public Law 2001, chapter 524 permits property and casualty and life and health insurers to invest up to 20% of their assets in qualifying index mutual funds with the prior approval of the Superintendent of Insurance. The law also clarifies the provision outlining the criteria used by the Superintendent of Insurance to recognize admitted assets and to value assets and liabilities of insurance companies.

LD 1999

An Act to Clarify Recent Amendments to the Maine Consumer Credit Code

**PUBLIC 482
EMERGENCY**

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

LD 1999 proposed to clarify that if a deferral of a first period payment is for an excess of 90 days then no interest or costs may accrue in connection with the entirety of that deferral. If a deferral is for 90 days or less, then interest may accrue in connection with such a deferral. This bill would clarify the intent of Public Law 2001, chapter 82, which was enacted in the First Regular Session of the 120th Legislature.

Enacted law summary

Public Law 2001, chapter 482 clarifies the intent of Public Law 2001, chapter 82, which was enacted in the First Regular Session of the 120th Legislature. The law allows interest to accrue in connection with a deferral of a first periodic payment of a loan if the deferral is for 90 days or less. Interest or costs may not accrue in connection with the entirety of a deferral that exceeds 90 days.

Public Law 2001, chapter 482 was enacted as an emergency measure effective February 21, 2002.

LD 2138

Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a Major Substantive Rule of the Department of Professional and Financial Regulation

**RESOLVE 118
EMERGENCY**

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

LD 2138 proposed to authorize final adoption of portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a major substantive rule of the Department of Professional and Financial Regulation.

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Enacted law summary

Resolve 2001, chapter 118 authorizes final adoption of portions of Chapter 750: Standardized Health Plans, Part II HMO Guidelines, a major substantive rule of the Department of Professional and Financial Regulation.

Resolve 2001, chapter 118 was enacted as an emergency measure effective April 11, 2002.

LD 2146

An Act to Establish the Maine Consumer Choice Health Plan

PUBLIC 708

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	S-530 S-548 LAFOUNTAIN S-606 GOLDTHWAIT

LD 2146 proposed to establish the Maine Consumer Choice Health Plan as an independent executive agency to negotiate and provide health care coverage to residents of Maine, including individuals and employers.

Committee Amendment "A" (S-530) replaced the bill. It proposed to establish the Maine Consumer Choice Health Plan as an independent executive agency to act as a purchasing alliance open to individuals and small employers. The Maine Consumer Choice Health Plan is governed by a 5-member board of directors appointed by the Governor and confirmed by the Legislature. The Maine Consumer Choice Health Plan is required to contract with participating health insurance carriers to offer at least 3 health benefit plans to enrollees, a fee-for-service plan, a managed care plan and a point-of-service plan. The amendment also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-548) proposed to require the Board of Directors of the Maine Consumer Choice Health Plan to report jointly with the Superintendent of Insurance and the joint standing committee of the Legislature having jurisdiction over insurance matters regarding the feasibility of requiring insurance carriers to offer only board-authorized plans.

Senate Amendment "B" to Committee Amendment "A" (S-606) proposed to reduce from \$750,000 to \$700,000 the cap on funds used as a working capital advance for the initial operating expenses of the Maine Consumer Choice Health Plan.

Enacted law summary

Public Law 2001, chapter 708 establishes the Maine Consumer Choice Health Plan as an independent executive agency to act as a voluntary purchasing alliance open to individuals and small employers of 50 or fewer employees. The Maine Consumer Choice Health Plan is governed by a 5-member board of directors appointed by the Governor and confirmed by the Legislature. The Maine Consumer Choice Health Plan is required to contract with participating health insurance carriers to offer at least 3 health benefit plans to enrollees: a fee-for-service plan, a managed care plan and a point-of-service plan.

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Public Law 2001, chapter 708 permits the Board of Directors to establish procedures and adopt rules for different risk pools and a risk adjustment mechanism for the plan. Legislative review and approval is required before final adoption of any rules adopted relating to the establishment of risk pools or a risk adjustment mechanism.

Public Law 2001, chapter 708 also requires the Board of Directors, the Superintendent of Insurance and the joint standing committee of the Legislature having jurisdiction over insurance matters to report to the Legislature regarding the feasibility of requiring all insurance carriers to offer only board-authorized plans by January 1, 2005.

LD 2198

An Act to Provide Maine State Retirement System Representation on the State Employee Health Commission

PUBLIC 636

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-516

LD 2198 proposed to add representation from the Maine State Retirement System to the State Employee Health Commission.

Committee Amendment "A" (S-516) replaced the bill and added a labor and a management member representing the Maine State Retirement System to the State Employee Health Commission. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 636 adds a labor and a management member representing the Maine State Retirement System to the State Employee Health Commission.

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Joint Standing Committee on Business and Economic Development

LD 248 **An Act to Promote Economic Development in Rural Maine** **ONTP**

<u>Sponsor(s)</u> GOOLEY FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 248, a concept draft pursuant to Joint Rule 208, proposed to promote economic development in rural Maine.

LD 658 **An Act to Continue Funding for the Maine Microenterprise Initiative Fund** **ONTP**

<u>Sponsor(s)</u> SHOREY DUGAY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 658 proposed to provide annual General Fund appropriations of \$1,000,000 in fiscal year 2001-02 and fiscal year 2002-03 for the Department of Economic and Community Development's Maine Microenterprise Initiative Fund to provide grants to organizations that provide business assistance services to microenterprises.

LD 687 **An Act to Maintain a Centralized Database for Schedule II Prescriptions Dispensed by Pharmacies in the State** **ONTP**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 687 requires 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) is the minority report of the Business and Economic Development Committee and proposed to amend the bill by designating the Department of Human Services as the department that would establish and maintain the schedule II drug database. The amendment also proposed to require 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 to 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 would 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 would expressly prohibit the release of confidential information from the database to law enforcement officers.

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This amendment also adds a fiscal note to the bill.

LD 1144

An Act to Enhance Economic Development Capacity

**PUBLIC 680
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL	OTP-AM	S-517 S-621 GOLDTHWAIT

LD 1144 proposed to include an annual General Fund appropriations totaling \$2,000,000 for the Department of Economic and Community Development of which \$1,200,000 annually would go toward continuing the momentum of the department's proactive business attraction marketing program and \$800,000 annually towards capacity building block grant program to regional economic development districts.

Committee Amendment "B" (S-517), which was adopted as modified by Senate Amendment A, proposed to strike and replace the original bill and provide annual General Fund appropriations totaling \$4,571,000 for the Department of Economic and Community Development of which \$1,200,000 would go into regional development block grants and \$200,000 would go to secure federal planning grants to assist communities suffering from the loss of major employers. The amendment would also provide \$500,000 for business attraction and expansion marketing efforts and \$1,000,000 to recapitalize the Maine Microenterprise Initiative. The amendment would also provide \$200,000 over the biennium to recapitalize the fund that provides grants to avoid or alleviate the impact caused when a community loses a mature or dominant industry. It would also provide one-time funds for the construction of the River Valley Technical Center incubator facility and matching funds for the Schoodic education and research center. This amendment would also appropriate \$35,000 in one-time funds to assist the Maine Film Office to upgrade digital technology and \$100,000 for the Maine Products Marketing Program. This amendment would add an emergency preamble and clause and fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "B" (S-621), which was adopted, proposed to remove the emergency provisions from the bill and would do the following:

1. Appropriate \$5,000 and allocates another \$5,000 for the Community Forestry Fund;
2. Appropriate \$75,000 for the Forum Francophone;
3. Appropriate \$10,000 to the Town of Raymond for a Community Gateways project;
4. Appropriate \$211,674 for the New Century Community Program; and
5. Allow funds in the Jobs Retention Program that become available as a result of a revocation of a certificate of approval for a certified retained business under this program to be used for grants to municipalities to retain mature or dominant employers.

Enacted law summary

Public Law 2001, chapter 680 provides an annual General Fund appropriations totaling \$4,571,000 for the Department of Economic and Community Development and provides \$1,200,000 in regional development block grants and \$200,000 to secure federal planning grants to assist communities suffering from the loss of major

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employers. It also provides \$500,000 for business attraction and expansion marketing efforts and \$1,000,000 to recapitalize the Maine Microenterprise Initiative. Public Law 2001, chapter 680 also provides \$200,000 over the biennium to recapitalize the fund that provides grants to avoid or alleviate the impact caused when a community loses a mature or dominant industry and provides one-time funds for the construction of the River Valley Technical Center incubator facility and matching funds for the Schoodic education and research center. It also appropriates \$35,000 in one-time funds to assist the Maine Film Office to upgrade digital technology and \$100,000 for the Maine Products Marketing Program. In addition, this Public Law appropriates \$5,000 and allocates another \$5,000 for the Community Forestry Fund, \$75,000 for the Forum Francophone, and \$10,000 to the Town of Raymond for a Community Gateways project and \$211,674 for the New Century Community Program. Finally, this Public Law allows funds in the Jobs Retention Program that become available as a result of a revocation of a certificate of approval for a certified retained business under this program to be used for grants to municipalities to retain mature or dominant employers.

Public Law 2001, chapter 680 was enacted as an emergency measure effective April 11, 2002.

LD 1262 **An Act to Properly Apply Jurisdiction of Chimney Regulation** ONTP

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

LD 1262 proposed to remove the Oil and Solid Fuel Board from the responsibility of chimney regulation in the State and proposed to clarify that the Commissioner of Public Safety or the commissioner's designee has the responsibility for enforcing chimney regulation.

LD 1476 **An Act to Amend the Laws of the Board of Barbering and Cosmetology** PUBLIC 599

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS PENDLETON	OTP-AM	H-932

LD 1476 proposed to establish a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering.

Committee Amendment "A" (H-827), which was not adopted, proposed to replace the original bill and require the Board of Barbering and Cosmetology to establish continuing education requirements for licensees of the board and establish provisions for inactive license status. This amendment would have narrowed the scope of practice for barbers, in order to enable the board to adopt less stringent continuing education requirements for barbers. This amendment also proposed to reduce the number of hours of course instruction from 1,500 hours to 1,000 hours or experience in practice from 2,500 hours to 2,000 to satisfy the training component of licensure for barbers. Additionally, this amendment proposed to remove the authority to set fees from the board and give the authority to the Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation. The amendment would have changed the composition of the Board of Barbering and Cosmetology by reducing the number of barber and cosmetologist members and by adding a manicurist and an aesthetician.

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Finally, the amendment proposed to alter the inspection schedule to make more efficient use of staff and make rules adopted under the chapter routine technical rules and proposed to add a fiscal note and an allocation section to the bill.

Committee Amendment "B" (H-932) which was adopted, proposed to replace the original bill and to make changes to the composition of the Board of Barbering and Cosmetology by reducing the number of barber and cosmetologist members and by adding a manicurist and an aesthetician. The amendment also proposed to alter the inspection schedule to make more efficient use of staff would add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 599 establishes a continuing education requirement for people engaged in the practice of cosmetology, manicuring, aesthetics and barbering and sets criteria for the applicants, the continuing education courses and the entities that provide the courses.

LD 1498 **Resolve, to Require the Collection of Health Care Practitioner Workforce Data** **ONTP**

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

LD 1498 proposed that certain 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 the survey proposed under this resolve.

LD 1672 **An Act to Create the Washington County Development Authority** **PUBLIC 568**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY GOODWIN	OTP-AM	H-967 RICHARDSON S-468

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 opportunities and other conditions to enhance regional development. This bill, as proposed, would take effect when approved 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 that purpose before December 31, 2001.

Committee Amendment "A" (S-468), which was adopted, proposed to strike and replace the original bill. It proposed to create the Washington County Development Authority for the purposes of accepting from the Federal Government and disposing of the real or personal property located within the geographical boundaries of the naval communications unit in the Town of Cutler or any other decommissioned federal military facility located in Washington County. The amendment proposed to establish the authority as a public municipal corporation, create

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a board of trustees and empower the authority to employ technical experts and agents and to lease, sell or transfer accepted federal property or interests in accepted property to eligible entities. The amendment proposed to authorize the authority to apply for and to accept grants to support the activities of the authority. The amendment also proposed to require the authority to submit an annual report. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-964), which was adopted, proposed to specify that the rules adopted by the Washington County Development Authority would be routine technical rules.

Enacted law summary

Public Law 2001, chapter 568 creates the Washington County Development Authority for the purposes of accepting from the Federal Government and disposing of the real or personal property located within the geographical boundaries of the naval communications unit in the Town of Cutler or any other decommissioned federal military facility located in Washington County. The law establishes the authority as a public municipal corporation, creates a board of trustees and empowers the authority to employ technical experts and agents and to lease, sell or transfer accepted federal property or interests in accepted property to eligible entities. The law authorizes the authority to apply for and accept grants to support the activities of the authority. It also requires the authority to submit an annual report.

LD 1731 **An Act to Require Registration of Building Contractors** **ONTP**

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

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.

LD 1749 **Resolve, to Establish a Commission to Review Internet Policy** **ONTP**

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

LD 1749 proposed to establish the Commission to Review Internet Policy. Under the proposed bill, the 11-member commission would have been charged with studying issues related to the commercial uses of information on the Internet.

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LD 1868

An Act to Provide Enhancements to the Small Enterprise Growth Program

PUBLIC 541

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-778

LD 1868 proposed to modify the Small Enterprise Growth Program by eliminating the cap on the amount the Small Enterprise Growth Board may invest in any one small business in Maine. The bill also proposed to allow the board to make additional investments in portfolio companies that have grown since the board's initial investment and that evidence a likelihood for continued high growth, enabling the board make additional investments in companies that appear likely to provide significant returns on the board's investment.

Committee Amendment "A" (H-778), which was adopted, replaced the bill. The amendment allows the Small Enterprise Growth Program Board the discretion to make subsequent investments in companies that have benefited from an initial investment by the board. It maintains the current maximum initial disbursement that the board may make to a company at \$500,000, but allows a subsequent disbursement to equal up to 10% of the capitalization of the fund from appropriations, returns on successful investments and accrued interest. The amendment also adds a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 541 allows the Small Enterprise Growth Program Board the discretion to make subsequent investments in companies that have benefited from an initial investment by the board providing those companies have grown since the board's initial investment and evidence a likelihood for continued high growth. The law maintains the current maximum initial disbursement that the board may make to a company at \$500,000, but allows a subsequent disbursement to equal up to 10% of the capitalization of the fund from appropriations, returns on successful investments and accrued interest.

LD 1877

An Act to Allow Pledging of Medical Education Loans to Secure Bonds to Finance Educational Loans

PUBLIC 479

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

LD 1877 proposed to allow the Finance Authority of Maine to pledge the existing Health Professions Loan Program revolving loan fund, including the revenue stream, when borrowing funds to be applied to the loan fund. By doing this, FAME would provide greater access to lower cost financing for Maine students attending medical schools. The bill proposed to allow the Finance Authority of Maine to purchase loans as necessary to comply with the United States Internal Revenue Code requirement that the proceeds of tax-exempt bonds issued for the funding of loans for higher education be disbursed within 3 years of issuance.

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Enacted law summary

Public Law 2001, chapter 479 allows the Finance Authority of Maine to pledge the existing Health Professions Loan Program revolving loan fund, including the revenue stream, when borrowing funds to be applied to the loan fund. By doing this, the law provides greater access to lower cost financing for Maine students attending medical schools. The law also allows the Finance Authority of Maine to purchase loans as necessary to comply with the United States Internal Revenue Code requirement that the proceeds of tax-exempt bonds issued for the funding of loans for higher education be disbursed within 3 years of issuance.

LD 1888 **An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks** **PUBLIC 633**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP MAJ OTP MIN	H-1005 RICHARDSON

LD 1888 proposed to permit mechanics licensed by the Manufactured Housing Board to install and maintain oil tanks to current standards.

House Amendment "A" (H-1005) which was adopted, proposed to strike the bill and do the following:

1. Create a limited license for the manufactured housing mechanics that gives them a limited license to install outside heating oil tanks at certain manufactured housing units;
2. Limit the fee that can be charged by this limited license to \$50 biennially;
3. Require a manufactured housing mechanic have at least 4 hours of training from an approved course in the proper installation of outside home heating oil tanks to be issued a limited license;
4. Change the Oil and Solid Fuel Board membership by adding a 7th member to the board and give service manager associations from the southern and northern parts of the State the ability to recommend board members to the Governor; and
5. Add an appropriations and allocations section.

Senate Amendment "A" (S-466), which was not adopted, proposed to strike the bill and do the following:

1. Create a limited license for the manufactured housing mechanics that gives them a limited license to install outside heating oil tanks at certain manufactured housing units;
2. Limit the fee that can be charged by this limited license to \$50 biennially;
3. Require that the manufactured housing mechanic have at least 4 hours of training from an approved course in the proper installation of outside home heating oil tanks to be issued a limited license;

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4. Change the Oil and Solid Fuel Board membership by adding a 7th member to the board, and broaden the membership to include the service manager associations from the southern and northern part of the State; and
5. Add an appropriations and allocations section.

Senate Amendment "B" (S-484), which was not adopted, proposed to strike the bill and do the following:

1. Create a limited license for the manufactured housing mechanics that gives them a limited license to install outside heating oil tanks at certain manufactured housing units;
2. Limit the fee that can be charged by this limited license to \$50 biennially;
3. Require that the manufactured housing mechanic have at least 4 hours of training from an approved course in the proper installation of outside home heating oil tanks to be issued a limited license;
4. Change the Oil and Solid Fuel Board membership by adding a 7th member to the board and give service manager associations from the southern and northern parts of the State the ability to recommend board members to the Governor; and
5. Add an appropriations and allocations section.

Enacted law summary

Public Law 2001, chapter 633 does the following:

1. It creates a limited license for the manufactured housing mechanics that will give them a limited license to install outside heating oil tanks at certain manufactured housing units;
2. It limits the fee that can be charged by this limited license to \$50 biennially;
3. It requires that the manufactured housing mechanic have at least 4 hours of training from an approved course in the proper installation of outside home heating oil tanks to be issued a limited license; and
4. It changes the Oil and Solid Fuel Board membership by adding a 7th member to the board and gives service manager associations from the southern and northern parts of the State the ability to recommend board members to the Governor.

LD 1911

An Act Regarding Certain Educational Requirements for Licensed Social Workers

PUBLIC 542

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u> OTP-AM MAJ OTP MIN	<u>Amendments Adopted</u> S-435
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LD 1911 proposed to reverse changes made by Public Law 2001, chapter 316, which created the position of licensed bachelor social worker and established standards and educational requirements for the position. The bill proposed to retroactively reverse those changes to their effective date of September 21, 2001.

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Committee Amendment "A" (S-411), which was not adopted, proposed to replace the bill and extend the deadline for when new educational requirements became effective to September 30, 2003. It also proposed to add a fiscal note to the bill.

This bill was recommitted to the Joint Standing Committee on Business and Economic Development Committee, which reported out committee amendment B.

Committee Amendment "B" (S-435), which was adopted, proposed to replace the bill and extended the deadline for when new educational requirements became effective to September 30, 2003. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 542 modifies Public Law 2001, chapter 316, which created the position of licensed bachelor social worker and established standards and educational requirements for that position, by extending the deadline for when the new educational requirements become effective to September 30, 2003.

LD 1914 An Act to Clarify the Application of the Freedom of Access Laws to PUBLIC 562 Certain Proceedings and Records of the Maine Technology Institute

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY BRYANT	OTP-AM	H-915 RICHARDSON S-452

LD 1914 proposed to protect the confidentiality of Maine Technology Institute clients by exempting the institute's proceedings and records from the requirements of Maine's public records and proceedings statutes. It also proposed to protect the confidentiality of the applied technology development centers and their tenants by exempting the centers and their tenants' records and proceedings from the requirements of Maine's public records and proceedings statutes.

Committee Amendment "A" (S-452), which was adopted, proposed to change the title of the bill. The amendment also proposed to strike and replace section 2 of the bill. It also declared that the proceedings and records of the Maine Technology Institute are subject to the freedom of access laws and specifies which records and documents are exempt from the provisions of Title 1, chapter 13 and are thus confidential. Generally, the proposed exemptions relate to documents that contain proprietary information and trade secrets the disclosure of which could be competitively harmful to a business that is an applicant for financial support or a recipient of financial support from the institute. The amendment also proposed to specify which institute information is available to the public on request. Finally, the amendment proposed to strike a reference to the tenants of the applied technology development centers in section 3 of the bill.

House Amendment "A" to Committee Amendment "A" (H-915), which was adopted, proposed to make grammatical changes in the conjunctions to reflect the intent of the legislation.

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Enacted law summary

Public Law 2001, chapter 562 declares that the proceedings and records of the Maine Technology Institute are subject to the freedom of access laws and specifies which records and documents are exempt from the provisions of Maine Revised Statutes, Title 1, chapter 13 and are thus confidential. Generally, the exemptions relate to documents that contain proprietary information and trade secrets the disclosure of which could be competitively harmful to a business that is an applicant for financial support or a recipient of financial support from the institute. The law also specifies which institute information is available to the public on request.

LD 1917 **An Act to Increase the Licensing Fee Cap for the Maine Board of Pharmacy** **ONTP**

<u>Sponsor(s)</u> SHOREY RICHARDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1917 proposed to increase the licensing fee cap for the Maine Board of Pharmacy.

LD 1935 **An Act Concerning the State Board of Funeral Service** **PUBLIC 505**

<u>Sponsor(s)</u> MAYO BROMLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-788
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LD 1935 proposed to amend the law governing funeral establishments and practitioners of funeral services to eliminate the requirement that a sanitation inspection be conducted every 3 years and to instead permit the State Board of Funeral Service to conduct inspections in response to complaints or alleged violations of the board's laws or rules, or as otherwise may be needed in the discretion of the board. The bill also proposed to provide the board with the authority to review financial records to determine compliance with the laws and rules applicable to prearranged funeral services or plans, also known as mortuary trust accounts.

Committee Amendment "A" (H-788), which was adopted, proposed to clarify the scope of investigation of funeral establishments and add an appropriations and allocations section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 505 removes the requirement that State Board of Funeral Services conduct inspections of funeral establishments and practitioners of funeral services every 3 years and replaces it with language that gives the board discretion to conduct inspections as needed. It also provides the board with the authority to review financial records to determine compliance with the laws and rules applicable to prearranged funeral services or plans.

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LD 1948

An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels

PUBLIC 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SAWYER	OTP-AM	H-777

LD 1948 proposed to establish methods of sales of commodities that require labeling and the publishing of prices that will provide adequate information for consumers to make value price comparisons among companies selling heating oil or retail motor fuels using temperature-compensating technology and those using a traditional 231-cubic-inch-per-gallon measurement.

Committee Amendment "A" (H-777), which was adopted, proposed to amend the original bill by allowing a seller of commodities in liquid form to obtain approval from the State Sealer for regional use of temperature compensators in lieu of equipping the seller's entire fleet of vehicles with temperature compensators.

Enacted law summary

Public Law 2001, chapter 491 establishes methods of sales of commodities that require labeling and the publishing of prices that will provide adequate information for consumers to make value price comparisons among companies selling heating oil or retail motor fuels using temperature-compensating technology and those using a traditional 231-cubic-inch-per-gallon measurement. The law also allows a seller of commodities in liquid form to obtain approval from the State Sealer for regional use of temperature compensators in lieu of equipping the seller's entire fleet of vehicles with temperature compensators.

LD 1972

An Act Regarding Trial Offers

ONTP

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

LD 1972 proposed to allow merchants to provide consumers who had already agreed over the telephone to be charged for a good or service after a trial period with a written notice. Under the proposed bill, the written notice would have detailed the specific steps for cancellation of the purchase using a toll-free telephone number.

LD 1990

An Act to Regulate Professional Boxing

ONTP

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

LD 1990 proposed to repeal the Maine Revised Statutes, Title 32, chapter 115, which governs the Maine Athletic Commission and proposed to establish an alternative form of regulation under which the Commissioner of Professional and Financial Regulation would act as the State's boxing commission for the purposes of the federal Professional Boxing Safety Act of 1996, 15 United States Code, Sections 6301 to 6313. This bill also proposed to

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authorize the commissioner to contract with other states, other state agencies and the Association of Boxing Commissions, or its successor organization, to carry out the purposes of the Maine Revised Statutes, Title 32, chapter 115-A proposed in this bill, including the registration of professional boxers and the supervision of professional boxing events in this State.

Committee Amendment "A" (H-958) was the minority report and proposed to require the Commissioner of Professional and Financial Regulation to appoint members of the Maine Athletic Committee to advise and assist the commissioner on the inspection and regulation of amateur and professional boxing and kick-boxing events and professional wrestling events. Under the proposed amendment, commissioners of the former Maine Athletic Commission would have been entitled to serve on the athletic committee. The amendment also proposed to impose a 5% gate tax on all boxing or kick-boxing contests or exhibitions and all professional wrestling matches, shows or exhibitions held in the State to support the activities of the athletic committee. In addition, the amendment proposed to reenact the section of the bill that proposed to prohibit "ultimate fighting" and "toughman" competitions.

The amendment also proposed to add an appropriations and allocations section and a fiscal note to the bill.

LD 2017

An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure

PUBLIC 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON	OTP-AM MAJ ONTP MIN	H-779

LD 2017 proposed to increase the fee caps for the Board of Osteopathic Licensure and proposed to provide the board with the authority to adopt a renewal schedule by rule. The bill also proposed to authorize the board to adopt, by rule, a one-time special assessment not to exceed \$100 if the board's revenues are insufficient to meet its obligations. Under the proposed bill, the authority for the special assessment would have expired on December 31, 2003.

Committee Amendment "A" (H-779), which was adopted, proposed to reduce the fee cap for certain licenses from \$750 to \$600 and remove the authorization for the Board of Osteopathic Licensure to assess a one-time fee by rule. The amendment also added a fiscal note.

Enacted law summary

Public Law 2001, chapter 492 increases the fee caps for the Board of Osteopathic Licensure and provides the board with the authority to adopt a renewal schedule by rule.

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LD 2056

**An Act to Strengthen the Laws Governing Inspections of Boilers,
Pressure Vessels, Elevators and Tramways**

PUBLIC 573

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON SHOREY	OTP-AM	H-1010

LD 2056 proposed to do the following:

Part A of the bill proposed to amends the laws governing boiler and pressure vessels to:

1. Provide the chief inspector with the authority to grant variances and to provide any party aggrieved by an order or act of the chief inspector or a deputy inspector with the right to appeal from the order or act to the Board of Boilers and Pressure Vessels;
2. Provide the chief inspector with the ability to take a boiler or pressure vessel out of service if the owner has failed to have it inspected in a timely fashion or has failed to make required repairs;
3. Clarify that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely manner;
4. Clarify the existing duties of owners of boilers and pressure vessels, including that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely fashion and establish additional requirements, such as a requirement that the board must be notified when a unit is removed or when required repairs have been completed;
5. Clarify that the board has the authority to adopt rules to implement the purposes of the chapter;
6. Clarify that an insurance company inspector may inspect a boiler or pressure vessel not insured by that company if it is in connection with an application for insurance or when a new unit is installed at an insured location; and
7. Make technical and conforming changes, including changes necessary to conform the Maine Revised Statutes, Title 32, chapter 131 with the provisions of Public Law 1999, c. 687, which provided the Director of the Office of Licensing and Registration with the authority to establish fees for authorized purposes through rulemaking.

Part B of the bill proposed to amend the laws governing elevators and tramways to:

1. Provide the chief inspector with the ability to take an elevator out of service if the owner has failed to have the elevator inspected in a timely fashion or has failed to make required repairs;
2. Clarify the duties and responsibilities of elevator and tramway owners, including the responsibility to obtain an inspection certificate, have the elevator inspected on an annual basis, notify the Board of Elevator and Tramway Safety when required repairs have been made, notify the Board of Elevator and Tramway Safety when ownership of a unit changes and notify the board when a unit is removed or no longer in use.

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3. Provide the chief inspector with the authority to grant variances, subject to the existing right of any party aggrieved by an order or act of the chief inspector or a deputy inspector with the right to appeal from the order or act to the board;
4. Clarify the board's ability to fine an owner or operator for failure to comply with the requirements of the chapter;
5. Strengthen the administrative remedies available against owners who fail to comply with the applicable statutes by giving the board the ability to assess fines of up to \$3,000 per violation;
6. Change the terms of licenses issued by the board from a 3-year term to a one-year term and provide the board with the authority to adopt standards through rulemaking for licensure, renewal and continuing education of elevator and lift mechanics;
7. Prohibit licensed elevator mechanics from repairing elevators that do not have current inspection certificates unless the repairs are to correct violations noted in an inspection report;
8. Prohibit a licensed private elevator inspector from ever inspecting an elevator that he or she sold, serviced or installed or that was sold, serviced or installed by the inspector's employer;
9. Change the license name of licensed elevator inspectors to differentiate private inspectors from state-employed inspectors;
10. Require elevator contractors and helpers to register with the board;

Committee Amendment "A" (H-1010), which was adopted, proposed to do the following:

1. Authorize the Director of Licensing and Registration within the Department of Professional and Financial Regulation to establish a late inspection fee or a late certificate fee regarding boiler and pressure vessel inspections, not to exceed \$250.
2. Clarify that the owner of a boiler or pressure vessel may be assessed a late fee if an inspection report is not submitted within 60 days of the expiration of the most recent certificate or if the certificate fee is not paid within 60 days of when the owner is notified that the inspection report has been received.
3. Elevator or tramway accidents that result from equipment failure, result in significant injury to a person or result in substantial damage to equipment must be reported to the chief inspector in accordance with the board's rules. When such an accident occurs, the inspection certificate for the elevator or tramway involved may be summarily revoked in accordance with the Maine Revised Statutes, Title 5, section 10004.
4. Remove language that prohibits a licensed elevator mechanic from repairing an elevator that does not have a current certificate unless the repairs are being made to correct deficiencies noted in an initial or annual inspection report.
5. Remove the independent registration and fee requirements for helpers.
6. Except for hospitals, the amendment would allow unlicensed plant personnel to work on elevators in industrial and manufacturing plants under the supervision of a plant engineer.

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7. Prohibit a person or company that is licensed as a private elevator and lift inspector and that services an elevator or lift equipment from inspecting that elevator or equipment for a period of one year.
8. Create the Class E crime of criminal operation of an elevator or tramway; and
9. Add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 573 does the following regarding boiler and pressure vessels:

1. Provides the chief inspector with the authority to grant variances and to take a boiler or pressure vessel out of service if the owner has failed to have it inspected in a timely fashion or has failed to make required repairs;
2. Clarifies that it is the owner's responsibility to have a boiler or pressure vessel inspected in a timely manner and authorizes the Director of Licensing and Registration within the Department of Professional and Financial Regulation to establish a late inspection fee or a late certificate fee regarding boiler and pressure vessel inspections, not to exceed \$250; and
3. Clarifies that an insurance company inspector may inspect a boiler or pressure vessel not insured by that company if it is in connection with an application for insurance or when a new unit is installed at an insured location.

Public Law 2001, chapter 573 does the following regarding elevators and tramways:

1. Provides the chief inspector with the ability to take an elevator out of service if the owner has failed to have the elevator inspected in a timely fashion or has failed to make required repairs;
2. Clarifies the duties and responsibilities of elevator and tramway owners, including the responsibility to obtain an inspection certificate, have the elevator inspected on an annual basis, notify the Board of Elevator and Tramway Safety when required repairs have been made, notify the Board of Elevator and Tramway Safety when ownership of a unit changes and notify the board when a unit is removed or no longer in use;
3. Provides the chief inspector with the authority to grant variances and clarifies the board's ability to fine an owner or operator up to \$3,000 per violation for failure to comply with applicable statutes;
4. Requires the owner or lessee to report to the chief inspector any elevator or tramway accidents that result from equipment failure, result in significant injury to a person or result in substantial damage to equipment and when such an accident occurs, the inspection certificate for the elevator or tramway involved may be summarily revoked;
5. Changes the terms of licenses issued by the board from a 3-year term to a one-year term and provides the board with the authority to adopt standards through rulemaking for licensure, renewal and continuing education of elevator and lift mechanics;
6. Changes the license name of licensed elevator inspectors to differentiate private inspectors from state-employed inspectors and requires elevator contractors to register with the board;

Joint Standing Committee on Business and Economic Development

7. Provides that a person or company that is licensed as a private elevator and lift inspector who services an elevator or lift equipment, may not inspect that equipment within 12 months of servicing the same equipment; and
8. Creates the Class E crime of criminal operation of an elevator or tramway.

LD 2089

An Act Concerning the Disposal and Storage of Cremains

PUBLIC 611

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-908
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LD 2089 proposed to allow a funeral director or a practitioner of funeral service who receives cremains to charge a cremains disposal fee not exceeding \$100. This fee would be refunded promptly if the cremains were claimed not later than 180 days after the receipt of the cremains by the funeral director or practitioner of funeral service. If the cremains were not claimed 180 days after their receipt by a funeral director or practitioner of funeral service, that funeral director or practitioner of funeral service could dispose of the cremains in accordance with the Maine Revised Statutes, Title 13, section 1032. Under the proposed bill, that funeral director or practitioner of funeral service would be required to refund promptly any portion of the \$100 fee not expended in the disposal of those cremains. A funeral director or practitioner of funeral service who acted in good faith in accordance with the provisions of this proposed legislation governing the disposal of cremains would not be liable for damages in a civil action for such an act.

Committee Amendment "A" (H-908), which was adopted, proposed to strike and replace the original bill. It proposed to enable a funeral director or practitioner of funeral services to dispose of cremains still in the possession of the director or practitioner providing 2 conditions had been met: First, the cremains had not been claimed for a period of at least 4 years from the time of cremation and second, that the funeral director or practitioner of funeral services had provided a 60-day notice by certified mail to the person who authorized the cremation. The amendment also proposed to add a fiscal note to the bill.

LD 2091

An Act to Provide for the 2002 and 2003 Allocations of the State Ceiling on Private Activity Bonds

**P & S 53
EMERGENCY**

<u>Sponsor(s)</u> SHOREY RICHARDSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2091 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2002 and 2003. Under federal law, a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted law summary

Joint Standing Committee on Business and Economic Development

Private and Special Law 2001, chapter 53 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2002 and 2003. Under federal law, a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2002 and a maximum of \$225,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2003. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2001, chapter 53 was enacted as an emergency measure effective March 12, 2002.

LD 2109 **An Act to Prevent Price Gouging During Abnormal Market Disruptions** **ONTP**

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

LD 2109 proposed to clarify that price gouging is an unfair method of competition. The bill also proposed to make price gouging a Class C crime.

LD 2125 **Resolve, Regarding Legislative Review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation** **RESOLVE 100
EMERGENCY**

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

LD 2125 proposed legislative review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a major substantive rule of the Department of Professional and Financial Regulation. The provisionally-adopted rules proposed to be reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. LD 1737, which was enacted as amended by committee amendment “A” in the First Regular Session of the 120th Legislature, required the Board of Licensure of Foresters to adopt major substantive rules pursuant to Maine Revised Statutes, Title 5, chapter 375, subchapter II-A to govern the issuance of a variance to a person who does not meet the educational qualifications established in Chapter 50 of the board’s rules. The proposed rules detailed the work experience and supplemental forestry education that an applicant must demonstrate in order to qualify for a variance.

Enacted law summary

Resolve 2001, chapter 100 provides for legislative review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a major substantive rule of the Department of Professional and Financial Regulation. The provisionally adopted rules reviewed under the resolve were adopted pursuant to Public Laws of 2001, chapter 261. The proposed rules detailed the work experience and supplemental forestry education that an applicant must demonstrate in order to qualify for a variance.

Joint Standing Committee on Business and Economic Development

Resolve 2001, chapter 100 was finally passed as an emergency measure effective March 12, 2002.

LD 2127 **Resolve, Regarding Legislative Review of Chapter 4: Installation Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation** **DIED BETWEEN BODIES**

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

LD 2127 proposed to provide for the legislative review of Chapter 4: Installation Standards, a major substantive rule of the Department of Professional and Financial Regulation regarding the provisional adoption of a plumbing code.

Committee Amendment "A" (H-1031) proposed to remove the emergency preamble and emergency clause and proposed to add a fiscal note to the resolve.

LD 2131 **An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program** **ONTP**

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

LD 2131 proposed the establishment of a controlled substances prescription monitoring and intervention program. Under the proposed bill, the Department of Professional and Financial Regulation and the Maine Board of Pharmacy would have developed the computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the board. The bill also proposed to establish a fund within the department to be administered by the department for the purpose of funding the implementation and ongoing costs associated with the program. Finally, the bill proposed to require the department to report back to the joint standing committee having jurisdiction over business and economic development matters its recommendations for funding the program along with implementing legislation by January 2, 2003.

Committee Amendment "A" (S-518), which was not adopted, was a minority report and proposed to replace the bill. The amendment proposed to direct the Department of Behavioral and Developmental Services, Office of Substance Abuse to study the feasibility and advisability of establishing a controlled substances prescription monitoring and intervention program. The amendment proposed to direct the Office of Substance Abuse to make recommendations related to the implementation of the program, including the controlled substances to be included in the program, intervention and enforcement issues and confidentiality issues. The amendment also proposed to require the Office of Substance Abuse to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by January 2, 2003 and proposed to authorize the committee to report out a bill during the First Regular Session of the 121st Legislature. The amendment also proposed to add a fiscal note.

Joint Standing Committee on Business and Economic Development

Committee Amendment "B" (S-519), which was not adopted, was a minority report and proposed to remove the controlled substances prescription monitoring and intervention program from the Department of Professional and Financial Regulation and place it with the Department of Behavioral and Developmental Services, Office of Substance Abuse. This amendment also proposed to require the Office of Substance Abuse and the Department of Professional and Financial Regulation, Maine Board of Pharmacy to develop the program by January 1, 2004. This amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "B" (H-1067), which was not adopted, proposed to provide that the Office of Substance Abuse develop and administer the controlled substances prescription monitoring and intervention program. Committee Amendment "B" proposed to provide for the Office of Substance Abuse and the Department of Professional and Financial Regulation, Maine Board of Pharmacy, to jointly develop and administer this program.

LD 2139 **Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation** **RESOLVE 102 EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2139 proposed legislative review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulations. The provisionally adopted rules proposed to be reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. LD 1737, which was enacted as amended by committee amendment "A" in the First Regular Session of the 120th Legislature, required the Board of Licensure of Foresters to adopt major substantive rules pursuant to Maine Revised Statutes, Title 5, chapter 375, subchapter II-A to govern the registration of foresters who supervise unlicensed personnel. The rules proposed to implement a registration system that not only requires the forester to register with the board to supervise the unlicensed person, but also requires the forester to have a signed, written agreement with the unlicensed person, to accept responsibility for the activities of the unlicensed person related to the practice of forestry that are related to the person's employment or the agreement, and to register annually with the board at the time of license application or renewal.

Enacted law summary

Resolve 2001, chapter 102 provides for legislative review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a major substantive rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulations. The provisionally adopted rules reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 261. The rules implement a registration system that not only requires the forester to register with the board to supervise the unlicensed person, but also requires the forester to have a signed, written agreement with the unlicensed person, to accept responsibility for the activities of the unlicensed person related to the practice of forestry that are related to the person's employment or the agreement, and to register annually with the board at the time of license application or renewal.

Resolve 2001, chapter 102 was finally passed as an emergency measure effective April 3, 2002.

Joint Standing Committee on Business and Economic Development

LD 2144

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

RESOLVE 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	S-515 SHOREY
	ONTP MIN	

LD 2144 proposed legislative review of Chapter 220: Methodology for Identification of Regional Service Centers, a major substantive rule of the Executive Department, State Planning Office. The provisionally adopted rules proposed to be reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 90, section 1. LD 669, which was enacted as amended by committee amendment "A" in the First Regular Session of the 120th Legislature, required the State Planning Office to adopt major substantive rules pursuant Maine Revised Statutes, Title 5, chapter 375, subchapter II-A to establish a methodology for identifying municipalities, and, under certain circumstances, parts of municipalities, that serve as regional service centers and are identified as service center communities.

Senate Amendment "A" (S-515), which was adopted, proposed to strike the emergency preamble and the emergency clause from the resolve.

Enacted law summary

Resolve 2001, chapter 106 provides for legislative review of Chapter 220: Methodology for Identification of Regional Service Centers, a major substantive rule of the Executive Department, State Planning Office. The provisionally adopted rules reviewed under this resolve were adopted pursuant to Public Laws of 2001, chapter 90, section 1. The rules adopted establish a methodology for identifying municipalities, and, under certain circumstances, parts of municipalities, that serve as regional service centers and are identified as service center communities.

LD 2184

**An Act to Implement the Recommendations of the Returnable
Container Handling and Collection Study**

PUBLIC 661

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-539 GOLDTHWAIT

LD 2184 proposed to implement the recommendations of the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers created pursuant to Joint Order 2001, H.P. 1389. Among other things, the bill proposed to require the following:

1. That the label of each type of beverage subject to the returnable container deposit law be registered with the Department of Agriculture, Food and Rural Resources;
2. That the department to maintain a register of current beverage container labels and to make that information available to redemption centers;

Joint Standing Committee on Business and Economic Development

3. That redemption centers be authorized to refuse to accept empty containers whose labels are not registered;
4. That a license from the department be required to initiate deposits, operate a redemption center or act as a 3rd-party collection agent under the law;
5. That the department be authorized to establish by rule fees for licensing and registration and that the fees be based on the department's costs in implementing the law; and
6. That the department provide education on the requirements of the law as part of its licensing and inspection responsibilities.

The bill also proposed to establish a dedicated fund to pay the costs of administration and enforcement of the law by the department. The fund would consist of licensing and registration fees charged by the department. Finally, the bill proposed to reestablish the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers to examine ways to improve the efficiency of the law through redesign of the bottle redemption system, establishment of cooperative agreements, introduction of technological improvements or other methods. It also proposed to add 2 additional members to the committee.

Senate Amendment "A" (S-539), which was adopted, proposed to make the following changes to the bill: it proposed to limit the committee to 4 meetings; to make provision for reimbursement of public members; to change the reporting date from December 1, 2002 to November 6, 2002; and to strike the General Fund appropriation.

Enacted law summary

Public Law 2001, chapter 661 implements the recommendations of the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers created pursuant to Joint Order 2001, H.P. 1389. Among other things, the law requires the label of each type of beverage subject to the returnable container deposit law to be registered with the Department of Agriculture, Food and Rural Resources, requires the department to maintain a register of current beverage container labels and to make that information available to redemption centers. The law also requires a license from the department to initiate deposits, operate a redemption center or act as a 3rd-party collection agent under the law. It also establishes a dedicated fund to pay the costs of administration and enforcement of the law by the department with the fund consisting of licensing and registration fees charged by the department. Finally, the law reestablishes the Committee to Study Reimbursement Rates for Maine's Bottle Redemption Businesses and Other Issues Related to the Handling and Collection of Returnable Containers to examine ways to improve the efficiency of the law through redesign of the bottle redemption system, establishment of cooperative agreements, introduction of technological improvements or other methods. It also adds 2 additional members to the committee.

LD 2189 **An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Construction of a Civic Center and Auditorium in Eastern Maine** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ ONTP MIN	S-489

Joint Standing Committee on Business and Economic Development

LD 2189 was a majority report of the Joint Standing Committee on Business and Economic Development reported out pursuant to Joint Order 2001, HP 1610, and proposed to create a bond issue in the amount of \$15,000,000 that would be used for the construction of a new auditorium and civic center in eastern central Maine.

Senate Amendment "A" (S-489) adds a fiscal note to the bill.

LD 2190 **An Act to Authorize a General Fund Bond Issue in the Amount of** **INDEF PP**
\$25,400,000 for Economic Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	S-490 SHOREY

LD 2190 was the majority report of the Joint Standing Committee on Business and Economic Development reported out pursuant to Joint Order 2001, HP 1610, and proposed that the funds provided by this bond issue in the amount of \$25,400,000 would be used for the following purposes:

1. The sum of \$5,000,000 to encourage economic investment by businesses by providing low-interest loans to develop and redevelop commercial facilities;
2. The sum of \$5,000,000 to promote job creation by providing loans of up to \$200,000 to Maine businesses that do not have sufficient access to credit but demonstrate the ability to survive, preserve and create jobs and repay obligations;
3. The sum of \$5,000,000 to recapitalize a revolving loan fund that provides funding to regional economic development agencies to relend for the purpose of creating and retaining jobs locally;
4. The sum of \$400,000 to leverage \$4,000,000 in federal funding to redevelop the naval base in Winter Harbor and Gouldsboro into an education and research center; and
5. The sum of \$10,000,000 for the construction of 2 facilities for product development and support that will provide the University of Maine and the University of Southern Maine with the resources needed to help solve daily manufacturing and engineering problems for Maine companies.

Senate Amendment "A" (S-490) proposed to strike language that would limit the amount of loans to \$200,000, refine the description of one of the permitted allocations and correct the amount of bond proceeds designated to be expended on the construction of a facility to support Maine businesses through product development and testing. This amendment also proposed to add a fiscal note to the bill.

LD 2191 **An Act to Authorize a General Fund Bond Issue in the Amount** **DIED ON**
of \$29,400,000 for Economic Development **ADJOURNMENT**

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

Joint Standing Committee on Business and Economic Development

LD 2191 was the minority report of the Joint Standing Committee on Business and Economic Development reported out pursuant to Joint Order 2001, HP 1610, and proposed that funds provided by this bond issue in the amount of \$29,400,000 would be used for the following purposes:

1. The sum of \$5,000,000 to encourage economic investment by businesses by providing low-interest loans to develop and redevelop commercial facilities;
2. The sum of \$5,000,000 to promote job creation by providing loans of up to \$200,000 to Maine businesses that do not have sufficient access to credit but demonstrate the ability to survive, preserve and create jobs and repay obligations;
3. The sum of \$5,000,000 to recapitalize a revolving loan fund that provides funding to regional economic development agencies to relend for the purpose of creating and retaining jobs locally;
4. The sum of \$4,000,000 to provide loans and grants to municipalities for public infrastructure improvements, including downtowns, transportation projects, streetscapes and sewer and water projects;
5. The sum of \$400,000 to leverage \$4,000,000 in federal funding to redevelop the naval base in Winter Harbor and Gouldsboro into an education and research center; and
6. The sum of \$10,000,000 for the construction of 2 facilities for product development and support that will provide the University of Maine and the University of Southern Maine with the resources needed to help solve daily manufacturing and engineering problems for Maine companies.

Senate Amendment "A" (S-491) proposed to refine the description of one of the permissible allocations of the proceeds of the bonds and remove language that would limit to \$200,000 the amount of loans provided by the Finance Authority of Maine under the Economic Recovery Loan program. This amendment also proposed to add a fiscal note to the bill.

LD 2192

**An Act to Amend the Laws Governing the Unlawful Sale of
Personal Sports Mobiles and the Registration of New Snowmobiles**

PUBLIC 616

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-1012 RICHARDSON
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LD 2192 was the majority report of the Joint Standing Committee on Business and Economic Development pursuant to Joint Order 2001, H.P. 1586. It proposed to make a number of changes to the laws governing the unlawful sale of new personal sports mobiles and the registration of new snowmobiles. Among other things, it proposed to amend the definition of "new personal sports mobile" to include those new personal sports mobiles not previously registered in this State or any other state or for which sales tax has not been paid in this State or any other state. It also proposed to require that a personal sports mobile dealer hold a valid franchise from a manufacturer to sell a new personal sports mobile. The bill also proposed to make it a Class E crime for a person to unlawfully sell a new personal sports mobile. Further, the bill proposed to require a municipal agent to make a determination that a new snowmobile being registered has been purchased from a new snowmobile dealer holding a valid franchise with the manufacturer of the brand of new snowmobile being registered.

Joint Standing Committee on Business and Economic Development

Committee Amendment "A" (H-960), which was not adopted, was the minority report of the Joint Standing Committee on Business and Economic Development pursuant to Joint Order 2001, H.P. 1586. The amendment proposed to strike a section of the committee bill that makes it a Class E crime to unlawfully sell a new personal sports mobile without a current and valid franchise with a personal sports mobile manufacturer. Instead, the amendment proposed to make violation of this section a civil violation. The amendment also proposed to strike 2 sections of the committee bill that amend the Maine Revised Statutes, Title 12 to require the Commissioner of Inland Fisheries and Wildlife or the commissioner's designee or a municipal agent to determine whether or not a new snowmobile was purchased from a new snowmobile dealer holding a valid and current franchise with a manufacturer of the brand of snowmobile being registered and that requires a person in the business of selling new or used snowmobiles to register as a dealer and to obtain a dealer's license from the Department of Inland Fisheries and Wildlife. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" (H-1012), which was adopted, proposed to remove the provision that would have required the Commissioner of Inland Fisheries and Wildlife and municipal agents to make determinations regarding the validity of franchise agreements prior to registering new snowmobiles. Further, the amendment proposed to add language to the bill authorizing any law enforcement officer to enforce the unlawful sales provision.

Enacted law summary

Public Law 2001, chapter 616 makes a number of changes to the laws governing the unlawful sale of new personal sports mobiles. Among other things, it amends the definition of "new personal sports mobile" to include those new personal sports mobiles not previously registered in this State or any other state or for which sales tax has not been paid in this State or any other state. The law also requires that a personal sports mobile dealer hold a valid franchise from a manufacturer to sell a new personal sports mobile. The bill also makes it a Class E crime for a person to unlawfully sell a new personal sports mobile. The law also authorizes any law enforcement officer to enforce the unlawful sales provision.

LD 2194

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

H-1004 RICHARDSON

LD 2194 was a report of the Joint Standing Committee on Business and Economic Development pursuant to Joint Order 2001, HP 1610 and proposed to create a bond issue in the amount of \$15,000,000 that would be used for biomedical research and development by Maine-based nonprofit and state research institutions.

House Amendment "A" (H-1004) adds a fiscal note to the bill.

Joint Standing Committee on Business and Economic Development

LD 2200

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

RESOLVE 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR	OTP-AM MAJ	H-1035
SHOREY	ONTP MIN	S-605 GOLDTHWAIT

LD 2200 proposed to establish the Task Force to Study the Impact of a Maine-based Casino. The task force would be comprised of Legislators, including a tribal representative, the Attorney General, the Chief of State Police, the Commissioner of Transportation, a member of the Maine Sheriffs' Association and members of the public. The task force would be charged with estimating the impact of a casino based in Maine upon employment, the transportation infrastructure the State's economy and the State's revenues.

Committee Amendment "A" (H-1035), which was adopted, proposed to change the membership of the Task Force to Study the Impact of a Maine-based Casino and to increase the membership from 14 to 19 members. It proposed to amend the duties of the task force to require that the task force hold 3 regional public hearings, determine the appropriate location for a casino and estimate the impact of a casino on municipal services, social services, affordable housing, business activity and criminal activity within a 25-mile radius of a proposed casino and the impact on other forms of gambling that are legally conducted in the State. It also proposed to amend the bill so that the task force submits its report to the joint standing committees of the Legislature having jurisdiction over business and economic development and gaming matters. Under this amendment, the joint standing committees would be authorized to report out legislation to the 121st Legislature. The amendment also proposed to add a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-1056), which was not adopted, proposed to add to the duties of the Task Force to Study the Impact of a Maine-based Casino the requirement that the task force compare the proposal for a Maine-based casino with the proposal to expand gaming at commercial harness racing tracks as proposed in the referendum language certified by the Secretary of State in November 2001.

House Amendment "B" to Committee Amendment "A" (H-1059), which was not adopted, proposed to add the Executive Director of the Christian Civic League of Maine to the membership of the task force.

Senate Amendment "A" to Committee Amendment "A" (S-534), which was not adopted, proposed to require the Task Force to Study the Impact of a Maine-based Casino to compare the costs, revenue and social implications of the proposed Maine-based casino with the expansion of gaming at commercial harness racing tracks.

Senate Amendment "B" to Committee Amendment "A" (S-560), which was not adopted, proposed to amend the duties of the task force by requiring the task force to survey various agencies that would provide services to individuals experiencing difficulties as a result of gambling and to determine the necessary funding to provide those services. The amendment also proposed to require the task force to examine the net costs of additional social services and the impact of those costs on the State and also to estimate the number of jobs created or lost due to operation of a casino. It proposed to change the distance from a 25-mile radius to a 50-mile radius in which to estimate the impact of a casino to a municipality. It also proposed to define a quorum of the task force as 12 members.

Joint Standing Committee on Business and Economic Development

Senate Amendment "C" to Committee Amendment "A" (S-594), which was not adopted, was prepared pursuant to action taken by the Legislative Council on March 26, 2002. It proposed to change Legislator membership provisions; to limit the task force to 4 meetings, one of which may be a public hearing in the Augusta area; to change the report date; to authorize each of the 2 joint standing committees to report out a bill; and to remove the General Fund appropriation.

Senate Amendment "D" to Committee Amendment "A" (S-605), which was adopted, was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment proposed to change legislative membership provisions; to limit the task force to 4 meetings, one of which may be a public hearing in the Augusta area; to change the report date; and to remove the General Fund appropriation.

Enacted law summary

Resolve 2001, chapter 124 establishes the Task Force to Study the Impact of a Maine-based Casino. Membership of the 18-member task force is comprised of Legislators, including a tribal representative, the Attorney General, the Chief of State Police, the Commissioner of Transportation, a member of the Maine Sheriffs' Association, members of the public and others. The task force is charged with estimating the impact of a casino on municipal services, social services, affordable housing, business activity and criminal activity within a 25-mile radius of a proposed casino and the impact on other forms of gambling that are legally conducted in the State, as well as the impact of a casino upon employment, the transportation infrastructure the State's economy and the State's revenues. The task force is limited to 4 meetings, one of which may be a public hearing in the Augusta area. It requires the task force to submit a report to the joint standing committees of the Legislature having jurisdiction over business and economic development matters and gambling matters by November 6, 2002.

LD 2203

An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program

PUBLIC 639

Sponsor(s)

Committee Report

Amendments Adopted

LD 2203 was a report of the Joint Standing Committee on Business and Economic Development reported out pursuant to Joint Order 2001, HP 1610, and proposed to increase the amount a corporation may receive from the Regional Economic Development Revolving Loan Program Fund from \$1,250,000 to \$2,500,000 and proposed to make more money available to corporations for reasonable administrative expenses by increasing the commitment fee from 1% to 2% and increasing the interest earnings cap from 5% to 7%.

Enacted law summary

Public Law 2001, chapter 639 increases the amount a corporation may receive from the Regional Economic Development Revolving Loan Program Fund from \$1,250,000 to \$2,500,000 and makes more money available to corporations to use for reasonable administrative expenses by increasing the commitment fee from 1% to 2% and increasing the interest earnings cap from 5% to 7%.

Joint Standing Committee on Business and Economic Development

LD 2212

An Act to Create the Maine Rural Development Authority

PUBLIC 703

Sponsor(s)

Committee Report

Amendments Adopted

H-1086 RICHARDSON

S-559 SHOREY

LD 2212 proposed to establish the Maine Rural Development Authority as a quasi-governmental agency with the purpose of providing loans to communities for the construction of commercial facilities and leading the development or redevelopment of commercial facilities in areas where economic need has not been met by private investment.

The authority would assume the administration of the community industrial building program currently administered by the Department of Economic and Community Development and the authority's operations would be dependent upon funding.

House Amendment "A" (H-1072), which was not adopted, proposed to clarify that the Department of Economic and Community Development would be responsible for the expenses necessary to establish the Maine Rural Development Authority and that the authority's ongoing operations and expenses are subject to other funding. The amendment also proposed to correct technical errors in the bill.

House Amendment "B" (H-1086), which was adopted, proposed to correct an ambiguity in the structure of the bill.

Senate Amendment "A" (S-559), which was adopted, proposed changes to the bill identical to House Amendment "A."

Enacted law summary

Public Law 2001, chapter 703 establishes the Maine Rural Development Authority as a quasi-governmental agency with the purpose of providing loans to communities for the construction of commercial facilities and leading the development or redevelopment of commercial facilities in areas where economic need has not been met by private investment. The law requires the authority to assume the administration of the community industrial building program that has been administered by the Department of Economic and Community Development and the authority's operations are dependent upon funding, which is proposed in a bond issue to be submitted to the voters in November 2002. The Department of Economic and Community Development is responsible for the expenses necessary to establish the Maine Rural Development Authority, but the authority's ongoing operations and expenses are subject to other funding.

HP 1702

JOINT ORDER, Relative to the Task Force to Study Regulatory Barriers to Affordable Housing

ONTP

Sponsor(s)

SULLIVAN

Committee Report

ONTP

Amendments Adopted

HP 1702 proposed to establish a 13-member task force to study regulatory barriers to affordable housing. The task force would have been charged with finding ways to reduce regulatory barriers to affordable housing and provide incentives for the creation and availability of affordable housing consistent with the legitimate concerns of local

Joint Standing Committee on Business and Economic Development

communities for healthy neighborhoods, sound environmental practices, sustainable affordability and inclusive communities. The task force would have been required to submit its findings, recommendations and any proposed legislation to the Legislative Council by November 6, 2002.

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Joint Standing Committee on Criminal Justice

LD 601

**An Act to Provide for Relief from Mandatory Minimum Sentences
in Certain Cases**

ONTP

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

LD 601, which was carried over from the First Regular Session, proposed to grant a judge authority to deviate from a mandatory minimum sentence and a mandatory minimum fine in certain circumstances and proposed to repeal the mandatory minimum sentences for aggravated trafficking, furnishing or cultivation of scheduled drugs. LD 601 proposed to give a court authority to deviate from statutory mandatory minimum sentences if the gravity of the offense was not diminished or if the public's safety was not adversely affected and if imposing the mandatory sentence would be a substantial injustice and would frustrate the general purposes of sentencing. The bill proposed that, in deviating from imposing a minimum sentence, a court must consider a number of factors, including: the offense, a victim's wishes, prospects for offender rehabilitation and offender age and physical and mental condition.

Committee Amendment "A" (S-434) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a court may not suspend or deviate from a mandatory minimum sentence or mandatory minimum fine for violations of the Maine Revised Statutes, Title 29-A. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 611

**An Act to Aid Implementation of the Maine Medical Marijuana Act
of 1998**

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT	OTP-AM MAJ ONTP MIN	S-451

LD 611 was a concept draft pursuant to Joint Rule 208.

This bill was jointly referred to the Health and Human Services Committee and the Criminal Justice Committee and 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 and/or lend 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

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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.
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 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 within 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.

Committee Amendment "A" (S-451) was the report of the majority of the members of 2 committees, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

This amendment proposed to replace the bill and change the title. It proposed to clarify the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increase the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and add an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999. It proposed to remove from the bill the provisions that would have established a nonprofit distribution center governed by a community board and a mandatory registration system.

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Enacted law summary

Public Law 2001, chapter 580 clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999.

LD 681

An Act Regarding Possession of Firearms by Prohibited Persons

PUBLIC 549

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR KILKELLY	OTP-AM	H-862

Current law prohibits persons convicted of a crime punishable by a term of imprisonment for one year or more from carrying a firearm. 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, which was carried over from the First Regular Session, proposed to address that inconsistency by clarifying 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.

Committee Amendment "A" (H-862) proposed to replace the bill, change the title of the bill and do the following:

1. Amend the headnote of the Maine Revised Statutes, Title 15, chapter 15 to more accurately reflect the intent of the law;
2. Clarify language regarding who is prohibited from possessing a firearm to include persons convicted of or found not criminally responsible by reason of mental disease or defect of committing the following:
 - A. A crime in this State that is punishable by imprisonment for one year or more;
 - B. A crime under the laws of the United States that is punishable by imprisonment for more than one year;
 - C. A crime under the laws of any other state that is punishable by imprisonment for more than one year, except that a crime punishable by imprisonment for more than one year would not include any state misdemeanor that is punishable by a term of imprisonment of 2 years or less;

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- D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state had determined that a particular offense was not serious but the Maine Legislature had determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
 - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon;
- 3. Repeal an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this chapter was repealed earlier;
 - 4. Define "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393;
 - 5. Clarify that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed;
 - 6. Amend cross-references in the concealed firearms permit law to be consistent with the proposed changes in this amendment; and
 - 7. Add a fiscal note.

Enacted law summary

Public Law 2001, chapter 549 does the following.

- 1. It amends the headnote of the Maine Revised Statutes, Title 15, chapter 15 to more accurately reflect the intent of the law.
- 2. In order to address potential inequities that may result from the differences in other states' laws as compared to Maine's laws, it clarifies language regarding who is prohibited from possessing a firearm to include persons convicted of or found not criminally responsible by reason of mental disease or defect of committing the following:
 - A. A crime in this State that is punishable by imprisonment for one year or more;
 - B. A crime under the laws of the United States that is punishable by imprisonment for more than one year;
 - C. A crime under the laws of any other state that is punishable by imprisonment for more than one year, except that a crime punishable by imprisonment for more than one year does not include any state misdemeanor that is punishable by a term of imprisonment of 2 years or less;

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- D. A crime under the laws of any other state that is not punishable by more than one year of imprisonment but is elementally substantially similar to a crime in this State that is punishable by imprisonment for one year or more, thus ensuring that if another state has determined that a particular offense is not serious but the Maine Legislature has determined that an elementally substantially similar offense is murder or a Class A, B or C crime if committed in Maine, the person who committed the offense would be prohibited from possession; or
 - E. A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation that was committed using a firearm against a person or using any other dangerous weapon.
3. It repeals an improper reference to violations of former Title 12, chapter 319, subchapter III as exceptions to the possession prohibition; this subchapter was repealed earlier.
 4. It defines "not criminally responsible by reason of mental disease or defect," "State," "state" and "use of a dangerous weapon" for purposes of Title 15, section 393.
 5. It clarifies that as a precondition to disqualification for possession of a firearm under Title 15, section 393, subsection 1, paragraph A-1, subparagraph (5) the use of a firearm against a person or the use of a dangerous weapon must be pled in the charging instrument and proven to the fact finder rather than simply being part of the underlying factual matrix of the crime as committed.
 6. It amends cross-references in the concealed firearms permit law to be consistent with the proposed changes in this Public Law.

LD 1081 **An Act to Adopt a New Interstate Compact Regarding Adults Who DIED BETWEEN
are on Probation or Parole** **BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP MAJ	
MCALEVEY	ONTP MIN	

LD 1081 was carried over from the First Regular Session and proposed to create the Interstate Compact for Adult Offender Supervision.

Committee Amendment "A" (H-162) proposed to add an appropriation section and a fiscal note to the bill. This amendment was not adopted.

House Amendment "A" (H-482) proposed to provide that the rules adopted by the Interstate Commission for Adult Offender Supervision are not considered to have the force and effect of statutory law and do not supersede any laws of the State that are in conflict with the rules. This amendment also proposed to require that the interstate commission's rules be treated as major substantive rules and that the state council created in this State submit the interstate commission's rules to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The rules would not apply to this State until the Legislature acted to approve the rules. This amendment was not adopted.

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LD 1265 **An Act to Clarify the Criminal Extradition Laws** **ONTP**

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

LD 1265, which was carried over from the First Regular Session, 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 also proposed to require a judge or magistrate to conduct an examination of the person arrested at the time of the person's initial appearance in court.

LD 1330 **Resolve, Establishing the Commission to Examine the Maine Correctional Institute** **DIED BETWEEN BODIES**

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

LD 1330, a resolve that was carried over from the First Regular Session, proposed to establish the Commission to Examine the Maine Correctional Institute.

Committee Amendment "A" (H-832) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to move the deadlines for the study forward one year and remove from the study commission the member representing Amnesty International. This amendment also proposed to add an appropriation section and a fiscal note to the resolve. This amendment was not adopted.

LD 1492 **An Act to Improve Treatment of Persons with Mental Illness in Maine's Jails and Prisons** **ONTP**

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

LD 1492, which was carried over from the First Regular Session, proposed to require that all law enforcement and corrections officers receive training in mental illness and substance abuse issues and to require 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. For related bills, see LD 1099 from the First Regular Session and LDs 2065, 2068, 2075 and 2088 from this session.

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LD 1620 **An Act to Enact Mandatory Minimum Sentences for Firearms Offenses to Make the State Eligible for Firearms Sentencing Incentive Grants** **ONTP**

<u>Sponsor(s)</u> MUSE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1620, which was carried over from the First Regular Session, 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. LD 1620 proposed that a person is guilty of criminal possession of a firearm if the person was convicted of a crime of violence and was in possession of a firearm. LD 1620 proposed that a person is guilty of criminal use of a firearm if the person used or carried 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 to build support for and warn potential violators of the provisions of the law.

LD 1657 **An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel** **PUBLIC 474**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1657, which was carried over from the First Regular Session, 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.

Enacted law summary

Public Law 2001, chapter 474 repeals 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 1846 **An Act to Ensure Victim Safety** **PUBLIC 477**

<u>Sponsor(s)</u> PEAVEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1846 proposed to amend the law regarding public disclosure of information to clarify that disclosure pertains to out-of-state probationers and parolees only if they are adults, which is consistent with the law for disclosure of information regarding in-state probationers and parolees. The bill also proposed to expand the Commissioner of Corrections' ability to determine if disclosure of information is detrimental to the welfare of clients to include those who are on probation or parole to protect them from domestic or other violence.

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Enacted law summary

Public Law 2001, chapter 477 amends the law regarding public disclosure of information to clarify that disclosure pertains to out-of-state probationers and parolees only if they are adults, which is consistent with the law for disclosure of information regarding in-state probationers and parolees. Public Law 2001, chapter 477 also expands the Commissioner of Corrections' ability to determine if disclosure of information would be detrimental to the welfare of clients to include those who are on probation or parole to protect them from domestic or other violence.

LD 1850

An Act to Improve the Juvenile Drug Court Program

PUBLIC 508

<u>Sponsor(s)</u> MCALEVEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1850 proposed to extend from 12 months to 15 months the time available for juveniles to complete a juvenile drug treatment court program.

Enacted law summary

Public Law 2001, chapter 508 extends from 12 months to 15 months the time available for juveniles to complete a juvenile drug treatment court program.

LD 1903

Resolve, to Provide Computers to Rural Fire Stations

ONTP

<u>Sponsor(s)</u> MICHAUD MH BERRY R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1903 proposed to require the Department of Public Safety, Office of the State Fire Marshal to create and implement a program to donate surplus computers used in State Government to rural fire departments, so that those departments can access the State's emergency and public safety databases and better meet their statutory reporting requirements. The resolve also proposed that this program be carried out within existing resources and that all hard drives be erased before computers are donated.

Because the Criminal Justice Committee could not amend the statutes using this resolve as a vehicle, the committee reported out its own bill, LD 2112, "An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements," pursuant to Joint Order, Senate Paper 763.

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LD 1932

An Act to Protect Police Horses

PUBLIC 627

<u>Sponsor(s)</u> DUDLEY KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-834
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LD 1932 proposed to create the new crime of unlawful interference with a law enforcement horse, which provides horses used for law enforcement purposes with the same protections that police dogs currently have under the Criminal Code.

Committee Amendment "A" (H-834) proposed to replace the bill. The amendment proposed to add to the Maine Criminal Code the new crime of unlawful interference with horses used for law enforcement purposes. The amendment proposed that a person is guilty of the Class C crime of unlawful interference with a law enforcement horse if the person intentionally or knowingly kills, mutilates or permanently disables a horse that the person knows or reasonably should have known is used for law enforcement purposes. The amendment also proposed that a person is guilty of the Class D crime of unlawful interference with a law enforcement horse if the person torments, beats, strikes, injures, temporarily disables or otherwise mistreats a horse that the person knows or reasonably should have known is used for law enforcement purposes. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 2001, chapter 627 creates the new crime of unlawful interference with law enforcement horses, which provides horses used for law enforcement purposes with the same protections that police dogs currently have under the Criminal Code.

LD 1954

An Act to Repeal the Sunset Provision Regarding the State Police Providing Services at Cost to Governmental and Nongovernmental Entities

PUBLIC 483
EMERGENCY

<u>Sponsor(s)</u> PEAVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-766
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LD 1954 proposed to repeal language that sunsets the State Police's ability to provide services for public safety purposes at cost to governmental and nongovernmental entities. The Second Regular Session of the 119th Legislature expanded the statute to authorize the State Police to charge private entities for providing services and to require the State Police to annually report a summary of such services to the joint standing committee having jurisdiction over criminal justice matters.

Committee Amendment "A" (H-766) proposed to add a fiscal note to the bill.

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Enacted law summary

Public Law 2001, chapter 483 repeals language that would sunset the State Police's ability to provide services for public safety purposes at cost to governmental and nongovernmental entities. The Second Regular Session of the 119th Legislature expanded the statute to authorize the State Police to charge private entities for providing services.

Public Law 2001, chapter 483 was enacted as an emergency measure effective February 21, 2002.

LD 1955

**An Act to Allow Federal Law Enforcement Officers to Enforce
Maine Statutes**

PUBLIC 602

Sponsor(s)
PEAVEY

Committee Report
OTP-AM

Amendments Adopted
H-927

LD 1955 proposed to add Special Agents of the United States Secret Service of the Department of the Treasury to the list of federal law enforcement agency personnel who can enforce Maine statutes, provided the personnel are trained in Maine criminal law and Maine law on the use of force and that agency has developed and filed policies governing its employees with the Maine Criminal Justice Academy.

Committee Amendment "A" (H-927) proposed to replace the bill. The amendment proposed to put a repeal date on the provision that adds Special Agents of the United States Secret Service of the Department of Treasury to the list of federal officers that have the authority to enforce Maine laws. The amendment proposed to repeal the United States Secret Service's authority July 1, 2004.

Enacted law summary

Public Law 2001, chapter 602 adds Special Agents of the United States Secret Service of the Department of the Treasury to the list of federal law enforcement agency personnel who can enforce Maine statutes provided the personnel are trained in Maine criminal law and Maine law on the use of force and that the agency has developed and filed policies governing its employees with the Maine Criminal Justice Academy. Public Law 2001, chapter 602 also repeals the United States Secret Service's authority to enforce Maine law July 1, 2004.

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LD 1956 **An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal** **PUBLIC 475**

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

LD 1956 proposed to grant rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464. As proposed, rules adopted pursuant to LD 1956 are routine technical rules.

Enacted law summary

Public Law 2001, chapter 475 grants rule-making responsibility regarding standards for smoke detectors to the Commissioner of Public Safety or the commissioner's designee. Rules adopted pursuant to this Public Law are routine technical rules. Public Law 1997, chapter 728 repealed the State Fire Marshal's authority to enact rules regarding smoke detectors under the Maine Revised Statutes, Title 25, section 2464.

LD 1961 **An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities** **PUBLIC 517**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-796

LD 1961 proposed to allow juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. Current Maine law authorizes psychiatric hospitalization of persons confined in Department of Corrections facilities only in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

Committee Amendment "A" (H-796) proposed to clarify that the Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 517 allows juveniles needing psychiatric hospitalization to be admitted to private facilities for psychiatric care under the Commissioner of Corrections' statutory guardianship, as they may now be admitted to private facilities for medical care under the commissioner's guardianship. The Commissioner of Corrections is subject to the same statutory provisions as a parent or legal guardian when seeking to admit a juvenile client to a psychiatric hospital. Prior to enactment of this Public Law, Maine law authorized psychiatric hospitalization of persons confined in Department of Corrections facilities only

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in state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan to have beds for juveniles.

LD 1983

An Act to Protect Children from Sexual Predators

**DIED IN
CONCURRENCE**

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

LD 1983 proposed to raise the age of sexual consent to 16 years of age for the crimes of gross sexual assault, sexual abuse of a minor, unlawful sexual contact and sexual misconduct with a child.

Committee Amendment "A" (H-881) proposed to replace the bill and was the minority report. The amendment proposed to criminalize intentional sexual contact with a person who is either 14 or 15 years of age who is not the actor's spouse, when the actor is at least 10 years older than the other person. The amendment proposed that this form of sexual abuse of a minor is a Class D crime and that it is a defense to a prosecution for the new crime that the actor reasonably believed the other person to be at least 16 years of age. The amendment also proposed to add a fiscal note. This amendment was not adopted.

LD 1987

An Act to Increase the Penalty for Appropriating Another Person's Social Security Number

ONTP

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

LD 1987 proposed to amend the crime of misuse of identification by increasing the penalty for misuse of another person's social security card or social security number from a Class D to a Class C crime.

LD 1989

An Act Regarding Criminal History Record Checks

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM	H-863

LD 1989 proposed to amend the laws regarding criminal history records by:

1. Changing an incorrect reference to a member of the MCJUSTIS Policy Board;
2. Making it clear that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes, and that the requestor must supply a name and date of birth for each record being requested; and

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3. Allowing law enforcement agencies that take fingerprints and palm prints for noncriminal justice purposes to submit them directly to the State Bureau of Identification when the submission is required by law.

Committee Amendment "A" (H-863) proposed to replace the bill and to amend the laws regarding criminal history records by:

1. Discontinuing the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities;
2. Clarifying that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested;
3. Clarifying that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints;
4. Authorizing a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so;
5. Specifying that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints; and
6. Adding a fiscal note.

Enacted law summary

Public Law 2001, chapter 552 amends the laws regarding criminal history records as follows.

1. It discontinues the practice of subsidizing the cost of criminal history record checks for noncriminal justice purposes for out-of-state and federal governmental entities.
2. It clarifies that the State Bureau of Identification may charge a fee for each requested criminal history record check for noncriminal justice purposes and that the requestor must supply a name and date of birth for each record being requested.
3. It clarifies that criminal history record checks requested pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints.
4. It authorizes a law enforcement agency that takes fingerprints and palm prints for noncriminal justice purposes to submit the fingerprints or palm prints directly to the State Bureau of Identification when required by statute or when the person requesting that the fingerprints or palm prints be taken asks the law enforcement agency to do so.

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5. It specifies that a law enforcement agency that takes fingerprints or palm prints, upon request, for a criminal history record check for noncriminal justice purposes may not maintain any demographic information that is taken or collected in the process of taking the fingerprints or palm prints.

LD 1997

An Act Regarding Fire Safety Laws for Residential Care Facilities

PUBLIC 531

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-833

LD 1997 proposed that that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code.

Committee Amendment "A" (H-833) proposed to specify that a residential care facility must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. The amendment proposed to change from a Class E crime to a civil violation any failure to comply with the timed drill or evacuation score requirements. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 531 provides that prior to being licensed a residential care facility must be certified as meeting certain provisions of the National Fire Protection Association Life Safety Code. Residential care facilities must use timed drills unless the facility has elected to complete evacuation scores in lieu of timed drills or timed drills are not required. Public Law 2001, chapter 531 specifies that it is a civil violation for failure to comply with the timed drill or evacuation score requirements.

LD 2002

Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY TREAT	OTP-AM	H-861

LD 2002, a resolve, proposed to establish the Commission to Study County Jail Population, Costs and Reimbursement by the State. The resolve proposed that the commission study and make recommendations regarding:

1. Initiatives for regional cooperation and solutions in building county jails;
2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;

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4. Probation options, graduated sanctions and probation officer caseload;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load; and
6. Issues concerning female offenders in county jails.

The resolve also proposed that the commission report its findings and necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by November 1, 2002.

Committee Amendment "A" (H-861) proposed to replace the membership of the commission with the Joint Standing Committee on Criminal Justice. The amendment proposed to expand the duties of the commission to study state subsidies that support county jails and community corrections programs, alternative sentencing options and sentencing policies, and populations that are and are not being served by the county jail system. The amendment also proposed to add an appropriations and allocations section and a fiscal note to the resolve.

Although LD 2002 did not pass, a Joint Order, House Paper 1731, incorporated the substance of the resolve and was read and passed by the House and Senate.

LD 2022

An Act to Clarify the Sex Offender Registration and Notification Act of 1999

**PUBLIC 553
EMERGENCY**

Sponsor(s)
O'BRIEN J

Committee Report
OTP-AM

Amendments Adopted
H-865

LD 2022 proposed to clarify the Sex Offender Registration and Notification Act of 1999 by:

1. Defining "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction;
2. Clarifying the definition of "sexually violent offense;"
3. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999;
4. Clarifying when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999;
5. Amending Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration;
6. Clarifying how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999;

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7. Clarifying that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life;
8. Clarifying that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement;
9. Amending Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced;" and
10. Amending the final sentence of Title 34-A, section 11252 so that it cannot be read to limit immunity under circumstances not involving the release of information.

Committee Amendment "A" (H-865) proposed to remove the change to the immunity from liability provision so that current immunity protections continue to apply to persons who perform the requirements of the notification element of the Sex Offender Registration and Notification Act of 1999.

Enacted law summary

Public Law 2001, chapter 553 clarifies the Sex Offender Registration and Notification Act of 1999. Public Law 2001, chapter 553 does the following.

1. It defines "sentence" to include an involuntary commitment under the Maine Revised Statutes, Title 15, section 103, or a similar statute in another jurisdiction.
2. It clarifies the definition of "sexually violent offense."
3. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after September 18, 1999.
4. It clarifies when the duty to register must be carried out by a sex offender or sexually violent predator sentenced on or after June 30, 1992, but before September 18, 1999.
5. It amends Title 34-A, section 11225, subsection 1 to delete "sexually violent predator" since that category of offender is not subject to a 10-year registration requirement. Sexually violent predators are instead subject to lifetime registration.
6. It clarifies how the 10-year registration period for sex offenders is to be calculated for those sentenced on or after June 30, 1992, but before September 18, 1999.
7. It clarifies that a sexually violent predator sentenced on or after June 30, 1992 must register for the duration of the sexually violent predator's life.
8. It clarifies that the Department of Public Safety, State Bureau of Identification may suspend the requirement that a sexually violent offender register during periods when the person is not at liberty due to institutional confinement.

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9. It amends Title 34-A, section 11227 by replacing the word "convicted" with the word "sentenced."

Public Law 2001, chapter 553 was enacted as an emergency measure effective March 25, 2002.

LD 2032

An Act to Exclude Court Holidays from the Time Required in Which a Juvenile Detention Hearing Must be Held

ONTP

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

LD 2032 proposed to amend the juvenile detention laws to specify that court holidays be excluded from the time limits for holding juveniles in detention prior to a hearing. This change would have made the law the same for juveniles as for adults as set out in the Maine Rules of Criminal Procedure Rule 5.

LD 2039

Resolve, Directing the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to Review and Update Protocols for Training Basic Emergency Medical Technicians to Administer Epinephrine

**RESOLVE 87
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-864

LD 2039 proposed to allow a municipality to train its emergency medical services persons to administer epinephrine, commonly known as adrenalin.

Committee Amendment "A" (H-864) proposed to replace the bill and create a resolve. The resolve proposed to direct the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. The amendment proposed that in developing its protocols and training, the board review other states' medical practices regarding emergency medical personnel carrying and administering epinephrine and treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The amendment proposed that the board report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. The amendment also proposed to authorize the committee to report out implementing legislation if necessary. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 87 directs the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to review and update protocols and training for basic emergency medical technicians to carry and administer epinephrine. In developing its protocols and training, the board shall review other states' medical practices regarding emergency medical personnel carrying and

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administering epinephrine, and the board shall treat the issue of developing protocols for the administration of epinephrine to school-age children as a priority in this process. The board shall report its recommendations and subsequent actions regarding protocols and training for the carrying and administering of epinephrine by basic emergency medical technicians to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2003. Resolve 2001, chapter 87 authorizes the committee to report out implementing legislation if necessary.

Resolve 2001, chapter 87 was enacted as an emergency measure effective March 28, 2002.

LD 2065

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness who are Incarcerated Relating to Diversion from Jails and Prisons

ONTP

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2065 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to diversion from prisons and jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2065 was one of 4 bills produced by the committee. (See also LDs 2068, 2075, and 2088.) Specifically, LD 2065 proposed to:

1. Expand the police ride-along programs;
2. Direct the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program;
3. Establish positions within the trial court system to develop treatment plans and sentencing options for persons with mental illness;
4. Direct the Department of Behavioral and Developmental Services to develop programs to provide mental illness awareness training to judges, jail staff and to others within the criminal justice system who do not currently receive such training; and
5. Create a position within the Department of Behavioral and Developmental Services to serve as criminal justice liaison to consult with county jails and the Department of Corrections.

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LD 2068

An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1020 S-579 GOLDTHWAIT
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LD 2068 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in state prisons and county jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2068 was one of 4 bills produced by the committee. (See also LDs 2065, 2075, and 2088.) Specifically, LD 2068 proposed to:

1. Direct the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration;
2. Direct the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution;
3. Direct the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration;
4. Amend certain confidentiality provisions to allow the Department of Behavioral and Developmental Services to share medical records with the Department of Corrections or county jail without the client's consent in cases in which the client suffers an acute deterioration such that the client cannot provide consent;
5. Direct the Department of Corrections and the Maine Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security; and
6. Create an independent Ombudsman for Mentally Ill Inmates.

Committee Amendment "A" (H-1020) proposed to combine most of the provisions of LDs 2065, 2068, 2075 and 2088, (some provisions of those bills were not included and other provisions were changed). Specifically, the amendment proposed to:

1. Expand the police ride-along programs (from LD 2065, unchanged);
2. Direct the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program (from LD 2065, unchanged);

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3. Establish positions within the trial court system to develop treatment plans and sentencing options for persons with mental illness (from LD 2065, substantively unchanged);
4. Direct the Department of Behavioral and Developmental Services to develop programs to provide mental illness awareness training to judges, jail staff and to others within the criminal justice system who do not currently receive such training (from LD 2065, unchanged);
5. Create a position within the Department of Behavioral and Developmental Services to serve as criminal justice liaison to consult with county jails and the Department of Corrections (from LD 2065, unchanged);
6. Direct the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration (from LD 2068, substantially unchanged);
7. Direct the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution (from LD 2068, unchanged);
8. Direct the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration (from LD 2068, substantially unchanged);
9. Direct the Department of Corrections and the Maine Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security (from LD 2068, unchanged);
10. Create an independent Ombudsman for Mentally Ill Inmates (from LD 2068, with substantial changes);
11. Allow county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional (from LD 2075, with some changes)
12. Create a collaborative process to develop a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities (from LD 2075, with substantial changes);
13. Create a position at each Department of Corrections intake facility (Maine State Prison and Maine Correctional Center) to undertake mental health screening and to collect relevant mental health information upon intake (from LD 2088, unchanged);
14. Fund one psychiatrist and one psychiatric nurse to provide mental health treatment services to inmates in the State facilities (from LD 2088, substantially unchanged);

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15. Direct the Department of Corrections to develop a training program to provide specialized forensic training to case management and community support providers and crisis and outpatient providers (from LD 2088, unchanged);
16. Require the formulary used by the Department of Corrections to be comparable to that used at State mental institutions (from LD 2088, with substantial changes);
17. Direct the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment (from LD 2088, with substantial changes); and
18. Add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-579) proposed to remove those portions of the committee amendment that required General Fund appropriations, except the provisions establishing a pilot program to address the needs of persons with mental illness in county jails. The amendment proposed to modify the pilot program to limit it to one pilot location rather than 3 pilot locations and reduce funding to \$65,000. Specifically, the amendment proposed to remove the following provisions from the committee amendment:

1. Part A, section 2, which proposed to expand the so-called ride-along programs;
2. Part B, which proposed to establish a diversion program in the courts;
3. Part C, which proposed to fund mental illness awareness training to persons within the criminal justice system;
4. Part D, which proposed to create a criminal justice liaison within the Department of Behavioral and Developmental Services;
5. Part I, which proposed to establish an ombudsman for mentally ill inmates;
6. Part L, which proposed to fund positions within the Department of Corrections to undertake mental health screening;
7. Part M, which proposed to fund positions within the Department of Corrections to provide mental health services to inmates; and
8. Part N, which proposed to fund forensic training of case management and community support services.

Enacted law summary

Public Law 2001, chapter 659 implements, with a few changes, a number of the provisions of legislative documents 2065, 2068, 2075 and 2088, which were reported by the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. Public Law 2001, chapter 659 does the following.

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1. It directs the Department of Behavioral and Developmental Services to examine the efficiency and effectiveness of the current ride-along program.
2. It directs the Department of Human Services to establish procedures to ensure that a person receiving federally approved Medicaid services prior to incarceration does not lose Medicaid eligibility merely as a result of that incarceration.
3. It directs the Department of Behavioral and Developmental Services to work with the Department of Corrections and the county jail administrators to develop memoranda of agreement to improve access to forensic beds for transfers of inmates who require care in a State mental health institution.
4. It directs the Department of Behavioral and Developmental Services to develop, in consultation with appropriate state and county correctional facility administrators, procedures to ensure that any inmate of a state or county facility that is hospitalized for treatment of mental illness has a written treatment plan describing the mental health treatment to be provided when the inmate is returned to the correctional facility for the remainder of the inmate's incarceration.
5. It directs the Department of Corrections and the Maine County Jail Association to examine and develop ways of treating inmates with mental illness in the least restrictive setting possible that does not compromise security.
6. It allows county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified licensed professional.
7. It creates a collaborative process to create a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities and appropriates \$65,000 to the program.
8. It requires the formulary used by the Department of Corrections to be comparable to that used at State mental institutions.
9. It directs the Department of Corrections to develop a grievance process for addressing complaints about medical or mental health treatment.

LD 2075

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in County Jails

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2075 proposed to implement recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in county jails. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2075 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2088.) Specifically, LD 2075 proposed to:

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1. Allow county jails to grant furloughs for longer than 3 days to provide treatment for mental conditions, including a substance abuse condition, as determined by a qualified medical professional;
2. Create a pilot program to address the needs of persons with mental illness who are incarcerated in county correctional facilities. The pilot would include 3 pilot locations, one in each of the three Department of Behavioral and Developmental Services service regions, and involve programs for intake, triage, case management/short term treatment, and discharge planning; and
3. Direct the Department of Behavioral and Developmental Services to provide mental health staffing resources to county correctional facilities so that each county facility has at least 16 hours of facility-based mental health coverage each day.

LD 2079

An Act to Clarify the Law Enforcement Authority of Capitol Security Personnel

**PUBLIC 472
EMERGENCY**

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

LD 2079 proposed to exempt from mandatory training security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. LD 2079 proposed that the Legislature may direct the provision of security to legislative offices. LD 2079 also proposed to repeal the security officer training exemption December 31, 2002. LD 2079 was not referred to committee.

Enacted law summary

Public Law 2001, chapter 472 provides an exemption from mandatory training for security officers appointed by the Commissioner of Public Safety when the commissioner has expanded their authority to include law enforcement duties and powers. Public Law 2001, chapter 472 specifies that the Legislature may direct the provision of security to legislative offices. Public Law 2001, chapter 472 also includes a sunset provision that repeals the security officer training exemption December 31, 2002. LD 2079, which was enacted as Public Law 2001, chapter 472, was not referred to committee.

Public Law 2001, chapter 472 was enacted as an emergency measure effective January 22, 2002.

The sunset on the training exemption enacted in Public Law 2001, chapter 472 was repealed and new training requirements were enacted by Public Law 2001, chapter 559, Part KK.

Joint Standing Committee on Criminal Justice

LD 2088

An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in State Prisons

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2088 proposed to implement the recommendations of the Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated relating to treatment and aftercare planning in state prisons. The Committee to Study the Needs of Persons with Mental Illness Who Are Incarcerated was created pursuant to Joint Order, House Paper 1383. LD 2088 was one of 4 bills produced by the committee. (See also LDs 2065, 2068, and 2075.) Specifically, LD 2088 proposed to:

1. Create a position at each Department of Corrections intake facility (Maine State Prison and Maine Correctional Center) to undertake mental health screening and to collect relevant mental health information upon intake;
2. Fund one psychiatrist and one psychiatric nurse to provide mental health treatment services to inmates in the State facilities;
3. Direct the Department of Corrections to develop a training program to provide specialized forensic training to case management and community support providers and crisis and outpatient providers;
4. Direct the Department of Corrections to work with the Department of Behavioral and Developmental Services to ensure the Department of Corrections' formulary includes the best medications for the treatment of inmates with mental illness and adopt policies to ensure that the most effective medications are available and used and that clinical care needs, not cost, govern the use of medications;
5. Fund 2 positions to make initial contacts with family and community services for persons with mental illness prior to their release from Department of Corrections facilities; and
6. Direct the Department of Corrections, in consultation with the Department of Behavioral and Developmental Services, to develop a grievance process, separate from other grievance processes, for addressing complaints by persons with mental illness about their treatment.

LD 2090

An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies

PUBLIC 582

<u>Sponsor(s)</u> SMALL PEAVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-457
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LD 2090 proposed that a person who does not gain any financial benefit from a donation may solicit donations for law enforcement purposes since the person solicited may be told that the solicitor will not

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gain any tangible benefit and, consequently, will not be concerned with who donates. The bill's proposed purpose is to eliminate the coercion that is inherent in many solicitations by or on behalf of law enforcement officers since a prospective donor may not feel totally free to reject the request in light of the solicitor's position, whether an officer or a financially interested agent of the officer or association, and to preserve public confidence in the integrity of law enforcement by avoiding that appearance of coercion.

Committee Amendment "A" (S-457) proposed to direct the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to the change in the law enforcement solicitation law, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. The amendment proposed that upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment proposed that the change to the solicitation law is repealed February 1, 2004, and the former law is reenacted.

The amendment also proposed to add a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 582 directs the Attorney General, the Maine Sheriffs' Association, the Maine Chiefs of Police Association, the Maine State Troopers Association and the Maine Association of Police to report their findings related to this Public Law's change in the law enforcement solicitation statute, which allows persons to solicit the public for the tangible benefit of law enforcement as long as the solicitor has no financial interest in the solicitation, to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by May 1, 2003. Upon receiving that report and reviewing the law, the committee may report out legislation to amend the law if necessary. If the committee takes no action, the amendment to the solicitation law will be repealed February 1, 2004, and the former law prohibiting solicitation by anyone on behalf of law enforcement officers will be reenacted.

Public Law 2001, chapter 582 also adds a legislative intent section that clarifies that, for purposes of solicitation to benefit law enforcement, the Legislature finds that there is no inherent coercion or appearance of coercion when the person soliciting has no financial interest at stake, because the person solicited will know that the person soliciting will not gain any tangible benefit from the solicitation and, consequently, will not be concerned with who donates.

Joint Standing Committee on Criminal Justice

LD 2112

An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements

PUBLIC 529

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2112 was a committee bill reported out in place of LD 1903, "Resolve, to Provide Computers to Rural Fire Stations." LD 2112 proposed to specify that a fire department may purchase one personal computer from the Department of Administrative and Financial Services, Bureau of General Services to be used for the purpose of meeting the department's reporting requirements to the State Fire Marshal under the Maine Revised Statutes, Title 25, section 2395. LD 2112 proposed that the Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this bill.

Enacted law summary

Public Law 2001, chapter 529 was a committee bill that replaced LD 1903, "Resolve, to Provide Computers to Rural Fire Stations." Public Law 2001, chapter 529 specifies that a fire department may purchase one personal computer from the Department of Administrative and Financial Services, Bureau of General Services to be used for the purpose of meeting the department's reporting requirements to the State Fire Marshal under the Maine Revised Statutes, Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this law.

LD 2126

Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety

**RESOLVE 86
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2126 proposed to provide for legislative review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a major substantive rule of the Department of Public Safety. The Joint Standing Committee on Criminal Justice authorized final adoption of the rule without amendment.

Enacted law summary

Resolve 2001, chapter 86 provides for legislative review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a major substantive rule of the Department of Public Safety. The Joint Standing Committee on Criminal Justice authorized final adoption of the rule without amendment.

Resolve 2001, chapter 86 was enacted as an emergency measure effective March 27, 2002.

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LD 2148 **Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare** **RESOLVE 91**

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

LD 2148, a resolve, proposed to require the Maine Fire Protection Services Commission to report back to the Legislature regarding recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The resolve proposed that the commission submit its report and implementing legislation to the Legislature by December 16, 2002.

Enacted law summary

Resolve 2001, chapter 91 requires the Maine Fire Protection Services Commission to report back to the Legislature regarding the recruitment and retention of firefighters in Maine and regarding the provision of health care to firefighters. The commission shall submit its report and implementing legislation to the Legislature by December 16, 2002.

LD 2160 **An Act to Amend the Maine Criminal Code to Address Terrorism** **PUBLIC 634**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT POVICH	OTP-AM	S-499

LD 2160 proposed to amend the Maine Criminal Code to address terrorism by:

1. Amending the statute of limitations as it relates to crimes involving terrorism by specifying that no statute of limitations exists for bringing a prosecution for terroristic murder and by specifying that the statute of limitations may be extended no more than 10 years for the crimes of terrorism, criminal possession or use of weapon of mass destruction or terrorism by threat while the person is outside the state. If the person is not outside the state, the current 5-year statute of limitations applies to these 3 crimes;
2. Providing that a person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, the person's intent to kill was accompanied by terroristic intent;
3. Amending the laws governing the crime of causing a catastrophe by adding new causes and definitions; and
4. Establishing the crimes of: terrorism, a Class A crime; terroristic murder, a crime which carries a presumptive life sentence unless court determines that exceptional features justify imposition of a definite period of not less than 25 years of imprisonment; criminal possession or use of a weapon of mass destruction, a Class A crime; and terrorism by threat, a Class B crime.

Joint Standing Committee on Criminal Justice

Committee Amendment "A" (S-499) proposed to replace the bill and do the following:

1. Add definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and create the new definition "terroristic intent;"
2. Amend the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person;
3. Create the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person;
4. Amend the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; and
5. Add a fiscal note.

Enacted law summary

Public Law 2001, chapter 634 makes the following changes to the Maine Criminal Code to address terrorism.

1. It adds definitions to the Maine Criminal Code to address scientific advances in the methods that may be used to commit the crime of causing a catastrophe and creates the new definition "terroristic intent."
2. It amends the crime of elevated aggravated assault to include when a person with terroristic intent engages in conduct that in fact causes serious bodily injury to another person.
3. It creates the crime of aggravated reckless conduct. A person is guilty of this crime if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.
4. It amends the crime of causing a catastrophe if the person acts with terroristic intent by lowering the threshold for harm to causing death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

LD 2163

An Act to Implement the Recommendations of the Commission to Study Domestic Violence

PUBLIC 686

Sponsor(s)

Committee Report

Amendments Adopted

OTP MAJ
OTP-AM MIN

H-883
S-617 GOLDTHWAIT

Joint Standing Committee on Criminal Justice

LD 2163 was a committee bill and the majority report. LD 2163 proposed to implement recommendations of the Commission to Study Domestic Violence, which was created pursuant to Resolve 1999, chapter 126. The bill proposed to do the following:

1. Amend the law regarding bail commissioners to specify that, in a case involving domestic violence, a bail commissioner may not set preconviction bail for a defendant before the bail commissioner has made a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer, the following: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation;
2. Require that bail commissioners receive mandatory training not later than 180 days following appointment, unless the Chief Judge of the District Court determines that the bail commissioner is qualified to carry out the responsibilities of a bail commissioner based on equivalent experience or training;
3. Require the Chief Judge of the District Court to establish a regional continuing education program for bail commissioners that includes regular meetings of the bail commissioners and members of the judiciary and, at a minimum, training in accepted practices in domestic violence cases and best practices concerning uniform bail conditions;
4. Give the court authority to prohibit the possession of firearms and other dangerous weapons as a condition of a temporary protection order if the court determines that the defendant has a history of violence. The court could impose this condition only if the court discusses the plaintiff's request for the condition prohibiting possession of firearms or other dangerous weapons in person with the plaintiff, and the court determines that the prohibition of possession of firearms or other dangerous weapons is an appropriate condition of an order after considering at least the following: the defendant's history of violence; the type of abuse alleged; any reason that the defendant may have to possess firearms or other dangerous weapons, including their use in employment; and any other issue that the court determines relevant to the complaint;
5. Amend the requirements of law enforcement agencies to develop certain policies by specifying that policies regarding domestic violence must include, at a minimum, the following: a process to ensure that victims receive notification of the defendant's release from jail; a risk assessment for a defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and a process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval;
6. Enact language that authorizes district attorneys to appoint law enforcement officers as domestic violence investigators. Investigators would have to meet the requirements of the Maine Revised Statutes, Title 25, section 2804-C and be certified as full-time law enforcement officers. Investigators would have the same statutory powers as deputy sheriffs;
7. Require the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs;

Joint Standing Committee on Criminal Justice

8. Reestablish the Commission to Study Domestic Violence, with the same members as the study commission created pursuant to Resolve 1999, chapter 126. As proposed, the commission would invite the participation of experts and interested parties and gather information and request necessary data from public and private entities in order to review the following issues and develop recommendations and implementing legislation if appropriate: predominant aggressors; models of supervised visitation; conflicts created by coexisting orders and conditions, including mutual orders; models of uniform domestic violence incident reports and other standard reporting tools for law enforcement officers; the inconsistency in the definitions of "family or household members" in the statutes; confidentiality programs that allow access to public records without disclosing the location of domestic violence victims; whether Maine Rules of Criminal Procedure, Rule 4 needs clarification or amendment to authorize courts to set conditions of bail on warrants; a number of elements of the protection from abuse process; educational components of bail commissioner training and continuing education; conditions of bail that bail commissioners can order; and the status and progress of technology and computerization of criminal history records, protection orders and bail conditions. The bill proposed that the commission report its recommendations and implementing legislation to the Legislature by November 6, 2002;
9. Include a fiscal note.

Committee Amendment "A" (H-883) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to implement the same recommendations of the Commission to Study Domestic Violence, pursuant to Resolve 1999, chapter 126, as the majority report, except that the amendment did not propose amending the law to give the court authority to prohibit the possession of firearms and other dangerous weapons as a condition of a temporary protection order if the court determines that the defendant has a history of violence.

House Amendment "A" to Committee Amendment "A" (H-1000) proposed to make it a Class C crime to violate a protection order while having direct physical control of a firearm or other dangerous weapon, regardless of any other authority to possess that weapon. The amendment also proposed that a protective order issued to a defendant is required to have a statement to this effect. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-508) proposed to require the court, at the request of the plaintiff at an ex parte proceeding for interim relief for protection from abuse, to hold a hearing no sooner than 48 hours after the request by the plaintiff nor later than 5 days after such a request. The amendment proposed that at this hearing the court may prohibit the possession of a firearm or other dangerous weapon by a defendant if the court determines that the defendant has a history of violence. The amendment proposed that the court may impose this condition only if the court discusses the plaintiff's request for the condition prohibiting possession of a firearm or other dangerous weapon in person with the plaintiff and the court determines that the prohibition of possession of a firearm or other dangerous weapon is an appropriate condition after considering at least the following: the defendant's history of violence; the type of abuse alleged; any reason that the defendant may have to possess a firearm or other dangerous weapon, including its use in employment; and any other issue that the court determines relevant to the complaint. The amendment also proposed that with the consent of the parties, this hearing may be a full hearing as provided by law. This amendment was not adopted.

Joint Standing Committee on Criminal Justice

Senate Amendment “B” to Committee Amendment “A” (S-509) proposed to authorize the court to prohibit the possession of firearms by the defendant if the court determines that one or more acts of alleged abuse were committed with the use or threatened use of a firearm or dangerous weapon. This amendment also proposed to add language that requires that the person serving the order must notify the defendant of the rights regarding acceptance of service, and that the defendant can either accept the condition or contest the condition, in which case the process for an expedited hearing on the condition is triggered. This amendment was not adopted.

Senate Amendment “C” to Committee Amendment “A” (S-617) proposed to amend Committee Amendment “A” by removing all parts of that amendment that deal with appropriations and allocations. Specifically, the amendment proposed to amend Committee Amendment “A” in Part A by striking out all of: section 2 regarding the initial training and continued education of bail commissioners by the Chief Judge of the District Court; Part E establishing the Commission to Study Domestic Violence; and Part F, the appropriations and allocations section. This amendment proposed to reduce the General Fund cost of the bill by \$426,050 in fiscal year 2002-03.

Enacted law summary

Public Law 2001, chapter 686 was a committee bill and the minority report of the Joint Standing Committee on Criminal Justice. Public Law 2001, chapter 686 implements a number of recommendations from the Commission to Study Domestic Violence, pursuant to Resolve 1999, chapter 126. Public Law 2001, chapter 686 does the following.

1. It amends the law regarding bail commissioners to specify that, in a case involving domestic violence, a bail commissioner may not set preconviction bail for a defendant before the bail commissioner has made a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer, the following: a brief history of the alleged abuser; the relationship of the parties; the name, address, phone number and date of birth of the victim; and existing conditions of protection from abuse orders, conditions of bail and conditions of probation.
2. It amends the requirements of law enforcement agencies to develop certain policies by specifying that policies regarding domestic violence must include, at a minimum, the following: a process to ensure that victims receive notification of the defendant's release from jail; a risk assessment for a defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and a process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval.
3. It enacts language that authorizes district attorneys to appoint law enforcement officers as domestic violence investigators. Investigators must meet the requirements of the Maine Revised Statutes, Title 25, section 2804-C and be certified as full-time law enforcement officers. Domestic violence investigators have the same statutory powers as deputy sheriffs.
4. It requires the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs.

Joint Standing Committee on Criminal Justice

LD 2167

An Act to Improve Public Safety by Regulating the Installation and Inspection of Fire Alarm Systems

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2167 proposed to enact the fire alarm system contractor certification program to regulate the installation and inspection of fire alarm systems over a specified size in those buildings in which fire alarm systems are required, such as certain facilities licensed by the Department of Human Services, high-rise buildings, educational facilities for students through the 12th grade, dormitories, hotels, mercantile and business buildings with a square footage in excess of 12,000 feet, places of assembly with an occupancy load of 300 people or more, apartment buildings and all municipal and State-owned buildings.

LD 2167 proposed that a person who plans, installs, modifies or inspects a fire alarm system in one of the regulated structures is required to obtain certification from Underwriters Laboratories, Inc. or another nationally recognized independent testing company that has been approved by the Department of Public Safety, Office of the State Fire Marshal and present this certification to the State Fire Marshal in order to be licensed. The bill proposed that the State Fire Marshal must provide inspection stickers to be placed on the fire alarm system indicating that the system is in proper working condition. The bill proposed that the State Fire Marshal may set licensing fees and inspection sticker costs in an amount that creates sufficient revenue to maintain the fire alarm system contractor certification program.

LD 2167 proposed that this program be phased in over a 3-year period. The bill proposed that persons installing or inspecting fire alarm systems in facilities licensed by the Department of Human Services, high-rise buildings and educational facilities for students through the 12th grade must comply by May 1, 2003. The bill proposed that full compliance for all other regulated structures is required by May 1, 2005.

The Fire Protection Services Commission proposed this bill. LD 2167 was not enacted, and the Joint Standing Committee on Criminal Justice referred the issues in the bill back to the Fire Protection Services Commission for the commission to rework in cooperation with interested parties.

LD 2173

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

PUBLIC 697

Sponsor(s)

Committee Report

Amendments Adopted
S-551 GOLDTHWAIT

LD 2173 was a committee bill and the majority report. LD 2173 was proposed to implement recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. The bill proposed to do the following:

1. Remove Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State

Joint Standing Committee on Criminal Justice

Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters;

2. 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;
3. Extend from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include 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 approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient;
4. Appropriate General Fund money to the Department of Public Safety, Bureau of Emergency Medical Services for one public health educator and for contracted services, in-state travel and general operations, including course material and vehicle repairs, to implement the statutorily required training and certification of all ambulance operators by January 1, 2005;
5. Direct the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004; and
6. Include a fiscal note.

Senate Amendment "A" (S-551) proposed to remove the General Fund appropriation of \$99,520 for the Bureau of Emergency Medical Services within the Department of Public Safety in fiscal year 2002-03 and replace it with an Other Special Revenue funds allocation of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03. The amendment also proposed that additional costs may be supplemented by federal grant proceeds.

Enacted law summary

Public Law 2001 chapter 697 was a Criminal Justice Committee bill and the majority report of that committee. Public Law 2001 chapter 697 implements recommendations pursuant to the committee's review of the Department of Public Safety under the State Government Evaluation Act. Public Law 2001 chapter 697 does the following.

1. It removes Maine Emergency Medical Services from the list of agencies that the joint standing committee of the Legislature having jurisdiction over human resource matters reviews for purposes of the State Government Evaluation Act, since the agency is already under the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice matters.
2. It exempts 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.
3. It extends from January 1, 2004 to January 1, 2005 the time by which all persons whose job descriptions include 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

Joint Standing Committee on Criminal Justice

that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient.

4. It allocates Other Special Revenue funds in the amount of \$49,520 for one public health educator position that has no net impact for fiscal year 2002-03 to provide one trainer and authorizes the use of federal grant proceeds for additional training costs.
5. It directs the Department of Public Safety, Bureau of Emergency Medical Services to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

LD 2175 An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

PUBLIC 698

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-1115 QUINT S-602 GOLDTHWAIT

LD 2175 was a committee bill that proposed to create a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. The bill proposed that funds collected pursuant to this bill are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the Department of Corrections. LD 2175 proposed that all funds collected pursuant to this bill must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that have met all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. The bill proposed that funds distributed to counties pursuant to this bill must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The bill proposed that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. LD 2175 also proposed to include a fiscal note and an appropriations and allocations section and an effective date of August 1, 2002.

Senate Amendment “A” (S-602) proposed that the first \$23,658 collected under the provision imposing the new surcharge be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges.

House Amendment “A” (H-1115) proposed to clarify that it is the Department of Corrections that may approve a county's request for an increase in the amount of state funding the county receives for support of prisoners, and once a request is approved the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

Enacted law summary

Public Law 2001, chapter 698 was a Criminal Justice Committee bill that creates a new 1% surcharge on all fines, forfeitures and penalties imposed by any court in this State. Funds collected pursuant to Public Law 2001, chapter 698 are nonlapsing and must be deposited monthly in the County Jail Prisoner Support

Joint Standing Committee on Criminal Justice

and Community Corrections Fund that is administered by the Department of Corrections. Funds collected pursuant to this Public Law must be distributed by the department to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. Funds distributed to counties must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. Public Law 2001, Chapter 698 specifies that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. Once a request is approved, the request and supporting documents must be forwarded to the joint standing committee having jurisdiction over corrections and criminal justice matters.

In addition to funds distributed to counties, the first \$23,658 collected under the provision imposing the new surcharge must be transferred to the Judicial Department to cover the costs of implementing the collection of surcharges. Public Law 2001, chapter 698 is effective August 1, 2002.

LD 2201

**An Act to Provide Funding for the Office of the State Fire Marshal
and the Maine Fire Training and Education Program**

**P & S 67
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2201 proposed to provide funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. The bill proposed to establish a one-year special assessment to be collected from carriers insuring fire risks located in the State. As proposed, this special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. The bill proposed that beginning July 1, 2003 every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year. LD 2201 also proposed to include a fiscal note.

Enacted law summary

Private and Special Law 2001, chapter 67 provides funds for the operation of the Office of the State Fire Marshal and for the Maine Fire Training and Education Program. Private and Special Law 2001, chapter 67 establishes a one-year special assessment to be collected from carriers insuring fire risks located in the State. This special assessment is designed to provide operating revenues for the Office of the State Fire Marshal and funds for the Maine Fire Training and Education Program for fiscal year 2002-03. Beginning July 1, 2003, every fire insurance company or association that does business or collects premiums or assessments in Maine that paid this special assessment after July 1, 2002 may take a credit against its premium tax owed equal to the special assessment paid in the same month the previous year.

Private and Special Law 2001, chapter 67 was enacted as an emergency measure effective April 8, 2002.

Joint Standing Committee on Criminal Justice

LD 2219

An Act Amending the Membership of the Emergency Medical Services' Board

PUBLIC 713

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

LD 2219 was a committee bill pursuant to Joint Order, House Paper 1703, and the majority report. LD 2219 proposed to add one representative of a statewide association of fire chiefs to the membership of the Emergency Medical Services' Board.

Committee Amendment “A” (H-1121) proposed to replace the committee bill with a resolve and was the minority report. The amendment proposed to create the Committee to Study the Membership and Practices of the Emergency Medical Services' Board. The amendment proposed that the committee:

1. Be comprised of the members of the Joint Standing Committee on Criminal Justice;
2. Review the composition of the Emergency Medical Services' Board to determine if that board's membership provides a fair and balanced representation to the State; review the practices of the Emergency Medical Services' Board; and review communication and support provided by the Emergency Medical Services' Board to emergency medical services providers and consumers;
3. Submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002; and
4. Be authorized to introduce legislation related to its report to the First Regular Session of the 121st Legislature.

The amendment also proposed to include an appropriations and allocations section and a fiscal note. This amendment was not adopted.

Joint Standing Committee on Criminal Justice

Enacted law summary

Public Law 2001, chapter 713 adds one representative of a statewide association of fire chiefs to the membership of the Emergency Medical Services' Board. Public Law 2001, chapter 713 was a committee bill pursuant to Joint Order, House Paper 1703.

HP 1731

JOINT ORDER, Relative to the Joint Standing Committee on Criminal Justice shall conduct a study of County Jail Population, Costs and Reimbursement

PASSED

Sponsor(s)
SAXL

Committee Report

Amendments Adopted

Joint Order, HP 1731 was read and passed by the Legislature on April 3, 2002. This Joint Order orders the Joint Standing Committee on Criminal Justice to conduct a study of county jail population, costs and reimbursement. The committee will conduct the study in 4 meetings during the interim. Specifically, the committee shall study:

1. Initiatives for regional cooperation and solutions in building county jails;
2. Population of county jails, overcrowding and growth;
3. State probation violations, where those violations should be served and who should pay for the resulting incarceration;
4. Probation options, graduated sanctions and probation officer case load;
5. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load;
6. Issues concerning female offenders in county jails;
7. State subsidies that support the operation of county jails and community corrections programs;
8. Alternative sentencing options and sentencing policies; and
9. The population that is being served and populations that are not served by the current county jail system.

The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002.

Joint Standing Committee on Criminal Justice

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Joint Standing Committee on Health and Human Services

LD 201 An Act to License Freestanding Birth Centers

ONTP

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

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.

LD 611 An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND QUINT	OTP-AM MAJ ONTP MIN	S-451

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 and/or lend 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 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

Joint Standing Committee on Health and Human Services

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 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 within 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.

Committee Amendment "A" (S-451) was the report of the majority of the members of 2 committees, the Joint Standing Committee on Criminal Justice and the Joint Standing Committee on Health and Human Services.

This amendment proposed to replace the bill and change the title. It proposed to clarify the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increase the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and add an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999. It proposed to remove from the bill the provisions that would have established a nonprofit distribution center governed by a community board and a mandatory registration system.

Enacted law summary

Public Law 2001, chapter 580 clarifies the definition of a designated care giver for a patient eligible to use marijuana for medical purposes, increases the amount of harvested marijuana that may be possessed for medical purposes from 1.25 ounces to 2.5 ounces and adds an affirmative defense provision to clarify that an eligible patient or designated care giver has an affirmative defense under the law passed as a citizen initiative in 1999.

LD 863

Resolve, to Establish Crisis Assessment and Triage Centers for Children in the State

ONTP

Sponsor(s)
ETNIER
SMALL

Committee Report
ONTP

Amendments Adopted

Joint Standing Committee on Health and Human Services

LD 863 proposed to direct the Department of Human Services and the Department of Behavioral and Developmental 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.

LD 898 An Act to Improve Public Health in the State

ONTP

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 898 was 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 for all citizens of Maine. Once established, the Health Districts would encourage and support equitable distribution of health promotion and disease prevention services and would 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 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 have been responsible for ensuring that the following 10 essential public health services are adequately addressed within the various elements of the health system in each region:

1. Monitoring health status to identify community health problems;
2. Diagnosing and investigating health problems and health hazards in the community;
3. Informing, educating, and empowering people about health issues;
4. Mobilizing community partnerships and acting to identify and solve health problems;
5. Developing policies and plans that support individual and community health efforts;
6. Enforcing laws and regulations that protect health and ensure safety;
7. Linking people to needed personal health services and ensuring the provision of care when otherwise unavailable;
8. Ensuring a competent public health and personal health care workforce;
9. Evaluating effectiveness, accessibility and quality of personal and population-based health services; and
10. Researching for new insights and innovative solutions to health problems.

Funding for the program was estimated at \$3,875,000 in the first year and continuing with annual cost-of-living increases in each future year. This bill proposed to fund these costs by increasing the cigarette tax.

Joint Standing Committee on Health and Human Services

LD 961 **An Act to Expand Benefits Under the Elderly Low-cost Drug Program** **ONTP**

<u>Sponsor(s)</u> DUDLEY MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u> H-492
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LD 961 proposed to add depression and diabetic supplies to the basic component list of the elderly low-cost drug program.

LD 1085 **Resolve, to Improve Staffing in Health Care Settings** **ONTP**

<u>Sponsor(s)</u> PENDLETON FULLER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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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 proposed to 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 bill proposed that the rules, which would be routine technical rules, be adopted by January 1, 2002.

LD 1208 **An Act to Plan for the Delivery of Developmental Disabilities and Autism Services** **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<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.

Joint Standing Committee on Health and Human Services

LD 1346 **Resolve, to Establish a Commission to Study the Health Care Workforce Shortage** **ONTP**

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

LD 1363 **An Act to Reduce Medical Errors and Improve Patient Health** **PUBLIC 678**

<u>Sponsor(s)</u> RAND KANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-527 S-604 GOLDTHWAIT
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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."

Committee Amendment "A" (S-527) proposed to establish a sentinel events reporting system for hospitals and other facilities licensed by the Division of Licensing and Certification in the Department of Human Services, but not nursing facilities. The amendment proposed adding 4 positions for one year and proposed General Fund funding.

Senate Amendment "B" (S-604) proposed to reduce the funding to 2 positions for 2 months beginning May 1, 2003. It proposed to delay the effective date of the law to May 1, 2003.

Enacted law summary

Public Law 2001, chapter 678 establishes a sentinel event reporting system to improve the quality of health care provided to patients, increase patient safety and reduce medical errors for hospitals and other facilities licensed by the Division of Licensing and Certification, but not nursing facilities. The effective date is 5/1/03.

LD 1512 **An Act to Increase Long-term Care Options for Low-income Citizens of the State** **ONTP**

<u>Sponsor(s)</u> EDMONDS ETNIER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Joint Standing Committee on Health and Human Services

LD 1512 proposed to provide a comprehensive system by which the Department of Human Services would subsidize assisted living arrangements for low-income citizens of the State.

LD 1514 **An Act to Ensure Fairness in the Regulation and Reimbursement of Nursing Facilities** **PUBLIC 600**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KANE	OTP-AM	S-501

LD 1514 proposed to provide a process for resolving disputes that arise when the department's Division of Licensing 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. It also proposed to require the department to study the feasibility of an alternative regulatory scheme for fines and penalties.

The bill proposed to allow facilities with fewer than 60 beds to choose not to participate as Medicare certified skilled nursing facilities.

The bill proposed to address the problem that arises when cost of care determinations affecting particular Medicaid beneficiaries are delayed because information is unavailable to the department and the facility. 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.

Committee Amendment "A" (S-501) proposed to allow a nursing facility to decline to admit a prospective resident if the facility lacks qualified staff to meet the person's needs. The nursing facility would retain its obligation to serve its current residents.

Enacted law summary

Public Law 2001, chapter 600 allows nursing facilities to refuse to admit a prospective resident which the facility is unable to serve because of lack of adequate staff. It requires rulemaking to ensure that persons handling the resources of persons in long-term care use those resources responsibly.

LD 1545 **An Act to Increase the Supply of Medical Services to Consumers** **ONTP**

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

LD 1545 proposed to repeal the certificate of need law.

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LD 1588 **An Act to Appropriate Funds for a Study to Determine the Feasibility of a Medical School in Maine** **ONTP**

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

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.

LD 1603 **An Act to Expand Family Life Education Services in Maine Schools** **PUBLIC 654**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-1024
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 appropriated \$750,000 for family life education.

Committee Amendment "A" (H-1024) replaced the bill and its title. It proposed to direct the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services. It proposed to strengthen the language on abstinence. It removed specific references to the Family Planning Association of Maine and learning results. It also proposed to allow a parent to not have that parent's child participate in a comprehensive family life education program. It removed the appropriation section and added a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1025) proposed to specify that comprehensive family life education must be developmentally appropriate and promote responsible behavior regarding sexuality with an emphasis on abstinence. The amendment also included other community service providers in the category of agencies with which the Commissioner of Human Services may contract. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-1060) proposed to amend the definition of "comprehensive family life education" to include education that respects parental values. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-550) proposed to include other community service providers in the category of agencies with which the Commissioner of Human Services may contract. (Not adopted)

Enacted law summary

Public Law 2001, chapter 654 directs the Commissioner of Human Services to undertake initiatives in order to expand and enhance comprehensive family education services for students in kindergarten to high school. It also allows a parent to not have that parent's child participate in a comprehensive family life education program.

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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**

ONTP

<u>Sponsor(s)</u> BENNETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1768 was 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 have included 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 would be available 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 1799

An Act to Strengthen the Certificate of Need Law

PUBLIC 664

<u>Sponsor(s)</u> MICHAUD MH	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-507 S-573 DOUGLASS
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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.

Committee Amendment "A" (S-507) proposed to clarify language in the bill. It proposed to allow the Commissioner to hold a public hearing and to increase the monetary thresholds for certificates of need.

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Senate Amendment "B" to Committee Amendment "A" (S-573) proposed to provide standards for the Commissioner to review a certificate of need project after the certificate has been granted.

Enacted law summary

Public Law 2001, chapter 664 repeals and replaces the Maine Certificate of Need Act of 1978. This law clarifies when certificate of need waivers can be granted, clarifies the ability of the Department of Human Services to impose conditions on a certificate of need, changes certain dates, and eliminates the Certificate of Need Advisory Committee. It clarifies the authority of the Commissioner to review a project for which a certificate of need has been granted.

See also Public Law 2001, chapter 710, sections 9 and 10 clarifying that 22 MRSA section 332 (review after approval) applies retroactively to applications filed or approved on or after January 1, 1999.

LD 1843 **An Act to Require that Temporary Nurse Agencies Verify Certified Nursing Assistants' Eligibility Before Hiring Certified Nursing Assistants** **PUBLIC 494**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1843 proposed to require a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

Enacted law summary

Public Law 2001, chapter 494 requires a temporary nurse agency to verify the inclusion of a certified nursing assistant on the Maine Registry of Certified Nursing Assistants before hiring that certified nursing assistant.

LD 1847 **An Act Regarding Fire Inspections for Foster Homes** **PUBLIC 515**

<u>Sponsor(s)</u> LAVERRIERE-BOUC LONGLEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-427 LONGLEY
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LD 1847 proposed to change the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It proposed to bring the licensing and fire inspection requirements in line with each other and ensure that all licensing requirements are addressed in a timely and coordinated manner.

Enacted law summary

Public Law 2001, chapter 515 changes the fire inspection period to be every 2 years for those places licensed as family foster homes and specialized children's homes. It brings the licensing and fire inspection requirements in line with each other and will ensure that all licensing requirements are addressed in a timely and coordinated manner.

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LD 1848 **An Act to Prohibit the Separation of a Husband and Wife Placed in State-funded Nursing Facilities** **ONTP**

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

LD 1848 proposed to prohibit a husband and wife placed into nursing facilities that receive funding from the State from being placed into separate nursing facilities unless they so wished. Under the bill, a facility that cannot admit the spouse of a resident would have been required to ensure placement together within 14 days.

LD 1858 **Resolve, to Improve the Health of Maine Citizens Through Hepatitis C Prevention and Detection** **RESOLVE 88**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-860

LD 1858 proposed to direct the Department of Human Services, Bureau of Health to provide a media campaign to increase awareness of hepatitis C; access to laboratory testing for hepatitis C; education of medical and social service providers; epidemiological data collection; and coordination and evaluation of these initiatives. The implementation of these initiatives would be contingent on the receipt of federal funding or donations from private sources for these purposes.

Committee Amendment "A" (H-860) proposed to add an appropriations and allocations section and a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 88 directs the Department of Human Services, Bureau of Health to provide a media campaign to increase awareness of hepatitis C; access to laboratory testing for hepatitis C; education of medical and social service providers; epidemiological data collection; and coordination and evaluation of these initiatives. The implementation of these initiatives is contingent on the receipt of federal funding or donations from private sources for these purposes.

LD 1882 **Resolve, Directing the Department of Behavioral and Developmental Services to Recommend a Name for the New Psychiatric Treatment Center Located in Augusta** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT O'BRIEN J	ONTP	

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LD 1882 proposed to direct the Department of Behavioral and Developmental Services to recommend a name for the new psychiatric treatment center located in Augusta. See LD 2158, enacted as Resolve 2001, chapter 79.

LD 1891 **An Act Regarding Eligibility for Financing Through the Maine Health and Higher Educational Facilities Authority** **PUBLIC 609**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-502
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LD 1891 bill proposed to require that the majority of the members of the governing board of an assisted living facility receiving bonds from the Maine Health and Higher Education Facilities Authority be residents or family members of residents in the program.

Committee Amendment "A" (S-502) proposed to require unlicensed assisted living facilities to comply with the standardized contract and resident rights requirements applicable to licensed facilities.

Enacted law summary

Public Law 2001, chapter 609 requires that unlicensed assisted living facilities that receive funding from the Maine Health and Higher Education Facilities Authority comply with the standardized contract and resident rights requirements applicable to licensed facilities.

LD 1901 **Resolve, to Allow Persons with Disabilities to Purchase Coverage Under the Medicaid Program** **INDEF PP**

<u>Sponsor(s)</u> DOUGLASS SAXL		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1901 proposed to 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 on earned and unearned income and would provide eligibility for employed persons who have a medically improved disability.

LD 1913 **Resolve, to Implement the Recommendations of the Health Care Workforce Steering Committee** **RESOLVE 89**

<u>Sponsor(s)</u> MICHAUD MH SAXL		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-454
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LD 1913 proposed to create the Health Care Workforce Leadership Council to address the shortage of skilled health care workers in the State. The council would be composed of members from health care employers, health care workers and public and private postsecondary educational institutions.

Committee Amendment "A" (S-454) proposed to set the membership at 13, to have the Maine Technical College System provide staffing, and to require reports February 1, 2003 and November 3, 2004.

Enacted law summary

Resolve 2001, chapter 89 creates the Health Care Workforce Leadership Council to address the shortage of skilled health care workers in the State. The council is composed of members from health care employers, health care workers and public and private postsecondary educational institutions. The Maine Technical College System provides staffing. Reports are required January 1, 2003 and November 3, 2004.

LD 1916

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

PUBLIC 511

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

LD 1916 proposed to repeal and amend laws regarding the Driver Education and Evaluation Programs. It proposed to do the following:

1. Repeal the definition of "first offender with an aggravated operating-under-the-influence offense." Program changes eliminate the need for the definition;
2. Amend 2 affected motor vehicle laws to bring them into compliance with program changes. It proposed to correct one law by identifying the Office of Substance Abuse as the location of the Driver Education and Evaluation Programs;
3. Correct 2 laws by identifying the Department of Behavioral and Developmental Services as responsible for certification and licensing of alcohol and other drug treatment programs; and
4. Amend a requirement for after-care, when required, because of changes in treatment practices.

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Enacted law summary

Public Law 2001, chapter 511 repeals and amends laws regarding the Driver Education and Evaluation Programs. It makes the following changes.

1. It repeals the definition of "first offender with an aggravated operating-under-the-influence offense." Program changes eliminate the need for the definition.
2. It amends 2 affected motor vehicle laws to bring them into compliance with program changes. It corrects one law by identifying the Office of Substance Abuse as the location of the Driver Education and Evaluation Programs.
3. It corrects 2 laws by identifying the Department of Behavioral and Developmental Services as responsible for certification and licensing of alcohol and other drug treatment programs.
4. It amends a requirement for after care, when required, because of changes in treatment practices.

LD 1924

An Act to Support a Continuum of Quality Long-term Care Services

**PUBLIC 666
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-523
BROOKS		S-611 GOLDTHWAIT

LD 1924 proposed to amend the law administered by the State Board of Social Worker Licensure to permit issuance of conditional licenses following June 30, 2002 to individuals who seek employment in licensed nursing facilities, where the Commissioner of Human Services has certified that this option is necessary to permit nursing facilities to continue to attract and obtain qualified personnel.

The bill also proposed to require the Department of Human Services to make several changes in the system of payment for long-term care, including nursing facility services, residential care facility services and home health services, in order to fairly reflect the current cost of providing those services efficiently. These changes would include an overall requirement that the payment system reflect the current costs of efficiently providing necessary long-term care services, rebasing to the most recently available audited cost figures, rebasing every 3 years, relying on regional wage adjustments applied quarterly, adjusting for inflation using factors that reflect actual increases in operating costs experienced in Maine and allowing nursing facilities to retain savings that they may produce in routine component costs. The bill proposed to include language requiring recognition and payment as fixed costs of certain expenditures that increase the pool of qualified health care workers, including, but not limited to, employee education and training, tuition reimbursement and education loan forgiveness.

The bill further proposed to require that residential care reimbursement rules be changed to include recognition and payment as fixed costs of liability insurance and malpractice costs along with other types of insurance. The current reimbursement rules recognize fire insurance. The bill also proposed to require recognition of allowable costs without imposition of peer review caps.

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The bill proposed to require the Department of Human Services to amend its principles of reimbursement for both nursing facilities and residential care facilities to remove the occupancy penalty.

The bill also proposed to modify fair hearing proceedings on Medicaid payment issues. By October 1, 2002, the Department of Human Services would amend the rules governing fair hearing proceedings for appeals by providers of Medicaid payment rates to require that the hearing officer for these proceedings be an individual who is not employed by the department and to vest in the hearing officer final authority to issue appropriate rulings that are not subject to modification by the Commissioner of Human Services.

Committee Amendment "A" (S-523) proposed to allow inflation adjustments that reflect actual rates of inflation and interim payments for nursing and residential care facilities. It proposed to allow retention of savings by nursing facilities. It proposed to allow adult family care homes to be reimbursed for insurance costs. It proposed to loosen occupancy penalties. It proposed to require an independent hearing officer appeals process. It proposed to require the Governor to include full long-term care funding in the Governor's budget.

Senate Amendment "A" (S-611) proposed to remove reference to actual rates of inflation and to change the date of application of the retention of savings provisions to October 1, 2001. The amendment proposed to remove reimbursement provisions for private nonmedical institutions and adult family care homes. The amendment proposed to remove the provisions regarding the preparation of the budget by the Governor and to substitute a report on long-term care costs every two years beginning January 31, 2003.

Enacted law summary

Public Law 2001, chapter 666 requires the Department of Human Services to make several changes in the system of payment for nursing facility services. These changes include an overall requirement that the payment use regional wage adjustments, adjusting for inflation using factors that reflect increases in operating costs experienced in Maine and allowing nursing facilities to retain savings in routine component costs. The law requires the Department of Human Services to amend its principles of reimbursement for nursing facilities to lessen the occupancy penalty for facilities with fewer than 60 beds. The law also modifies fair hearing proceedings on Medicaid payment issues providing for an independent hearing officer. It requires reporting on long-term care costs and funding by January 31 every 2 years beginning January 31, 2003.

Public Law 2001, chapter 666 was enacted as an emergency measure April 11, 2002.

LD 1925

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security

INDEF PP

Sponsor(s)
SNOWE-MELLO

Committee Report
OTP

Amendments Adopted
S-423 LONGLEY

LD 1925 proposed to extend the reporting deadline for the final report of the Maine Millennium Commission on Hunger and Food Security by 6 months to June 5, 2002.

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LD 1930

An Act to Ensure the Fair Collection of Overpayments

PUBLIC 551

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON LONGLEY	OTP-AM	H-884

LD 1930 proposed to prohibit the Department of Human Services from collecting overpayments accrued in public benefit programs from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

Committee Amendment "A" (H-884) proposed to replace the bill. This bill proposed to prohibit, to the extent permitted by federal law, the Department of Human Services from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

Enacted law summary

Public Law 2001, chapter 551 prohibits the Department of Human Services, to the extent permitted by federal law, from collecting overpayments accrued in the Temporary Assistance for Needy Families program, the Aid to Families with Dependent Children program and the food stamp program from people who were minors in the household at the time that their parent or other caretaker received the overpayment.

LD 1933

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

**RESOLVE 114
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-910 S-556 GOLDTHWAIT

LD 1933 proposed to establish a blue ribbon commission to investigate and analyze the future costs of providing long-term health care to elderly and disabled adults and recommend an integrated system of financing the projected costs of these services.

The commission would investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and
3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

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The commission would be funded with grants, donations and other nonstate-funded sources of revenue.

Committee Amendment "A" (H-910) proposed to replace the concept draft and establish the Blue Ribbon Commission to Address the Financing of Long-term Care to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and promoting individual choice. It proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-556) was prepared pursuant to action taken by the Legislative Council on March 26, 2002.

The amendment proposed to make the following changes.

1. Alter the authority for appointing members of the commission. Under this amendment, the Speaker of the House of Representatives, rather than the Governor, appoints the representative of an academic or public policy institute with expertise in health care economics or finance and the representative of an accounting firm with expertise in health care financing. In addition, the President of the Senate, rather than the Governor, appoints the member of a statewide organization representing financial institutions;
2. Change from 60 days to 15 days the length of time after the appointment of all members that the first meeting of the commission must be held;
3. Limit the commission to holding a maximum of 4 meetings per year, remove language that would have required that meetings be held in various areas of the State and prohibit the commission from meeting during the legislative session;
4. Refine language regarding the ability of the commission to seek and accept other sources of funds;
5. Incorporate language from House Amendment "B" to Committee Amendment "A," which allows the commission to seek staff assistance from the Office of Policy and Legal Analysis through the Legislative Council;
6. Incorporate language from House Amendment "B" to Committee Amendment "A," which gives legislators who are members of the commission legislative per diem and reimbursement for their expenses, and in addition specify that if other sources of funds become available, they may be used to compensate members of the commission;
7. Clarify the date by which the commission's reports must be submitted, and require that the commission's interim report be presented to the Legislature as well as to the Long-term Care Implementation Committee;
8. Add language required by the Joint Rules to the section governing the administration of the commission's budget; and
9. Add a new appropriation and allocation section to reflect these changes.

Enacted law summary

Resolve 2001, chapter 114 establishes a blue ribbon commission to address the escalating costs of long-term care and propose a comprehensive plan that addresses the financing of future needs while preserving high quality and

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promoting individual choice. The commission will investigate all relevant questions bearing on this issue, including but not limited to the following:

1. Whether the financial risk associated with uncertain long-term health care costs should be shared through some type of public or private insurance system;
2. Whether individuals should be encouraged or required to begin saving for predictable long-term health care needs at earlier ages; and
3. Whether each generation of working adults should pay for the long-term care costs of their parents' and grandparents' generations.

The Commission is required to submit its report, along with any recommended implementing legislation, to the Health and Human Services Committee no later than November 6, 2003.

Resolve 2001, chapter 114 was finally passed as an emergency measure effective April 11, 2002.

LD 1934

Resolve, to Provide Access to Personal Care Assistant Home Care Services

**RESOLVE 94
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER LONGLEY	OTP-AM	H-997

LD 1934 proposed to require the Department of Human Services to amend immediately its rules regarding reimbursement for personal care assistant home care services by increasing the reimbursement rate for these services by \$1 per hour. The department also would be required to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by October 1, 2002.

Committee Amendment "A" (H-997) proposed to require review of the rules for reimbursement for personal care assistant services, identification of barriers and revision of rules to improve the delivery of those services. A report would be required by January 15, 2003.

Enacted law summary

Resolve 2001, chapter 94 requires the Department of Human Services to review its rules regarding the reimbursement structure for personal care assistant home care services, identify barriers to those services, revise rules as necessary to improve the delivery of those services and report to the Joint Standing Committee on Health and Human Services by January 15, 2003.

Resolve 2001, chapter 94 was finally passed as an emergency measure effective April 3, 2002.

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LD 1947 **Resolve, to Establish a Demonstration Project to Review Requirements Imposed on Agencies Contracting with the Department of Behavioral and Developmental Services** **RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-909

LD 1947 proposed to require the Department of Behavioral and Developmental Services to develop a methodology for reimbursing providers of services for any new state or federal rule, regulation or contract requirement that increases the cost of providing current services.

Committee Amendment "A" (H-909) proposed to replace the language in the resolve. It proposed to require the Department of Behavioral and Developmental Services to undertake a demonstration project to review increased costs to contracting agencies necessitated by changes dictated by the department, to develop strategies for achieving savings within those agencies, to review existing requirements in order to identify costs that may be minimized and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2003. The amendment also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 92 requires the Department of Behavioral and Developmental Services to undertake a demonstration project to review increased costs to contracting agencies necessitated by changes dictated by the department, to develop strategies for achieving savings within those agencies, to review existing requirements in order to identify costs that may be minimized and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2003.

LD 1949 **An Act to Clarify Roles and Positions within the Department of Behavioral and Developmental Services** **PUBLIC 493**

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

LD 1949 proposed to clarify the reporting structure for regional directors and eliminate a position no longer existing within the Department of Behavioral and Developmental Services.

Enacted law summary

Public Law 2001, chapter 493 clarifies the reporting structure for regional directors and eliminates a position no longer existing within the Department of Behavioral and Developmental Services.

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LD 1963

An Act to Amend the Laws Governing Eligibility for General Assistance

PUBLIC 571

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNCAN DAVIS P	OTP-AM	H-878

LD 1963 proposed to amend the definition of a "lump sum payment" governing eligibility for general assistance to be consistent with other portions of the law.

Committee Amendment "A" (H-878) proposed to modify the method of prorating lump sum income when determining general assistance eligibility. It also proposed to clarify that lump sum income is prorated even when it is received prior to the initial application and it permits initial applicants to receive general assistance in an emergency if the sole reason they were ineligible was due to the proration of a lump sum income. The amendment also proposed to direct the Department of Human Services to convene a group of interested parties to investigate the adequacy of the maximum levels of assistance in the general assistance program and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Enacted law summary

Public Law 2001, chapter 571 amends the definition of a "lump sum payment" governing eligibility for general assistance to be consistent with other portions of the law. It modifies the method of prorating lump sum income when determining general assistance eligibility. It also clarifies that lump sum income is prorated even when it is received prior to the initial application and it permits initial applicants to receive general assistance in an emergency if the sole reason they were ineligible was due to the proration of a lump sum income. It also directs the Department of Human Services to convene a group of interested parties to investigate the adequacy of the maximum levels of assistance in the general assistance program and report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

LD 1998

An Act to Establish the Asthma Prevention and Control Program in the Department of Human Services, Bureau of Health

PUBLIC 555

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TURNER	OTP-AM	H-877

LD 1998 proposed to establish an asthma prevention and control program to provide leadership for and coordination of asthma prevention and intervention activities within the State. The program would be authorized to receive federal grant money and would consult with statewide organizations concerned with the treatment and prevention of asthma.

Enacted law summary

Public Law 2001, chapter 555 establishes an asthma prevention and control program to provide leadership for and coordination of asthma prevention and intervention activities within the State. The program is authorized to receive

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federal grant money. The program will consult with statewide organizations concerned with the treatment and prevention of asthma.

LD 2000 **Resolve, Directing the Department of Human Services to Apply for a Federal Waiver to Provide Medicaid Benefits to Uninsured Residents with a Diagnosis of Cancer** **RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS TURNER	OTP-AM	H-876

LD 2000 proposed to direct the Department of Human Services to apply for a waiver to establish a Medicaid cancer program. Coverage under the program would be limited to persons who have inadequate health care coverage and would cover only the diagnosis and treatment of cancer. Coverage would not begin until the waiver has been obtained from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the Legislature has approved the operation of the program and appropriated funding for coverage in the biennial budget.

Committee Amendment "A" (H-876) proposed to remove from the Medicaid cancer program the requirement of 6 months' residency, reduce the income limitation to 250% of the federal poverty level, remove the definition of "inadequate insurance coverage" and remove the requirement of repayment to the State. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 84 directs the Department of Human Services to apply for a waiver to establish a Medicaid cancer program. Coverage under the program is limited to persons who lack health care coverage and covers only the diagnosis and treatment of cancer. Coverage may not begin until the waiver has been obtained from the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the Legislature has approved the operation of the program and appropriated funding for coverage in the biennial budget.

LD 2007 **Resolve, to Address the Crisis in Direct-care Staff in the Long-term Care System** **RESOLVE 85
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-886

LD 2007 proposed to direct the Department of Human Services, the State Board of Nursing and the State Board of Education to undertake initiatives regarding the training and certification of unlicensed direct-care staff in the long-term care system. The resolve also proposed to require those entities to initiate a public awareness campaign and to propose legislation expanding training opportunities.

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Committee Amendment "A" (H-886) proposed to replace the resolve. It proposed to require reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding training and certification of unlicensed direct-care staff and require a group of interested parties to meet to collaborate on a public awareness campaign regarding career opportunities in long-term care and to report to the same committee.

The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 85 directs the Department of Human Services, the State Board of Nursing and the State Board of Education to review the rules regarding training and certification of unlicensed direct-care staff in the long-term care system. It requires reporting to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding training and certification of unlicensed direct-care staff and requires a group of interested parties to meet to collaborate on a public awareness campaign regarding career opportunities in long-term care and to report to the same committee.

Resolve 2001, chapter 85 was finally passed as an emergency measure effective March 25, 2002.

LD 2013 **An Act to Promote the Health of Maine Women and Girls** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL TREAT	OTP-AM MAJ ONTP MIN	H-875

LD 2013 proposed to continue the Women's Health Initiative started by the 119th Legislature and coordinated by the Department of Human Services, Bureau of Health. The initiative would be implemented through a state contract. The purpose of the initiative is to improve the health status of and access to health services for women and girls. The initiative would be funded with General Fund money for an amount to be contracted out to the entity that provides the services for the program.

Committee Amendment "A" (H-875) was the majority report. It changed the General Fund appropriation for fiscal year 2002-03 from \$250,000 to \$100,000. It also added a fiscal note.

LD 2026 **An Act to Transfer Responsibility for Determining Eligibility for the Elderly Low-cost Drug Program from the Department of Administrative and Financial Services to the Department of Human Services** **PUBLIC 691**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L TURNER	OTP-AM	H-911 S-553 GOLDTHWAIT

LD 2026 proposed to transfer the responsibility for determining eligibility for the low-cost drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human

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Services, Bureau of Family Independence in order to better coordinate the program with the Healthy Maine Prescription Program and the Maine Rx Program. Transfer of the program would be completed by January 1, 2003.

Committee Amendment "A" (H-911) proposed to add a provision on retention of eligibility and enact the appropriations and allocations and positions necessary for the transfer of the eligibility function to the Department of Human Services.

Senate Amendment "A" (S-553) proposed to correct reference to a budget line in the committee amendment.

Enacted law summary

Public Law 2001, chapter 691 transfers the responsibility for determining eligibility for the low-cost elderly drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human Services, Bureau of Family Independence in order to better coordinate the program with the Healthy Maine Prescription Program and the Maine Rx Program. Transfer of the program must be completed by January 1, 2003.

LD 2027

An Act Regarding Child Care Facility Laws

PUBLIC 645

Sponsor(s)
SIMPSON

Committee Report
OTP-AM

Amendments Adopted
H-972

LD 2027 proposed to make the following changes to the laws governing day care centers and nursery schools. These changes are necessitated by anticipated changes to the rules governing these facilities:

1. References to "day care center" would be changed to "child care facility";
2. The definition of "children" in the laws governing nursery schools, which is based on the age of a child, would be changed;
3. Provisions in the laws governing nursery schools regarding communicable diseases, ratios and administration of medications would be removed; and
4. The definitions of "day care centers" and "nursery school" would be changed.

Committee Amendment "A" (H-972) proposed to clarify language in the bill and provide specificity in the health requirements applicable to staff.

Enacted law summary

Public Law 2001, chapter 645 makes the following changes to the laws governing day care centers and nursery schools. These changes are necessitated by anticipated changes to the rules governing these facilities:

1. References to "day care center" are changed to "child care facility";

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2. The definition of "children" in the laws governing nursery schools, which is based on the age of a child, is changed;
3. Provisions in the laws governing nursery schools regarding communicable diseases, ratios and administration of medications are removed; and
4. The definitions of "day care centers" and "nursery school" are changed.

LD 2029

An Act to Amend the Laws Regarding Public Health

PUBLIC 574

<u>Sponsor(s)</u> KANE EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-904
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LD 2029 proposed to make the following changes to the laws regarding public health.

1. It proposed to rename the burial-transit permit the "disposition of human remains permit" and make other minor changes to the burial permit laws.
2. It proposed to require residents of the State intending to be married to record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides. It also proposed to remove a reference to "justice of the peace" from the list of persons authorized to solemnize marriages.
3. It proposed to rename the Office of Vital Statistics within the Department of Human Services the Office of Health Data and Program Management.
4. It proposed to require the Department of Human Services, Bureau of Health to publish a state health plan biennially instead of annually.
5. It proposed to change a reference to a program for children who are crippled to a reference to a program for children who are disabled.
6. It proposed to repeal the Cancer Prevention and Control Advisory Committee and establish the Maine Cancer Registry Data Review Committee.
7. It proposed to amend the laws governing personal use regarding owner testing for radon.
8. It proposed to make changes to the laws governing public notification that must be given by a public water system to conform the requirements to federal regulation.

Committee Amendment "A" (H-904) proposed to add an option for handwritten information from the medical examiner and to clarify the language regarding the Cancer Registry Data Review Committee.

Enacted law summary

Public Law 2001, chapter 574 makes the following changes to the laws regarding public health.

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1. It renames the burial-transit permit the "disposition of human remains permit" and makes other minor changes to the burial permit laws.
2. It requires residents of the State intending to be married to record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides. It also removes a reference to "justice of the peace" from the list of persons authorized to solemnize marriages.
3. It renames the Office of Vital Statistics within the Department of Human Services the Office of Health Data and Program Management.
4. It requires the Department of Human Services, Bureau of Health to publish a state health plan biennially instead of annually.
5. It changes a reference to a program for children who are crippled to a reference to a program for children who are disabled.
6. It repeals the Cancer Prevention and Control Advisory Committee and establishes the Maine Cancer Registry Data Review Committee.
7. It amends the laws governing personal use regarding owner testing for radon.
8. It makes changes to the laws governing public notification that must be given by a public water system to conform the requirements to federal regulation.

LD 2038

An Act to Amend the Lead Poisoning Control Act

PUBLIC 683

Sponsor(s)
MATTHEWS
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-1007

LD 2038 was a concept draft pursuant to Joint Rule 208. The bill proposed to assist the Maine Lead Advisory Council in testing high-risk children for lead poisoning by utilizing information that has already been obtained by the State.

Committee Amendment "A" (H-1007) proposed to replace the bill and its title. It proposed to require the Department of Human Services to distribute information on lead poisoning and to develop and distribute a lead poisoning risk assessment tool. It proposed to require primary health care providers for children to test for blood lead levels in all children one year of age and 2 years of age who are covered by the MaineCare program, which succeeded the Medicaid and Cub Care programs, and to test all children one year of age and 2 years of age unless, in the professional judgment of the attending physician, in conjunction with the use of the lead poisoning risk assessment tool, the child's level of risk does not warrant a blood lead level test. The amendment proposed to require the Department of Human Services to report by March 1, 2005 on the incidence of lead poisoning risk assessment and blood lead level testing. The amendment proposed to require the Department of Human Services to convene a task force of representatives of pertinent health care organizations to determine a standard lead poisoning risk assessment tool for use statewide, to help disseminate the assessment tool and information on lead poisoning

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and to assist in developing additional recommendations that will increase lead screening in Maine. The amendment proposed to require the department to report by January 1, 2004 on the initial work of the task force to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The amendment proposed to add an effective date of January 1, 2003, an appropriation and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 683 requires the Department of Human Services to distribute information on lead poisoning and to develop and distribute a lead poisoning risk assessment tool. Primary health care providers for children are required to test for blood lead levels in all children one year of age and 2 years of age who are covered by the MaineCare program and to test all children one year of age and 2 years of age unless, in the professional judgment of the attending physician, the child's level of risk does not warrant a blood lead level test. The law requires the Department of Human Services to convene a task force of representatives of pertinent health care organizations to determine a standard lead poisoning risk assessment tool for use statewide, to help disseminate the assessment tool and information on lead poisoning and to assist in developing additional recommendations that will increase lead screening in Maine. The department must report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2004 on the initial work of the task force and by March 1, 2005 on the results of the lead poisoning risk assessment and blood lead level testing.

Public Law 2001, chapter 683 has an effective date of January 1, 2003.

LD 2045 **An Act to Enhance Consumer-directed Personal Assistance Services for Maine Citizens with Disabilities** **ONTP**

<u>Sponsor(s)</u> QUINT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2045 proposed to provide that the Department of Labor, Bureau of Rehabilitation Services is the lead agency for providing consumer-directed personal assistance services to citizens of this State with disabilities. The bureau would administer state-funded and Medicaid-funded, consumer-directed personal assistance services programs for people with disabilities and ensure that these services are delivered in the most comprehensive manner possible. See Public Law 2001, chapter 559, part BB for these provisions.

LD 2050 **Resolve, Regarding Legislative Review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services** **RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-905
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LD 2050 proposed to provide for legislative review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services.

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Committee Amendment "A" (H-905) proposed to require that the rules be amended to require distribution of a brochure to new residents.

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Enacted law summary

Resolve 2001, chapter 90 provides for legislative review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services. The resolve also requires the facilities to distribute resident brochures prepared by the Long-term Care Ombudsman Program.

Resolve 2001, chapter 90 was finally passed as an emergency measure effective March 28, 2002.

LD 2113	An Act to Improve Access to Prescription Drugs for Persons who are Elderly or Disabled	PUBLIC 650 EMERGENCY
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<u>Sponsor(s)</u> TREAT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-506
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LD 2113 proposed to require the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services for a waiver or amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who currently qualify for the elderly low-cost drug program.

Committee Amendment "A" (S-506) proposed to add an emergency clause to the bill, to provide the details of financial eligibility and to require a report by January 12, 2003.

Enacted law summary

Public Law 2001, chapter 650 requires the Department of Human Services to apply to the federal Centers for Medicare and Medicaid Services for a waiver or to amend a pending or current waiver under the Medicaid program authorizing the department to use federal matching dollars to enhance the prescription drug benefits available to persons who currently qualify for the elderly low-cost drug program. The law requires a report by January 12, 2003 to the Health and Human Services Committee.

Public Law 2001, chapter 650 was enacted as an emergency measure effective April 9, 2002.

LD 2158	Resolve, to Name the New Psychiatric Treatment Center Located in Augusta	RESOLVE 79
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2158 proposed to establish the name for the new psychiatric center located in Augusta as Riverview Psychiatric Center.

Joint Standing Committee on Health and Human Services

Enacted law summary

Resolve 2001, chapter 79 establishes the name for the new psychiatric center located in Augusta as Riverview Psychiatric Center.

LD 2164

An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism

PUBLIC 694

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM A	H-1062
BENNETT	OTP-AM B	
	ONTP C	

LD 2164 included the following proposals regarding the laws governing emergency health powers.

1. It proposed to relieve the Department of Human Services from the requirement to adopt emergency rules in the event of a public health emergency and instead allow the department to implement rules previously adopted designated to become effective upon the declaration of a state of public health emergency.
2. It proposed to allow the Department of Human Services to exercise its public health emergency powers upon a declaration of a state of public health emergency by the Governor.
3. It proposed to allow the Department of Human Services to have access to certain health information or take a person into temporary custody and order specific emergency care, vaccination, treatment or evaluation in the event of a public health emergency if the department has reasonable cause to believe the person has either been exposed to or is at risk of transmitting a communicable disease that poses a serious and imminent threat to human or animal life; there is no less restrictive alternative available to safeguard the public health and safety; and the delay involved in securing a court order would pose an imminent risk to the person or pose a serious risk of transmission of the communicable disease. A person could not be detained more than 72 hours without judicial review.
4. It proposed to eliminate the requirement that the Department of Human Services file with the court treatment plans and report subsequent to the issuance of a court order for involuntary medical treatment, subject to the requirement that any such order must be subject to judicial review within 30 days.
5. It proposed to allow the Department of Human Services to dispose of the remains of victims of a communicable disease during a public health emergency if there are no less restrictive alternatives to protecting public health or safety from the threat of communicable disease.
6. It proposed to require that if the Governor or another person who declares by proclamation a state of public health emergency, the Governor or that person shall, to the extent feasible, also disseminate that proclamation to persons with disabilities.

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7. It proposed to require the Governor to convene the Public Health Emergency Planning Commission to review the provisions of state law relevant to public health emergency preparedness, consider measures to safeguard individual dignity and medical record confidentiality and examine strategies to protect the public from the threat of communicable diseases and acts of bioterrorism and report back to the Joint Standing Committee on Health and Human Services and the Legislative Council.
8. It proposed to require the Joint Standing Committee on Appropriations and Financial Affairs to develop a mechanism for the financing of a response to a declaration of a state of public health emergency by the Governor, the Governor's designee or a person acting in place of the Governor.

Committee Amendment "A" (H-1062), the majority report of the Health and Human Services and Judiciary committees, proposed to replace the bill while incorporating the bill's central pieces of a system for the Department of Human Services to address extreme public health emergencies, including a medical-legal advisory panel. It proposed to repeal the entire Act on October 31, 2003.

Enacted law summary

Public Law 2001, chapter 694 includes the following changes to the laws governing emergency health powers.

1. It relieves the Department of Human Services from the requirement to adopt emergency rules in the event of a public health emergency and instead allows the department to implement rules previously adopted designed to become effective upon the declaration of a state of public health emergency.
2. It allows the Department of Human Services to exercise its public health emergency powers upon a declaration of a state of public health emergency by the Governor.
3. It allows the Department of Human Services to have access to certain health information or take a person into temporary custody and order specific emergency care, vaccination, treatment or evaluation in the event of a public health emergency if the department has reasonable cause to believe the person has either been exposed to or is at risk of transmitting a communicable disease that poses a serious and imminent threat to human or animal life; there is no less restrictive alternative available to safeguard the public health and safety; and the delay involved in securing a court order would pose an imminent risk to the person or pose a serious risk of transmission of the communicable disease. A person may not be detained more than 48 hours without judicial review.

LD 2170

**An Act to Ensure Maine Citizens in Recovery from Drug Addiction
Equal Access to Public Assistance**

PUBLIC 598

Sponsor(s)
PEAVEY
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-1003

LD 2170 proposed to provide that a person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977 or to receive Temporary Assistance for Needy Families may not be denied assistance because the person has been convicted of a drug-related felony. Federal law denies assistance to such a person unless a state legislature enacts legislation exempting its citizens from this prohibition.

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Enacted law summary

Public Law 2001, chapter 598 provides that a person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977 or to receive Temporary Assistance for Needy Families may not be denied assistance because the person has been convicted of a drug-related felony. Federal law denies assistance to such a person unless a state legislature enacts legislation exempting its citizens from this prohibition.

LD 2195 **An Act to Implement the Recommendations of the Commission to Study Assisted Living** **PUBLIC 596**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2195 proposed to repeal the Maine Revised Statutes, Title 22, chapter 1665 on assisted living programs and reenact it as chapter 1664. It proposed to change the name of the chapter to Assisted Housing Programs, dividing the programs into independent housing with services, assisted living and residential care facilities. It proposed to update the definitions of "activities of daily living" and "instrumental activities of daily living." It proposed to change the law on fire safety for residential care and assisted living. It proposed to update the chapter to reflect the 3 categories of assisted housing programs. This bill proposed to provide for an effective date of October 1, 2002 and for the continuation of rules applicable to assisted living programs and services until new rules are adopted by the Department of Human Services.

Enacted law summary

Public Law 2001, chapter 596 repeals the Maine Revised Statutes, Title 22, chapter 1665 on assisted living programs and reenacts it as chapter 1664. It changes the name of the chapter to Assisted Housing Programs, dividing the programs into independent housing with services, assisted living and residential care facilities. It updates the definitions of "activities of daily living" and "instrumental activities of daily living." It changes the law on fire safety for residential care and assisted living. It updates the chapter to reflect the 3 categories of assisted housing programs. It provides an effective date of October 1, 2002 and provides for the continuation of rules applicable to assisted living programs and services until new rules are adopted by the Department of Human Services.

HP 1671 **JOINT ORDER, Relative to the Task Force to Study the Creation of a Registry of Personal Care Attendants** **DIED BETWEEN BODIES**

Sponsor(s)
DUDLEY

Committee Report
OTP-AM

Amendments Adopted

HP 1671 proposed to establish a Task Force to Study the Creation of a Registry of Personal Care Attendants. The task force would have consisted of 9 persons and would have assessed the need for a registry of personal care attendants who work with persons with mental retardation.

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Joint Standing Committee on Health and Human Services

HP 1671256

Joint Standing Committee on Inland Fisheries and Wildlife

permit in that state. The out-of-state big game permit would be awarded to a resident of this State through a free lottery system.

LD 735 **An Act to Allow October Fishing** **ONTP**

<u>Sponsor(s)</u> DUNLAP GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 735 proposed to allow October fishing in certain counties.

LD 761 **An Act Pertaining to Bear Hunting Permits** **ONTP**

<u>Sponsor(s)</u> DUNLAP KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 761 proposed to establish a new bear hunting permit that would be required for all bear hunters beginning in 2002. This bill would:

1. Make the black bear hunting permit equivalent to that of other big game species;
2. Eliminate a system that had allowed many hunters to take a bear without a permit; and
3. Establish a mechanism that could be used in the future to better distribute bear hunting pressure.

LD 1861 **An Act to Restrict the Use of Motors Greater than 10 Horsepower on Certain Ponds in Chain of Ponds Township in Franklin County** **ONTP**

<u>Sponsor(s)</u> GOOLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1861 proposed to prohibit the operation of a watercraft equipped with a motor greater than 10 horsepower on Natanis Pond, Long Pond, Bag Pond or Lower Pond in Chain of Ponds Township.

LD 1895 **An Act to Clarify the Lines of Effort in a Search and Rescue Operation** **ONTP**

<u>Sponsor(s)</u> CATHCART DUNLAP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Inland Fisheries and Wildlife

LD 1895, a concept draft pursuant to Joint Rule 208, proposed to authorize local fire and police departments, local medivac and dive teams and other similar organizations to become involved in search and rescue efforts as first responders.

LD 1923

An Act to Amend Maine's Wild Turkey Hunting Season

**PUBLIC 655
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	H-1076 DUNLAP S-430

LD 1923 proposed to repeal language in the statute that restricts the Commissioner of Inland Fisheries and Wildlife from establishing a fall wild turkey hunting season. This bill also proposed to add wild turkeys to the statutes dealing with substantial damage by wild animals.

Committee Amendment "A" (S-430), which was adopted as amended by House Amendment "A," proposed to remove the prohibition on using electronic calling devices while hunting wild turkey.

The amendment proposed to delay the effective date for the imposition of wild turkey hunting permit fees to July 1, 2002. It also proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1076), which was adopted, proposed to remove the prohibition on using electronic turkey calls and make the repeal of the Maine Revised Statutes, Title 12, section 7469, subsection 11 effective June 5, 2002.

Enacted law summary

Public Law 2001, chapter 655 authorizes the Commissioner of Inland Fisheries and Wildlife to from establish a fall wild turkey hunting season and removes the prohibition on using electronic turkey calls. It also adds wild turkeys to the statutes dealing with nuisance wild animals.

Public Law 2001, chapter 655 was enacted as an emergency measure effective April 10, 2002.

LD 1929

An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife

PUBLIC 690

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM A	H-1021
CARPENTER	ONTP B	H-1061 DUNLAP
	OTP-AM C	S-600 GOLDTHWAIT

LD 1929 proposed to increase various hunting and fishing license and permit fees. This bill also proposed to establish a program that requires the cost of providing general fish-related and wildlife-related benefits are equitably shared between the General Fund and license fees.

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Committee Amendment "A" (H-1021), which was adopted as amended by House and Senate Amendments "A", proposed to replace the bill and do the following:

1. Establish the Fiscal Stability Program to require the executive branch, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, to submit a biennial budget that includes a General Fund appropriation of 18% of the Department of Inland Fisheries and Wildlife's requested biennial budget;
2. Establish the Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment support program to encourage voluntary support for non-game programs and services provided by the department. The fee for participating in this program would be \$19;
3. Authorize the department to charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law;
4. Remove the fee schedule for boys and girls camp fishing licenses that is based on the number of campers and replaces it with a fee of \$75 for all camps;
5. Increase the permit fee for migratory waterfowl to \$5.50 and a bear hunting permit to \$25 for residents and \$65 for nonresidents;
6. Set bass tournament fees for weigh-in tournaments at \$50 per day and for catch-and-release at \$10 per day and establishes a 3-year guide license for \$79;
7. Modify the application process for an antlerless deer permit, increase the fee for the permit from \$1 to \$10 and remove the prohibition against junior hunters transferring an antlerless deer or turkey permit to a qualified person;
8. Remove the requirement that a person must show proof of a valid hunting license or big game license before being issued a moose or turkey permit;
9. Create a 10-chance application for a moose permit for nonresidents for \$50;
10. Set the registration fee for all-terrain vehicles at \$17 for residents and \$35 for nonresidents and require that after administrative costs, 50% of the revenues raised be deposited in the ATV Recreational Management Fund and that the department use a portion of the funds for an ATV law enforcement grant-in-aid program; and
11. Add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-1061), which was adopted, proposed to repeal the expanded archery season and make these changes effective January 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-600), which was adopted, proposed to appropriate \$30,000 to the Department of Conservation, Boating Facility Program for repairs to the Verona boat launch.

Enacted law summary

Public Law 2001, chapter 690 does the following:

Joint Standing Committee on Inland Fisheries and Wildlife

1. Establishes the Fiscal Stability Program to require the executive branch, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, to submit a biennial budget that includes a General Fund appropriation of 18% of the Department of Inland Fisheries and Wildlife's requested biennial budget;
2. Establishes the Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment support program to encourage voluntary support for non-game programs and services provided by the department;
3. Authorizes the department to charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law;
4. Removes the fee schedule for boys and girls camp fishing licenses that is based on the number of campers and replaces it with a fee of \$75 for all camps;
5. Increases the permit fee for migratory waterfowl to \$5.50 and a bear hunting permit to \$25 for residents and \$65 for nonresidents;
6. Sets bass tournament fees for weigh-in tournaments at \$50 per day and for catch-and-release at \$10 per day and establishes a 3-year guide license for \$79;
7. Increases the fee for an antlerless deer permit from \$1 to \$10 and removes the prohibition against junior hunters transferring an antlerless deer or turkey permit to a qualified person;
8. Removes the requirement that a person must show proof of a valid hunting license or big game license before being issued a moose or turkey permit;
9. Creates a 10-chance application for a moose permit for nonresidents for \$50;
10. Sets the registration fee for all-terrain vehicles at \$17 for residents and \$35 for nonresidents and requires that after administrative costs, 50% of the revenues raised be deposited in the ATV Recreational Management Fund and that the department use a portion of the funds for an ATV law enforcement grant-in-aid program;
11. Repeals the expanded archery season and corresponding cross-references effective January 1, 2003; and
12. Appropriates \$30,000 to the Department of Conservation, Boating Facility Program for repairs to the Verona boat launch.

LD 1939

**An Act to Allow Landowner Permits to be Issued for Turkey
Hunting**

**PUBLIC 530
EMERGENCY**

<u>Sponsor(s)</u> CHICK EDMONDS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1939 proposed to allow the Commissioner of Inland Fisheries and Wildlife to issue turkey hunting permits to landowners who keep their land open to the public for hunting.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted law summary

Public Law 2001, chapter 530 allows the Commissioner of Inland Fisheries and Wildlife to issue turkey hunting permits to landowners who keep their land open to the public for hunting.

Public Law 2001, chapter 530 was enacted as an emergency measure effective March 14, 2002.

LD 1968

An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat

**PUBLIC 536
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH	OTP-AM MAJ	H-844
MICHAUD MH	OTP-AM MIN	

LD 1968 proposed to require the owner of a submerged snowmobile or motor boat to remove it from the water.

Committee Amendment "A" (H-844), which was adopted, required the owner of a snowmobile or motorboat submerged in the inland waters of the State for longer than 24 hours to notify the Commissioner of Inland Fisheries and Wildlife. The proposed amendment also required the owner of that submerged snowmobile or motorboat to pay damages resulting from the submersion. The amendment also proposed to prohibit the operation of a snowmobile on the open water areas of public inland waters and require that the owner or operator remove a snowmobile submerged in violation of this section within 24 hours.

The amendment also proposed to add an emergency clause and a fiscal note to the bill.

Committee Amendment "B" (H-845), which was not adopted, proposed to require the owner of a snowmobile or motorboat submerged in the inland waters of the State for longer than 24 hours to notify the Commissioner of Inland Fisheries and Wildlife and to require the owner of that submerged snowmobile or motorboat to pay damages resulting from the submersion.

The amendment also proposed to add an emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 536 requires the owner of a snowmobile or motorboat submerged in the inland waters of the State for longer than 24 hours to notify the Commissioner of Inland Fisheries and Wildlife. It also prohibits the operation of a snowmobile on open water areas of public inland waters and requires that the owner or operator of a snowmobile submerged in violation of this section remove the snowmobile within 24 hours and pay any damages resulting from the submersion.

Public Law 2001, chapter 536 was enacted as an emergency measure effective March 18, 2002.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 2040 **An Act to Change the Registration Requirement for Certain Motorboats Used in Maine Waters** **ONTP**

<u>Sponsor(s)</u> BRUNO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2040 proposed to require that motorboats registered in another state or country that were used on Maine waters in excess of 14 consecutive days would be registered in the State.

LD 2078 **An Act to Ban the Use of Aircraft While Hunting** **PUBLIC 610**

<u>Sponsor(s)</u> CARPENTER DUNLAP		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-483
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LD 2078 proposed to prohibit the use of aircraft to hunt big game and to prohibit a person from hunting big game on the same hunting day that the person has flown on a chartered or privately owned aircraft.

Committee Amendment "A" (S-455), which was not enacted, proposed to remove the prohibition on a person hunting a big game animal on the same day that person was airborne on a chartered or privately owned aircraft. It also adds a fiscal note to the bill.

Committee Amendment "B" (S-483), which was adopted, proposed to remove the prohibition on a person hunting a big game animal on the same day that person was airborne on a chartered or privately owned aircraft. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 610 prohibits the use of aircraft to hunt big game.

LD 2081 **An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft** **PUBLIC 693**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1054
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LD 2081 proposed to implement the unanimous and the majority recommendations of the Commission to Study Equity in the Distribution of Gasoline Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft and is reported pursuant to Resolve 2001, chapter 68. This bill proposed to immediately increase annual gasoline tax allocations to those agencies that support those outdoor recreational activities by 50% of the current amount in fiscal years 2002-03, 2003-04 and 2004-05, while ensuring full equity over the longer term by establishing a process that will result in the allocation of 100% of the excise taxes for gasoline paid by those users back to the programs that support those activities beginning in fiscal year 2005-06.

Joint Standing Committee on Inland Fisheries and Wildlife

The bill proposed to the Department of Transportation, the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources jointly conduct surveys every 3 years to determine the amount of gasoline consumed by each of the user groups. After reviewing those results, the State Controller would certify to the State Tax Assessor the specific percentage of total gasoline excise tax revenues that is to be allocated to the agencies administering those programs.

The bill also proposed to require the Commissioner of Inland Fisheries and Wildlife to maintain snowmobile, watercraft and all-terrain vehicle registration data, including the telephone number of the registrant, in an electronic database format that can be used for future surveys designed to estimate gasoline consumption by those vehicles and require the commissioner, beginning in January 2003, to obtain the name, address and phone number of nonresident boaters who operate motorboats on inland waters and who purchase a lake and river protection sticker.

The bill also proposed to require the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to update, every 5 years, their "Public Access to Maine Waters Strategic Plan" and their snowmobile and ATV needs assessment. Reports on the Public Access to Maine Waters Strategic Plan must be submitted jointly 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 resource matters and reports on snowmobile and all-terrain vehicle needs assessments must be submitted jointly 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 public recreation matters beginning in January 2005, and every 5 years thereafter.

Committee Amendment "A" (H-1054), which was adopted, proposed to remove the survey requirements and readjust the percentages of gasoline tax revenue attributable to motorboats, snowmobiles and ATVs to provide a \$750,000 increase over current funding levels for years starting on July 1, 2003 to June 30, 2005. After June 30, 2005, the percentages established by this amendment would be applied to the current total gasoline tax revenue to determine the amount attributable to motorboats, snowmobiles and ATVs. This amendment also proposed to remove the requirement that 50% of the ATV gasoline tax revenue increase be used for enforcement purposes and make this bill effective July 1, 2003.

It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 693 sets the percentages of gasoline tax revenue attributable to motorboats, snowmobiles and ATVs to provide a \$750,000 increase over current funding levels for years starting on July 1, 2003 to June 30, 2005. After June 30, 2005, the percentages established by this law will be applied to the current total gasoline tax revenue to determine the amount attributable to motorboats, snowmobiles and ATVs. Public Law 2001, chapter 693 also requires the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to update, every 5 years, their "Public Access to Maine Waters Strategic Plan" and their snowmobile and ATV needs assessment.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 2104

**Resolve, to Further Protect Endangered and Threatened Species
Through Better Communication**

RESOLVE 104

<u>Sponsor(s)</u> BROOKS NUTTING J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1018
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LD 2104 proposed to require landowners to include on any commercial harvesting activity maps provided to the Department of Conservation the location of any site in the harvesting area known to the landowner or the Department of Inland Fisheries and Wildlife to currently or historically serve as the nesting site for a species listed in the Maine Revised Statutes as endangered or threatened.

Committee Amendment "A" (H-1018), which was adopted, proposed to replace the bill with a resolve and require the Department of Conservation and the Department of Inland Fisheries and Wildlife to evaluate the current systems of communication between the departments private landowners and foresters regarding the location of endangered and threatened species on private property. The departments would be required to report their findings and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife by January 2, 2003. It also proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 104 requires the Department of Conservation and the Department of Inland Fisheries and Wildlife to evaluate the current systems of communication between the departments, private landowners and foresters regarding the location of endangered and threatened species on private property. It directs the departments to report their findings and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife by January 2, 2003

LD 2180

An Act to Provide Funding for Conservation Education

ONTP

<u>Sponsor(s)</u> MARTIN COLWELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2180 proposed to provide funds to the Department of Inland Fisheries and Wildlife for youth conservation education programs by auctioning off 10 moose permits annually and ensuring that at least 1/2 of the proceeds from the auctions is returned to the department. The auctions would be conducted by a tax-exempt national organization that will use the remaining 1/2 of the proceeds to support a wide range of firearm-related, public-interest activities, including promoting firearms and hunting safety, enhancing the marksmanship skill of those participating in the shooting sports and educating the general public about firearms in their historic, technologic and artistic context.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 2196

**An Act to Permit Small Game Hunting on Private Property on
Sunday in Unorganized Territory**

ONTP

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

LD 2196 proposed to allow the Department of Inland Fisheries and Wildlife to authorize a private landowner owning a continuous piece of property that was greater than 500 acres and located entirely within unorganized territory to open that property to hunters licensed to hunt on Sunday. The Commissioner of Inland Fisheries and Wildlife would be able to issue Sunday hunting permits to hunt rabbit and grouse during the regular open season on authorized private property. The commissioner would not be able to authorize private property for Sunday hunting if that property adjoins certain public property. The bill proposed that the fee for a Sunday hunting permit would be \$15.

Committee Amendment "A" (H-1038), the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife, proposed to prohibit the Commissioner of Inland Fisheries and Wildlife from authorizing property for Sunday hunting if the property owner did not keep that property open to hunting by the public. The amendment also proposed to set an effective date of January 1, 2003 and a repeal date of January 1, 2005. The amendment also proposed to add a fiscal note to the bill.

LD 2204

**An Act to Implement Municipal Recommendations Regarding
Surface Water Use on Great Ponds**

PUBLIC 638

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

LD 2204 proposed to prohibit the use of personal watercraft on Middle Branch Pond in the Town of Waterboro and on Crystal Lake in the Town of Washington. It also proposed to prohibit the use of personal watercraft on Highland Lake or Woods Pond in the Town of Bridgton if the personal watercraft is rented and does not display a decal identifying the rental agency that owns the personal watercraft. Additionally, this bill proposed to prohibit the operation of motorboats having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro or on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton.

Enacted law summary

Public Law 2001, chapter 638 prohibits the use of personal watercraft on Middle Branch Pond in the Town of Waterboro and on Crystal Lake in the Town of Washington. It also prohibits the use of personal watercraft on Highland Lake or Woods Pond in the Town of Bridgton if the personal watercraft is rented and does not display a decal identifying the rental agency that owns the personal watercraft. Additionally, Public Law 2001, chapter 638 prohibits the operation of motorboats having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro or on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton.

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Joint Standing Committee on Judiciary

LD 202

An Act to Improve Maine's Jail Diversion Programs

PUBLIC 520

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-829
DAGGETT	ONTP MIN	

LD 202 proposed to authorize the Judicial Department to establish mental health treatment programs in the Superior Courts and District Courts.

Committee Amendment "A" (H-829), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill to provide enabling legislation for the Judicial Department to apply for and receive funding from sources other than the State to establish mental health treatment courts. The amendment proposed that if the Judicial Department receives funding, before implementation of mental health treatment courts the Judicial Department must report to the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the funding and the plans for the mental health treatment court.

Enacted law summary

Public Law 2001, chapter 520 provides enabling legislation for the Judicial Department to apply for and receive funding from sources other than the State to establish mental health treatment courts. If the Judicial Department receives funding, before implementation of mental health treatment courts the Judicial Department must report to the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the funding and the plans for the mental health treatment court.

LD 361

An Act to Adopt the Model Business Corporation Act in Maine

PUBLIC 640

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON EDMONDS	OTP-AM	H-1037

LD 361 was a concept draft that proposed to amend the State's business corporation act following a study by the Corporate Law Revision Committee of the Business Law Section of the Maine State Bar Association. That committee proposed to use the most recent version of the Model Business Corporation Act, promulgated by the Committee on Corporate Laws of the Business Law Section of the American Bar Association, and to conform it to existing Maine practices and procedures where applicable.

Committee Amendment "A" (H-1037) proposed to replace the bill.

It proposed to repeal the Maine Revised Statutes, Title 13-A and replace it with a new Title 13-C, entitled the "Maine Business Corporation Act." The language of Title 13-C was developed by the Corporate Law Revision Committee of the Business Law Section of the Maine State Bar Association, in association with the Office of the Secretary of State.

Among the significant provisions of the proposed legislation are the following. The proposed Maine Business Corporation Act proposed to:

Joint Standing Committee on Judiciary

1. Simplify the requirements for filing documents with the Secretary of State; establish rules for electronic filing; and simplify the Secretary of State's process for reviewing proposed corporate names;
2. Spell out limits on a corporation's ability to limit or eliminate the personal liability of a director;
3. Increase flexibility for corporations to manage financial matters by eliminating requirements relating to "legal capital," "common" or "preferred" shares, "par value" and "treasury shares";
4. Establish an "opt-in" provision for preemptive rights;
5. Provide greater flexibility for privately held corporations to use shareholder agreements;
6. Remove the current requirement for a minimum number of directors;
7. Provide greater specificity and clarity regarding the standards of conduct required of directors and officers, focusing on the manner in which duties are performed;
8. Provide greater specificity and clarity regarding indemnification of directors and officers;
9. Enact specific provisions regarding domestication and conversion of business entities;
10. Grant general authority to corporations to amend their articles of incorporation, rather than listing specific permissible amendments; require all amendments to be approved by the board of directors before being submitted to the shareholders; and authorize the board of directors to make nonsubstantive amendments without a shareholder vote; and
11. Set standards regarding the quantity of shareholder approval required for certain transactions and the ability of the corporation to elect a different standard.

Among the differences between the Model Business Corporation Act and this Act are the following. The proposed Maine Business Corporation Act proposed to:

1. Continue the office of clerk and allow corporate records to be kept at the office of the clerk;
2. Preserve the streamlined process for forming "directorless" corporations, managed directly by shareholders;
3. Carry forward the concept of "close corporations" and several provisions specific to such corporations;
4. Continue to allow directors to consider the interests of certain "other constituencies," including employees and the community, in carrying out their duties and preserve the presumption that a 2/3 vote is necessary to remove a director in mid-term;
5. Continue the Maine law stating that a director vote is not required for certain corporate actions if the shareholders by unanimous consent approve the matter;

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6. Preserve the application of existing Maine law, Title 13-A, sections 611-A and 910 to the acquisition of a significant interest in publicly held Maine corporations; and
7. Continue Maine practices and rules regarding the filing and content of annual reports.

The amendment also proposed to repeal the current Professional Service Corporation Act and replace it with a revised Professional Services Corporation Act, based on language developed by the American Bar Association as a supplement to the Model Business Corporation Act. The revised Act proposed to clarify which professions are subject to the Act and which professions may elect to be subject to the Act. It also proposed to allow the formation of corporations by members of more than one profession, if the licensing authorities of those professions allow such practices. The Act proposed to retain the same provisions regarding shareholder liability as in current law and allow a minority of director positions to be held by nonprofessionals. The Act also proposed rules for foreign professional corporations that perform professional services in the State and proposed to allow mergers with domestic or foreign professional service corporations and business entities under certain circumstances.

Enacted law summary

Public Law 2001, chapter 640 repeals Title 13-A, the current Maine Business Corporation Act enacted in 1971, and replaces it with a new Title 13-C, also entitled the "Maine Business Corporation Act." It also repeals the current Professional Service Corporation Act and replaces it with a revised Professional Service Corporation Act.

The new business corporation act, Title 13-C, was developed by a revision committee of the Maine State Bar Association in association with the Office of the Secretary of State. The new act consists primarily of the 1984 Model Business Corporation Act developed by the American Bar Association, updated and modified by the revision committee as necessary to preserve important unique aspects of Maine law. Changes to corporate law are too numerous to summarize; please refer to OPLA Bill Summaries or a copy of the public law itself for additional information.

The revised Professional Service Corporation Act was also developed by the revision committee and is based on language developed by the American Bar Association as a supplement to the Model Business Corporation Act. The revised Act clarifies which professions are subject to the Act, allows multi-profession corporations if the licensing authorities of those professions allow such practices and allows a minority of director positions to be held by nonprofessionals. The Act also provides rules for foreign professional corporations and allows mergers with domestic or foreign professional service corporations and business entities under certain circumstances.

LD 1573

An Act to Enact the Uniform Principal and Income Act of 1997

PUBLIC 544

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT RAND	OTP-AM	H-851

LD 1573 proposed to enact the Uniform Principal and Income Act of 1997, adopted by the National Conference of Commissioners on Uniform State Laws in 1997. It proposed to provide rules for handling trust principal, income, receipts and disbursements.

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Committee Amendment "A" (H-851), in addition to other changes, proposed to set out specific rules for allocating income from harvesting timber.

This amendment proposed to include Maine Comments to explain deviations from NUPIA.

Enacted law summary

Public Law 2001, chapter 544 enacts the Uniform Principal and Income Act of 1997, adopted by the National Conference of Commissioners on Uniform State Laws in 1997. It provides rules for handling trust principal, income, receipts and disbursements. The Act takes effect January 1, 2003, and it applies to trusts and decedent's estates starting with the first fiscal year of the trust or decedent's estate that begins on or after January 1, 2003, unless the terms of the trust or will expressly provide otherwise.

LD 1624

An Act Concerning the Payment of Child Support

ONTP

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

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.

In addition, the bill proposed to require 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 3 reaches the New England average.

Committee Amendment "A" (H-830), the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to require the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report would be the State and any employer who contracts with the State to provide services worth more than \$1,000. (Not adopted)

LD 1670

An Act Regarding Child Abandonment

PUBLIC 543

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM	S-447
O'BRIEN L		

LD 1670 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 provider or hospital staff member. This bill also proposed to ensure anonymity for the person delivering the child and to terminate the parental rights and responsibilities of the parent delivering the child.

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Committee Amendment "A" (S-447) proposed to replace the bill to provide procedures for the safe abandonment of an infant without criminal liability for abandonment.

Enacted law summary

Public Law 2001, chapter 543 provides simple procedures for a person who wants to abandon a baby in a safe manner. It provides an affirmative defense to the prosecution for the crime of abandonment of a child. The affirmative defense is available for a person who delivers a child less than 31 days old to: a law enforcement officer; staff at a medical emergency room, not limited to a hospital emergency room; a medical services provider; or a hospital staff member. The safe haven provider may request information that would be helpful to the child's welfare, but may not detain anyone who is delivering the child in order to collect the information. Any information that is supplied must be provided to the Department of Human Services. The Department of Human Services is directed to establish guidelines to assist a safe haven provider concerning procedures to follow when a child is delivered to the safe haven provider. The person or entity who accepts a child under this Act or provides temporary custody of a child accepted under this Act is immune from civil, criminal and administrative liability for acting under this section if the person or entity acts in good faith, believing the action is required or authorized.

LD 1734

An Act to Promote Safe Schools

ONTP

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

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.

LD 1770

An Act Regarding Public Charities, Nonprofit Corporations and Conversions of Nonprofit Entities to For-profit Entities

PUBLIC 550

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL RAND	OTP-AM MAJ ONTP MIN	H-869

LD 1770 proposed to amend several laws relating to nonprofit corporations and public charities. It proposed to give the Attorney General civil investigatory powers to enforce proper application of charitable funds. It proposed to require the Attorney General to review all conversion transactions involving public charities, and to require court approval for all such transactions, unless the Attorney General decides to waive court approval. The bill proposed to require the Attorney General to hold a public hearing on the transaction if 150 people sign a petition requesting such a hearing. The bill also proposed criteria for the court to consider in determining whether to approve the transaction. Finally, the bill proposed to amend the Maine Nonprofit Corporation Act to divide all such corporations into one of 2 categories: public benefit corporations and mutual benefit corporations. The bill also proposed to restrict the membership of financially interested persons on the board of public benefit corporations, to require that such corporations notify the Attorney General of significant changes in the

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corporation and to provide additional authority for the Attorney General to oversee the activities of such corporations.

Committee Amendment "A" (H-869) proposed to replace the bill.

It proposed to change the provisions relating to the Attorney General's authority over public charities by specifying the instances in which the Attorney General may use civil investigation powers under that law, requiring court approval for such investigations and clarifying the relationship between that law and the conversion law and requiring notice to the Superintendent of Insurance when entities regulated by the superintendent are under investigation.

The amendment proposed to change key definitions in the conversion sections of the bill, including the definition of "nonprofit conversion transaction" and "fair market value." It proposed to provide different processes for reviews of nonprofit conversion transactions, depending on the value of assets involved. Only transactions involving assets worth \$500,000 or more would require court approval. The Attorney General would approve transactions involving assets worth \$50,000 to \$499,999, using the same standards as for court approval. Transactions with a value of less than \$50,000 would not need approval, although notice to the Attorney General of those smaller transactions would be required. The amendment proposed to change the standards for approval of a conversion transaction, provide specific language regarding valuations and distributions of proceeds and change the penalty provisions. The amendment also proposed to add a provision relating to intervention in court proceedings for approval of conversion transactions. The intervention section proposed to allow any person interested in the outcome of the proceeding to intervene in the action.

With regard to the Maine Revised Statutes, Title 13-B, the amendment proposed to change the standard by which conflict-of-interest transactions are judged by removing the business judgment rule for most transactions. With one exception, such a transaction would be protected only if it is objectively fair to the corporation. The amendment proposed to clarify who is considered a "financially interested person" in the section of law prohibiting public benefit corporation boards of directors from having more than 49% of the membership consist of financially interested persons. The amendment proposed to add a section of law describing and prohibiting misapplication of funds or assets of a public benefit corporation. The amendment also proposed to clarify the relationship between the new conversion law and Title 13-B, clarify the Attorney General's authority to bring an action to void conflict of interest transactions involving public benefit corporations and change the law regarding inspection of books and records of the corporation.

The amendment also proposed to change the existing law regarding conversions of nonprofit hospital and medical services organizations to ensure that conversions of all such nonprofit entities are covered by that law and not the new conversion law. It also proposed to require the Superintendent of Insurance to review the existing conversion law and report back to the Legislature in 2003 on whether changes are needed to update the nonprofit hospital and medical services conversion law for any future conversions. The superintendent would be specifically directed to submit legislation to clarify that 100% of the net proceeds of a charitable organization subject to the nonprofit hospital and medical services conversion law are public assets and to make any other necessary changes.

Enacted law summary

Public Law 2001, chapter 550 amends the law relating to the Attorney General's power to oversee charitable entities, enacts new law relating to conversion of charitable assets to for-profit purposes, and amends the general law governing all non-profit corporations.

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Attorney General Authority over Public Charities. Part A of Chapter 550 provides civil investigative authority to enable the Attorney General to ensure that public charities make proper use of their charitable assets, and defines public charities to include non-profit corporations formed for charitable purposes as well as charitable trusts. The civil investigative authority provided in the new law may be used only for specified purposes, and must be approved in advance by a Justice of the Superior Court.

Conversion of Charitable Assets to For-Profit Uses. Chapter 550 provides 3 different processes for overseeing conversion of non-profit assets to for-profit use, depending on the fair market value of the assets to be converted. For small transactions (those with a value of less than \$50,000), a converting entity is only required to notify the Attorney General at least 20 days before the transaction is to occur. Larger transactions (those between \$50,000 and \$499,999) must be approved by the Attorney General, and the largest transactions (those valued at \$500,000 or more) must be approved by the Superior Court. The law defines the type of transactions that are subject to the new law and clarifies that many ordinary transactions are not included in the definition of “conversion transaction.”

The law provides for public participation in conversion reviews by requiring public notice, providing for public access to records, inviting public comment to the Attorney General when the Attorney General has approval authority and providing a liberal standard for intervention in court approval processes. The law sets standards for approval of conversions, including a requirement that the proceeds from such a conversion must be distributed to a charitable foundation or corporation that meets certain standards.

Chapter 550 also changes existing law regarding conversions of nonprofit hospital and medical services organizations to ensure that conversions of all such nonprofit entities are covered by that law and not the new conversion law. It also requires the Superintendent of Insurance to review the existing conversion law and report back to the Legislature in 2003 on whether changes are needed to update the nonprofit hospital and medical services conversion law for any future conversions.

Changes to the general non-profit corporations law. Part C of chapter 550 amends Title 13-B of the Maine Revised Statutes, the general nonprofit corporation law. It divides non-profit corporations into 2 categories: public benefit corporations and mutual benefit corporations. The definition of “public benefit corporation” includes a corporation recognized by the IRS as a 501(c)(3) organization, certain other corporations organized for public or charitable purposes, those designated as public benefit corporations by statute and those that elect to be a public benefit corporation. Non-profits that do not fall into the definition of “public benefit corporation” are mutual benefit corporations.

Chapter 550 applies several additional laws to public benefit corporations, including provisions that: (1) allow the Attorney General to ask a court to remove a director, void a conflict of interest transaction or dissolve the corporation under certain circumstances; (2) prohibit more than 49% of the directors of the corporation from being persons who are “financially interested” in the corporation; (3) require notice to the Attorney General of certain major corporate changes; and (4) prohibit and penalize misapplications of funds or assets of the public benefit corporation.

The law also changes the standard by which conflict-of-interest transactions in any non-profit corporation are judged by removing the business judgment rule for most transactions. With one exception, such a transaction is protected only if it is objectively fair to the corporation.

Joint Standing Committee on Judiciary

LD 1840

An Act to Amend the Uniform Commercial Code, Article 9-A

PUBLIC 632

<u>Sponsor(s)</u> LAVERDIERE RAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-857
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LD 1840 proposed to establish new, lower fees for communicating certain records under the Uniform Commercial Code by an authorized method other than writing, such as transmitting electronically.

Committee Amendment "A" (H-857) proposed to provide that there is no filing fee for filing with the Secretary of State certain termination statements for transactions for which the initial financing statements were filed between July 1, 1993 and July 1, 2001.

Enacted law summary

Public Law 2001, chapter 632 establishes new, lower fees for communicating certain records under the Uniform Commercial Code by an authorized method other than writing, such as transmitting the records electronically.

LD 1899

An Act Relating to the Dissemination of Intelligence and Investigative Information

PUBLIC 532

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-433
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LD 1899 proposed to allow the sharing of intelligence and investigative information between criminal justice agencies and the Department of Human Services in abuse, neglect and exploitation cases involving incapacitated or dependent adults.

Committee Amendment "A" (S-433) proposed to replace the bill to clarify the permitted dissemination of intelligence and investigative information under state law by specifically stating which agencies can share information.

Enacted law summary

Public Law 2001, chapter 532 allows for the sharing of intelligence and investigative information between criminal justice agencies and the Department of Human Services in abuse, neglect and exploitation cases involving incapacitated or dependent adults.

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LD 1904 **An Act to Require Tax-exempt Corporations to File Copies of Federal Internal Revenue Service Form 990 with the Secretary of State** **ONTP**

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

Most charitable corporations qualifying as tax-exempt under federal law must file IRS Form 990 as a means of ensuring public accountability. LD 1904 proposed to require such an organization to file a copy of that form with the Secretary of State as well.

LD 1928 **An Act to Authorize the Trial of Child Custody Cases Involving the Houlton Band of Maliseet Indians in the Penobscot Nation Tribal Court** **ONTP**

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

LD 1928 proposed to grant exclusive jurisdiction to the Penobscot Nation Tribal Court over Indian child custody proceedings that involve a member of the Houlton Band of Maliseet Indians until such time as the Houlton Band of Maliseet Indians has its own tribal court.

LD 1940 **An Act Regarding the Repatriation of Native American Remains** **PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM MAJ ONTP MIN	H-975

LD 1940 proposed to provide that all Indian human remains that come into the possession of any private person must be transferred to the intertribal repatriation organization that is appointed by the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs for reburial.

Committee Amendment "A" (H-975), the majority report, proposed to replace the bill. It proposed to establish procedures for anyone not subject to the Native American Graves Protection and Repatriation Act (NAGPRA) to follow when in possession of human remains that are identified as Indian human remains. It also proposed procedures for Medical Examiner cases that are also subject to NAGPRA.

Enacted law summary

Public Law 2001, chapter 601 provides a person who possesses human remains that are identified as Indian human remains must transfer the remains to the intertribal repatriation organization that is appointed by the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs. It

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provides that if the Indian human remains are subject to the Medical Examiner Act, the Chief Medical Examiner may retain the remains until they are no longer necessary for legal purposes. This requirement does not apply to human remains or persons and entities covered by the federal Native American Graves Protection and Repatriation Act, NAGPRA. Public Law 2001, chapter 601 also addresses human remains that are subject to NAGPRA that fall into the definition of Medical Examiner cases. The Chief Medical Examiner, the Maine Historic Preservation Commission and the Maine State Museum shall enter into a memorandum of understanding concerning the procedures the Chief Medical Examiner must follow when in possession of Indian human remains that are subject to NAGPRA. NAGPRA includes a limited period of study prior to repatriation; the memorandum of understanding will address that period for human remains that are subject to NAGPRA and are Medical Examiner cases.

LD 1950 **An Act to Change the Requirement for Court-ordered Mental Examination** ONTP

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

LD 1950 proposed to increase the flexibility available to the courts in requesting so-called stage 2 evaluations when a criminal defendant is being examined to determine the defendant's mental condition. Currently, such evaluations must be completed by a clinical psychologist and a psychiatrist. The change in the bill proposed to allow the stage 2 evaluation to be completed by a licensed psychologist or a psychiatrist and, for an additional evaluation by a licensed psychologist or psychiatrist, to be assigned if deemed necessary or desirable by the court or the director of the State Forensic Service.

LD 1969 **An Act Concerning Custody and Visitation for Sex Offenders** PUBLIC 665

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR MICHAUD MH	OTP-AM	H-1033

LD 1969 proposed to prohibit a court from awarding custody of a minor child to a person who is a convicted sex offender. The bill proposed to allow visitation with a minor child to a convicted sex offender only if there is another adult present to supervise the visitation.

Committee Amendment "A" (H-870), the majority report, proposed to slightly modify the title and replace the bill. It proposed to require the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court would retain discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration would be taken when establishing grandparents' visitation. (Not adopted)

Committee Amendment "B" (H-871), the minority report, proposed to expand the bill to prohibit the court from ordering custody of a child to a sexually violent predator as well as a sex offender. It proposed to expand the bill to impose restrictions on visitation and contact with grandparents who are sexually violent predators, and to clarify conditions that may be imposed when the court orders supervised visitation. (Not adopted)

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Committee Amendment "C" (H-1033) was the unanimous report when the bill was recommitted to committee. It proposed to replace the bill. It proposed to require the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court would retain discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration must be taken when establishing grandparents' visitation.

This amendment proposed to require that in order to award primary residence to a person who is convicted of a child-related sexual offense, the court must find that it is in the best interests of the child and that adequate provision can be made to ensure the child's safety.

The same finding would be required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense.

House Amendment "A" to Committee Amendment "A" (H-888) proposed to prohibit the court from awarding primary custody to a person who is convicted of a child-related sexual offense.

This amendment proposed to permit the court to award parent-child contact with a person convicted of a child-related sexual offense, but only if the contact is appropriately supervised. The same supervision is required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense. (Not adopted)

Enacted law summary

Public Law 2001, chapter 665 requires the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court retains discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration must be taken when establishing grandparents' visitation.

Chapter 665 also requires that in order to award primary residence to a person who is convicted of a child-related sexual offense, the court must find that it is in the best interests of the child and that adequate provision can be made to ensure the child's safety. The same finding is required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense.

LD 1980

An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais

**VETO
SUSTAINED**

Sponsor(s)
MORRISON
YOUNGBLOOD

Committee Report
OTP

Amendments Adopted

LD 1980 proposed to extend until the year 2020 the option for the Passamaquoddy Tribe to acquire land in the City of Calais. This bill was vetoed by the Governor, and the House of Representatives sustained the veto.

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LD 1986 **An Act to Allow the State to Attach and Hold in Escrow Funds From Legal Settlements and Awards for the Purpose of Paying Child Support Obligations** **ONTP**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1986 was a concept draft pursuant to Joint Rule 208. It proposed to allow the State to attach and hold in escrow funds from legal settlements or awards, to be used to pay the recipients' child support obligations.

LD 1994 **An Act Concerning Passamaquoddy Land in Grand Lake Stream Plantation** **ONTP**

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1994 proposed to add land in Grand Lake Stream Plantation to the Passamaquoddy Indian Reservation.

LD 2010 **An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents** **PUBLIC 546**

<u>Sponsor(s)</u> TESSIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-856
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LD 2010 proposed to amend the laws governing background checks on prospective adoptive parents to accept as meeting the requirement a background check completed in the prior two years by a licensed child-placing agency and to require that the background check occur prior to placement of the child with the family.

Committee Amendment "A" (H-856) proposed to eliminate the proposed requirement that a prospective adoptive parent complete a background check prior to placement of the adoptee with that person. It also proposed to allow the Probate Court to waive a subsequent background check in certain circumstances.

Enacted law summary

Public Law 2001, chapter 546 amends the laws concerning background checks of prospective adoptive parents. It allows the Probate Court to waive a subsequent background check, including the criminal history check based on fingerprinting, if a background check under this requirement on the same person was completed within a reasonable period of time and the Probate Court is satisfied that nothing new that would be included in the background check has transpired since the last check.

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LD 2019 **An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking** **PUBLIC 539**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL RAND	OTP-AM	H-855 H-866 DUPLESSIE

LD 2019 proposed to establish the Address Confidentiality Program to be administered by the Secretary of State.

Committee Amendment "A" (H-855) proposed to revise language in the proposed Address Confidentiality Program concerning filing applications containing false or incorrect information or falsely claiming the need for participation in the program.

House Amendment "A" (H-866) was presented on behalf of the Committee on Bills in the Second Reading. It proposed to correct designation of rules to conform with the terms used in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

Enacted law summary

Public Law 2001, chapter 539 establishes the Address Confidentiality Program to be administered by the Secretary of State. The program provides state and local agencies with the ability to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking or sexual assault. The program enables interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, stalking or sexual assault and enables state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

LD 2025 **An Act to Make Certain Changes to the State's Child Support Enforcement Laws** **PUBLIC 554
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS MILLS	OTP-AM	H-868

LD 2025 proposed to amend the child support laws concerning the establishment and enforcement of child support.

Committee Amendment "A" (H-868) proposed to limit the authorization for DHS employees who are not attorneys to represent the Department in Probate Court.

This amendment proposed to amend the paternity statute to address proceedings in which there is more than one alleged father of the same child.

This amendment proposed to clarify the responsibility of the Department of Human Services, in consultation with the Supreme Judicial Court and other interested parties, to adopt the child support table by rule.

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This amendment proposed to clarify that the definition of "extraordinary medical expenses" is based on recurring, uninsured medical expenses in excess of \$250 per child or group of children per calendar year.

This amendment proposed to add to the statute language concerning how to calculate a child support obligation for extremely low-income child support obligors.

This amendment also proposed to clarify that a person who files an action to establish or vacate a paternity order or support order, to enforce a support order, to amend a support order or to collect support arrearages must send a copy of the motion to the Department of Human Services when the motion is filed if public assistance is involved or if the department provides support enforcement services.

This amendment proposed to add an emergency preamble and emergency clause to make the bill take effect immediately to bring the State into compliance with federal requirements concerning the National Medical Support Notice.

Enacted law summary

Public Law 2001, chapter 554 amends the statutes governing child support establishment and enforcement. It authorizes Department of Human Services employees who are not attorneys to represent the department in probate court in cases involving child support enforcement, although they are not permitted to prepare and file motions in Probate Court. It amends the paternity statute to address proceedings in which there is more than one alleged father of the same child. It authorizes the Department of Human Services to require an alleged father to submit to blood or tissue-typing tests prior to accepting an acknowledgement if it appears there is more than one alleged father. If the alleged father refuses the testing, the department may file an action in court. It clarifies the responsibility of the Department of Human Services, in consultation with the Supreme Judicial Court and other interested parties, to adopt the child support table by rule. It clarifies that the definition of "extraordinary medical expenses" is based on recurring, uninsured medical expenses in excess of \$250 per child or group of children per calendar year. It adds to the statute language concerning how to calculate a child support obligation for extremely low-income child support obligors (the "self-support reserve"). Chapter 554 amends existing law to require the use of the federally adopted National Medical Support Notice, used to ensure health insurance coverage for obligors' children as required by court orders. This form takes the place of what is currently termed the "health insurance withholding order." A state child support enforcement program is not in compliance with federal requirements and is subject to loss of federal child support enforcement grants if the form is not used. Chapter 554 also clarifies that a person who files an action to establish or vacate a paternity order or support order, to enforce a support order, to amend a support order or to collect support arrearages must send a copy of the motion to the Department of Human Services when the motion is filed if public assistance is involved or if the department provides support enforcement services.

Public Law 2001, chapter 554 was enacted as an emergency measure effective March 25, 2002.

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LD 2083

An Act to Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 667
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1071 H-1097 LAVERDIERE S-567 RAND S-585 GOLDTHWAIT

LD 2083 proposed to make technical corrections of errors in the laws of Maine.

Committee Amendment "A" (H-1071) proposed to make technical and substantive corrections

House Amendment "A" to Committee Amendment "A" (H-1097) proposed to remove from the bill a duplicative section that appears both in the bill and Committee Amendment "A." This amendment also proposed to correct a conflict between Public Law 2001, chapter 578 and Public Law 2001, chapter 592 relating to the ability of a municipality to transfer development rights.

Senate Amendment "A" to Committee Amendment "A" (S-567) proposed to delete corrections contained in the bill that have been corrected in other bills.

Senate Amendment "B" to Committee Amendment "A" (S-572) proposed to strike the provisions that amend Private and Special Law 2001, chapter 45, section 1 concerning the sale and transmission of electricity generated by the hydropower facilities formerly owned by Great Northern Paper, Inc. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-585) proposed to correct an entry in Public Law 2001, chapter 559, Part B, section 3 that inadvertently de-appropriated funds in excess of the program's appropriation.

Senate Amendment "D" to Committee Amendment "A" (S-588) proposed to correct a conflict between Public Law 2001, chapter 578 and Public Law 2001, chapter 592 relating to the ability of a municipality to transfer development rights. (Covered by House Amendment "A" to Committee Amendment "A") (Not adopted)

Enacted law summary

Public Law 2001, chapter 667, An Act to Correct Errors and Inconsistencies in the Laws of Maine, made technical corrections and several substantive corrections. Substantive corrections are contained in Parts C, E and G. The substantive changes made by chapter 667 are as follows.

1. It corrects the effective date concerning repair and maintenance of bridges as provided in Public Law 2001, chapter 314.
2. It includes Judges of the District Court in the list of officials to be sworn in by the Governor.
3. It amends the laws governing the Baxter Compensation Authority concerning the Compensation Panel, the timing of compensation decisions, the communication of the decision and the signing of a release before payment of compensation.

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4. It revises the application of the smelt laws.
5. It revises the laws concerning ice fishing in recognition of the recent adoption of separate ice fishing rules.
6. It decriminalizes certain violations concerning keeping wild animals in captivity.
7. It corrects the language concerning school bus leases.
8. It corrects references to federally qualified health centers.
9. It updates the membership of the TANF Advisory Council to reflect the replacement of the Job Training Partnership Act.
10. It corrects the provision of death benefits to certain members of the State Fire Marshal's Office.
11. It corrects provisions governing the flags and flag holders at the graves of certain public servants.
12. It corrects the application of penalties for E-911 violations.
13. It corrects a conflict concerning the regulation of scooters.
14. It corrects language concerning certain funding of the Maine Health Access Fund.
15. It revises the recording requirements at the registries of deeds to accept sealed or embossed documents.
16. It revises provisions concerning retired teachers who become legislative employees.
17. It provides for PUC review of an exception to limitations on the provision of electricity from certain hydropower facilities.
18. It corrects an appropriation to the Ombudsman Program in the Executive Department.

See also LD 2216, Public Law 2001, chapter 710.

Public Law 2001, chapter 667 was enacted as an emergency measure effective April 30, 2002.

LD 2100

**An Act to Provide for Notice of Termination, Nonrenewal or
Change in Terms of Certain Leases**

PUBLIC 612

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-974
	ONTP MIN	

LD 2100 proposed to enact the majority recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. It proposed to regulate the relationship between landowners

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within jurisdiction of the Maine Land Use Regulation Commission and persons who have leases or other agreements with the landowners to occupy or construct residential, recreational or commercial structures on that land.

The bill proposed to require that such agreements be made in the form of written leases. It proposed to require the leases to provide a description of the boundaries of the leased land and to provide at least 90 days' notice of termination, nonrenewal or change in terms of the lease. It also proposed to require the landowner to give the structure owner at least one year to remove the structure from the property if the lease is terminated or not renewed, unless it is terminated or not renewed for cause.

The bill also proposed to give the lessees the right of first refusal to purchase the lot on which the structure sits, provided the lessor offers or intends to offer the lot for sale.

Committee Amendment "A" (H-974) proposed to replace the bill. It proposed to delete the provision of the bill giving certain lessees the right of first refusal to purchase the leased premises. The amendment also proposed to clarify that a survey or other formal description of the boundaries is not required.

The amendment proposed to change the advance notice period for a change in terms of a lease from 90 days to 30 days.

The amendment proposed to require lessors to give lessees at least one years' notice of the intent to terminate a lease, to enable the lessee to remove property or otherwise plan for termination. The terms of the lease would continue during the notice period, except that inconsistent termination provisions in the lease would be superseded by the statute, to the extent they are inconsistent. Also, the lessee could terminate the lease at any time during the notice period if, for example, the lessee is able to remove the structure prior to the end of the notice period and no longer wishes to occupy the property.

Enacted law summary

Public Law 2001, chapter 612 is based on recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 612 provides standards for leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The new law requires that such agreements be made in the form of written leases, and that they contain at least a general description of the boundaries of the leased lot. It requires the lessor to provide at least 30 days' notice of change in terms of the lease. Chapter 612 also requires lessors to give lessees at least one years' notice of the intent to terminate a lease, to enable the lessee to remove property or otherwise plan for termination. The terms of the lease continue during the notice period, except that inconsistent termination provisions in the lease are superseded by the statute, to the extent they are inconsistent. Also, the lessee may terminate the lease at any time during the notice period if, for example, the lessee is able to remove the structure prior to the end of the notice period and no longer wishes to occupy the property.

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LD 2101

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

PUBLIC 653

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ	H-1041 CARR
	OTP-AM MIN	H-1070 CARR
		H-973

LD 2101 proposed to enact the minority recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. The minority recommendation includes the majority recommendations and an additional provision relating to commercial sporting camps.

The additional provision proposed to require the Bureau of Parks and Lands within the Department of Conservation to take land by eminent domain if the landowner refuses to sign a lease for a term of at least 10 years with a commercial sporting camp owner. The bureau would then lease the land to the commercial sporting camp owner in order to continue the business.

The provisions common to the minority and the majority reports propose to regulate the relationship between landowners within jurisdiction of the Maine Land Use Regulation Commission and persons who have leases or other agreements with the landowners to occupy or construct residential, recreational or commercial structures on that land.

The bill proposed to require that such agreements be made in the form of written leases. It proposed to require the leases to provide a description of the boundaries of the leased land and to provide at least 90 days' notice of termination, nonrenewal or change in terms of the lease. It also proposed to require the landowner to give the structure owner at least one year to remove the structure from the property if the lease is terminated or not renewed, unless it is terminated or not renewed for cause.

The bill also proposed to give the lessees the right of first refusal to purchase the lot on which the structure sits, provided the lessor offers or intends to offer the lot for sale.

Committee Amendment "A" (H-973) proposed to replace the bill. It proposed to strike all provisions of the bill except the provision giving lessees a right of first refusal, and clarify that the right exists when the lessor is willing to sell the leased premises as a separate parcel, not when the lessor is selling a larger parcel of which the leased premises is a small part. It also proposed to specify that the lease must specify a method of determining the value of the leased premises.

Enacted law summary

Public Law 2001, chapter 653 is based on a recommendation of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. Chapter 653 provides for a right of first refusal in leases between persons who own land within jurisdiction of the Maine Land Use Regulation Commission and persons who lease the land and occupy or construct residential, recreational or commercial structures on it. The lessee would have the right to purchase the leased lot if the landowner chooses to offer the parcel for sale. Leases must contain a provision for determining the price at which the lot could be purchased. This law applies to leases entered into on or after July 25, 2002.

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LD 2105 **An Act to Enact the Maine Professional Service Corporation Act** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2105 proposed to repeal the Professional Service Corporation Act and replace it with a new chapter of law governing professional service corporations. The substance of LD 2105 was folded into LD 361, which was enacted as Public Law 2001, chapter 640.

LD 2131 **An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program** **ONTP**

		ONTP		
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LD 2131 was jointly referred to the Joint Standing Committees on Business and Economic Development and Judiciary, pursuant to Joint Order SP 769. The bill proposed the establishment of a controlled substances prescription monitoring and intervention program, including a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Maine Board of Pharmacy.

Committee Amendment "A" (S-518), a minority report, proposed to replace the bill. The amendment proposed to direct the Department of Behavioral and Developmental Services, Office of Substance Abuse to study the feasibility and advisability of establishing a controlled substances prescription monitoring and intervention program. The amendment proposed to direct the Office of Substance Abuse to make recommendations related to the implementation of the program, including the controlled substances to be included in the program, intervention and enforcement issues and confidentiality issues. The amendment also proposed to require the Office of Substance Abuse to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by January 2, 2003 and proposed to authorize the committee to report out a bill during the First Regular Session of the 121st Legislature. (Not adopted)

Committee Amendment "B" (S-519), a minority report, proposed to remove the controlled substances prescription monitoring and intervention program from the Department of Professional and Financial Regulation and place it with the Department of Behavioral and Developmental Services, Office of Substance Abuse. This amendment also proposed to require the Office of Substance Abuse and the Department of Professional and Financial Regulation, Maine Board of Pharmacy to develop the program by January 1, 2004. (Not adopted)

House Amendment "A" to Committee Amendment "B" (H-1067) proposed to provide that the Office of Substance Abuse develop and administer the controlled substances prescription monitoring and intervention program. (Not adopted)

Joint Standing Committee on Judiciary

LD 2149

An Act to Implement the Recommendations of the Committee to Review the Child Protective System

PUBLIC 696

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1078
	OTP-AM MIN	S-614 GOLDTHWAIT

LD 2149 contains the legislative recommendations of the Committee to Review the Child Protective System, created by Joint Order 2001, H.P. 1385. A full discussion of all the committee's recommendations is contained in the committee's final report, submitted to the Joint Standing Committee on Judiciary in December 2001.

Committee Amendment "A" (H-1078), the majority report, proposed several changes to the bill, including revisions of language governing use of evidence, determinations of jeopardy, and disclosure of confidential information. It also proposed that when the court determines that reunification efforts must cease, the determination must be made by clear and convincing evidence after a full evidentiary hearing. It proposed that the Department of Human Services apply for a waiver to allow for the reimbursement for services and for room and board for children who have not entered into the care and custody of the department. It proposed that the bill take effect October 1, 2002 in order to reduce costs.

Committee Amendment "B" (H-1079), the minority report, was the same as Committee Amendment "A" except that it proposed that the court be permitted to exclude evidence if it was gathered in an interview with a child that was not recorded and that all proceedings and records are open to the public, unless a court orders otherwise. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-569) proposed an expedited appeal of interlocutory orders to the Superior Court, proposed to require the court to issue an order scheduling discovery in child protective cases with vacation of the protective order for noncompliance by the Department of Human Services, and proposed to hold a Department of Human Services employee personally liable for damages as well as attorney's fees and costs if the employee intentionally or knowingly violates a department policy, a rule adopted by the department or any provision of the chapter governing child protective cases. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-614) proposed to retain current language concerning notice and opportunity to be heard as required by federal regulations, as well as remove several provisions of the bill as amended by Committee Amendment "A".

1. The amendment proposed to eliminate the elevation of the standard of proof that is required from "preponderance of the evidence" to "clear and convincing evidence" when there is a determination either not to commence or to cease reunification. It also proposed to delete the requirement that the proceeding within which there is a determination either not to commence reunification efforts or to cease reunification efforts must be a full evidentiary hearing.
2. It proposed to delete the specific authority for court-appointed attorneys to represent parents in certain family matters proceedings.
3. It proposed to delete the appropriations and allocations section and the delayed effective date section.

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Enacted law summary

Public Law 2001, chapter 696, implements most of the legislative recommendations of the Committee to Review the Child Protective System. It makes many changes to current law, including the following.

1. It amends the Maine Juvenile Code to be consistent with federal law and the child protective statutes with regard to juveniles who are ordered by the court to be removed from their homes.
2. It requires the child welfare services ombudsman program to consult with appropriate interested parties and establish a program to provide information about the child protective system to parents.
3. It rewrites the statutes governing access to and participation in child protective proceedings for nonparties to observe or participate by establishing three expanded tiers of possible participation, without opening proceedings to the public in general.
4. It requires the Department of Human Services to produce decision-making policies in writing and make them publicly available. It requires the department to post the most current policies on a publicly accessible site on the Internet. Among other topics, the policies must address kinship care and placement.
5. It requires the Department of Human Services, to the extent possible, to audio record all planned questioning of and interviews with children. The department must adopt rules to establish procedures to audio record interviews; the rules are major substantive rules. The fact that an interview was not recorded does not by itself require the exclusion of the information collected in the interview. It also clarifies that any person who is being questioned or interviewed may record the questioning or interview.
6. It amends the law to prohibit the use of evidence that would otherwise be inadmissible hearsay, admitted in the summary preliminary protection hearing under section 4034, subsection 4, in any other proceeding unless the evidence is admitted pursuant to the applicable laws and rules of evidence. It also provides that a finding that is based on that evidence is inadmissible in any other proceeding.
7. It requires the court to make findings of fact on the record on which the jeopardy determination is based; it provides that the jeopardy determination made at the jeopardy hearing must be a fresh determination, and the judge cannot rely on the findings of fact in the preliminary protection order hearing as precedent to establish jeopardy at the jeopardy hearing. This is consistent with In re Isaiah B., 1999 ME 174, 740 A.2d 988 (Me. 1999).
8. It authorizes the court to order any disposition, including custody to the department, if there is a determination of jeopardy with regard to one parent and the other parent or custodian has not been located and therefore not properly served with the petition and notice of proceedings as required by current law. If and when the parent is located, the court may hold a hearing and make a jeopardy determination with regard to that parent.
9. It adjusts the timing of the preliminary protection hearing after a preliminary protection order is issued. It provides that the hearing cannot be held less than 7 days after the order is issued and must be held before 14 days have passed since the issuance of the order. It also requires the court to order the department to schedule visitation with the child's parents and siblings within 7 days of the issuance of the order. Such visitation is not required if there is a compelling reason not to.

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10. It directs the Supreme Judicial Court to consider establishing a pilot project to provide representation to parents in child protective proceedings on a contract basis with one or more attorneys or firms. A similar pilot project was undertaken to provide representation for criminal defendants.
11. It requires the Department of Human Services to report to the joint standing committees of the Legislature having jurisdiction over judiciary matters and health and human services matters about planned changes to increase care by relatives and placement with relatives, and how the department will inform families about visitation and placement options for relatives.
12. It directs the Department of Human Services to apply for a waiver to allow for the reimbursement for services and for room and board for children who have not entered into the care and custody of the department.

LD 2153 **An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments** **PUBLIC 675**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT MICHAUD MH	OTP-AM MAJ ONTP MIN	H-1057

LD 2153 proposed to add an exception to the definition of "public records" in the freedom of access laws that would protect information concerning security plans or procedures of agencies of State Government and local government. Such information is protected under the Maine Revised Statutes, Title 16, section 614 when it is held by a law enforcement agency identified in that statute but not when held by other agencies of state, county or local government.

Committee Amendment "A" (H-1057), the majority report, proposed to limit the types of records that would be exempt from public disclosure.

Enacted law summary

Public Law 2001, chapter 675 exempts from the definition of "public record" security-related information that specifically concerns preventing or preparing for acts of terrorism. The "terrorism" definition closely mirrors the definition in proposed changes to the Maine Criminal Code. Chapter 675 also clarifies that only that information that, if released, could pose a threat to public safety is covered by this exemption. Finally, it adds the term "risk assessments" to the description of security-related information in order to prevent the disclosure of information that could permit exploitation of existing vulnerabilities.

LD 2157 **An Act Regarding the Requirements for Documenting Pretest and Post-test Counseling for HIV Tests** **PUBLIC 647**

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

Joint Standing Committee on Judiciary

LD 2157 proposed to change the way a person documents the counseling provided to a person who is being tested for HIV. Current law requires that a written memorandum summarizing the contents of the discussion be given to the person tested. This bill proposed to require that an entry in the person's medical record summarizing the discussion be made. The bill also proposed to require that the provider of the HIV test give the person being counseled a written document summarizing the discussion resulting from the pretest and post-test counseling. A written consent form or other document may be used to satisfy the requirement for documenting the pretest and post-test counseling discussion.

Enacted law summary

Public Law 2001, chapter 647 changes the law requiring health care providers to offer counseling to a person before and after the person is tested for HIV. Current law requires the test provider to prepare a written memorandum summarizing the counseling discussion and to give the memorandum to the person who is being tested. Chapter 647 instead requires the test provider to make an entry in the person's medical record summarizing the discussion and to give the person being counseled a written document containing information on the issues required to be covered in counseling. Written consent forms or other standardized forms may be used to meet the requirement if they provide the necessary information.

LD 2164 **An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism** **PUBLIC 694**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL BENNETT	OTP-AM MAJ OTP-AM MIN ONTP MIN	H-1062

LD 2164 was jointly referred to the Joint Standing Committees on Health and Human Services and Judiciary. It includes the following proposals regarding the laws governing emergency health powers.

1. It proposed to relieve the Department of Human Services from the requirement to adopt emergency rules in the event of a public health emergency and instead allow the department to implement rules previously adopted designed to become effective upon the declaration of a state of public health emergency.
2. It proposed to allow the Department of Human Services to exercise its public health emergency powers upon a declaration of a state of public health emergency by the Governor.
3. It proposed to allow the Department of Human Services to have access to certain health information or take a person into temporary custody and order specific emergency care, vaccination, treatment or evaluation in the event of a public health emergency if the department has reasonable cause to believe the person has either been exposed to or is at risk of transmitting a communicable disease that poses a serious and imminent threat to human or animal life; there is no less restrictive alternative available to safeguard the public health and safety; and the delay involved in securing a court order would pose an imminent risk to the person or pose a serious risk of transmission of the communicable disease. A person could not be detained more than 48 hours without judicial review.

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4. It proposed to eliminate the requirement that the Department of Human Services file with the court treatment plans and report subsequent to the issuance of a court order for involuntary medical treatment, subject to the requirement that any such order must be subject to judicial review within 30 days.
5. It proposed to allow the Department of Human Services to dispose of the remains of victims of a communicable disease during a public health emergency if there are no less restrictive alternatives to protecting public health or safety from the threat of communicable disease.
6. It proposed to require that if the Governor or another person declares by proclamation a state of public health emergency, the Governor or that person shall, to the extent feasible, also disseminate that proclamation to persons with disabilities.
7. It proposed to require the Governor to convene the Public Health Emergency Planning Commission to review the provisions of state law relevant to public health emergency preparedness, consider measures to safeguard individual dignity and medical record confidentiality and examine strategies to protect the public from the threat of communicable diseases and acts of bioterrorism and report back to the Joint Standing Committee on Health and Human Services and the Legislative Council.
8. It proposed to require the Joint Standing Committee on Appropriations and Financial Affairs to develop a mechanism for the financing of a response to a declaration of a state of public health emergency by the Governor, the Governor's designee or a person acting in place of the Governor.

Committee Amendment "A" (H-1062), the majority report of the combined committees, proposed to replace the bill. It proposed to establish a system for the Department of Human Services to address extreme public health emergencies, including ordering isolation, quarantine and prescribed care. It proposed a process of judicial review, with court-appointed counsel for the indigent, as soon as reasonably possible but not later than 48 hours after the person becomes subject to the prescribed care. It proposed to establish a medical-legal advisory group to advise the Commissioner of Human Services regarding extreme public health emergencies and to provide advice to the Governor after an extreme public health emergency has been declared. It proposed that the entire Act be repealed on October 31, 2003.

Committee Amendment "B" (H-1063), a minority report of the combined committees, proposed to replace the bill. It proposed to establish the Task Force to Study Extreme Health Emergencies, consisting of 12 legislative members, with a reporting date of November 6, 2002. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-1095) proposed to require that the rules, concerning communicable diseases, to be adopted by the Department of Human Services are major substantive rules, rather than routine technical rules. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-1098) proposed to authorize the convening of the Public Health Emergency Planning Commission to review the law relevant to public health emergency and extreme public health emergency preparedness. It proposed development of proposals for financing a response to a declaration of a state of extreme public health emergency by the Governor, response of the Judicial Department in the event of a public health emergency and educational materials for health care professionals and members of the public. (Not adopted)

Joint Standing Committee on Judiciary

LD 2216

An Act to Correct Recently Enacted Legislation

PUBLIC 710
EMERGENCY

Sponsor(s)
LAVERDIERE
RAND

Committee Report

Amendments Adopted
H-1118 LAVERDIERE
S-625 GOLDTHWAIT

LD 2216 proposed to make both substantive and technical corrections to recently enacted legislation. It was not referred to committee.

House Amendment “A” (H-1118) proposed to apply the provisions of the Maine Certificate of Need Act of 2002 regarding the ability of the Commissioner of Human Services to review an application for a certificate of need to any application filed or approved on or after January 1, 1999.

Senate Amendment “A” (S-625) proposed to change the law concerning dental amalgam fillings and alternatives.

Enacted law summary

Public Law 2001, c. 710 makes several substantive and technical changes necessitated by recently enacted legislation. The Judiciary Committee reviewed the contents of the bill, although it was not referred to committee. Chapter 710 makes the following changes.

1. It clarifies that any errors in the numbering of subchapters or articles in the law, such as occurred in Public Law 2001, chapter 640, may be taken care of administratively and will ensure greater consistency in the future by allowing Roman numerals to be cited by their Arabic number equivalents.
2. It resolves a technical conflict concerning economic development incentives created by the enactment of two subparagraphs with the same number designation by Public Law 2001, chapter 642 and chapter 652, corrects a cross-reference to the subparagraphs being renumbered and provides an appropriate effective date.
3. It corrects an error in Public Law 2001, chapter 617 that imposed surcharges, fines and forfeitures for violations of the animal welfare laws.
4. It corrects language added by Public Law 2001, chapter 545 concerning service credit purchases by employees of the Maine Technical College System by taking out the reference to electing to purchase service credits. That deletion is consistent with other provisions in chapter 545.
5. It corrects a conflict created by Public Law 2001, chapter 559, Part KK, chapter 604, and chapter 697, Part B, relating to law enforcement training for Capitol Security officers.
6. It corrects a conflict created by Public Law 2001, chapters 671 and 687 that amended the same section of law with different wording concerning who may accompany a person holding a motor vehicle instruction permit.
7. It clarifies the language in the definition of "employee" in the workers' compensation laws concerning family members of members of limited liability companies who are also employed by that LLC.

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8. It clarifies the law concerning seat belts and child safety seats to ensure that children who are 8 years of age are required to be properly secured in a seat belt.
9. It corrects a reference to the Bureau of Elder and Adult Services within the Department of Human Services as the agency that administers the consumer-directed personal care assistance services program.
10. It corrects the description of funds to be provided to shelters in Bangor, Lewiston and Portland as appropriated in Public Law 2001, chapter 559.
11. It corrects an error in listing the qualifying year for sea urchin draggers who were inadvertently excluded from obtaining a 2002 sea urchin dragging license under Resolve 2001, chapter 112.
12. It applies the provisions of the Maine Certificate of Need Act of 2002 regarding the ability of the Commissioner of Human Services to review an application for a certificate of need to any application filed or approved on or after January 1, 1999.
13. It requires the Department of Human Services to display a copy of the dental amalgam brochure on its Internet site and deletes language requiring that copies of the poster and brochure be provided to dentists at cost. It also amends the statutes to be consistent with the rules adopted by the Department of Human Services concerning dental amalgam and alternatives.

Public Law 2001, chapter 710 was enacted as an emergency measure effective April 30, 2002, although some provisions have later effective dates.

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Joint Standing Committee on Labor

LD 536 **An Act to Define and Revise Noncompete Employment Contracts** **ONTP**

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

LD 536 is a concept draft that proposed to enact standards for noncompete employment contracts, i.e., contracts that limit the ability of an employee to leave a business and begin work with another business in the same field within a certain geographical area and time frame.

LD 847 **An Act to Examine Issues Regarding the Canadian Workforce** **ONTP**

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

LD 847 is a concept draft that proposed to examine issues regarding the Canadian workforce in order to enable Maine workers to effectively compete.

LD 981 **An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission** **ONTP**

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

LD 981 proposed to change the membership of the Maine Unemployment Insurance Commission and to require the commission to report yearly to the Legislature and to locate its office in Augusta.

LD 1015 **An Act Regarding Health Insurance for Firefighters** **ONTP**

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

LD 1015 proposed to make active and retired career municipal firefighters eligible to participate in the state employee health insurance program.

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LD 1211

An Act to Supplement Benefits for State Employees and Teachers Whose Pensions are Subject to Reductions Enacted in 1993

ONTP

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

LD 1211, a carry-over bill from the First Regular Session, was a concept draft pursuant to Joint Rule 208. It proposed to create a new defined contribution retirement plan as a supplemental benefit for those state employees and teachers who are in service under the Maine State Retirement System on or after January 1, 2001.

1. The proposed DC plan would not have covered:
 - a. A member who was in service and had 10 years of creditable service on July 1, 1993—it was intended to cover so-called "cliff employees;"
 - b. A member covered by the 1998 Special Plan; or
 - c. A member covered by the plan for Maine State Police officers.
2. Contributions to the plan would have been at the rate of 2% of an employee's salary or wages earned after December 31, 2000. The amount would be deducted 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.
3. The added cost of maintaining the employee's defined benefits would have been allocated to the employer's share of the pension contribution. For state employees, the added cost would have been apportioned across the entire payroll for state employees covered under the Maine State Retirement System whether or not they were also covered by the new plan.
4. The Maine State Retirement System would have managed amounts contributed to the plan for the benefit of each employee in a non-lapsing fund. Each employee's share of the fund would have been tax sheltered and portable as provided in Section 457 and other provisions of the Internal Revenue Code.
5. Each employee's accumulated contributions and net earnings would have been non-lapsing and could have been withdrawn or rolled over in accordance with the Internal Revenue Code when the employee dies, retires or departs from state service. The employee would have had a range of annuity options for payment of benefits to the employee or the employee's spouse.

See LD 2199, "An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers," which was enacted as Public Law 2001, chapter 707.

LD 1258

An Act to Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce

VETO
SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS	OTP-AM MAJ ONTP MIN	H-1027 BUNKER H-839

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LD 1258 was carried over from the First Regular Session. It proposed to amend the unemployment compensation laws in 3 ways. First, it proposed to provide coverage to part-time workers if they are able and available to work at least 20 hours a week. Second, it proposed to prevent disqualification of a person who loses a job because of a child-care or transportation-related problem provided that the person took all reasonable steps to maintain that employment. Finally, it proposed to remove a provision from current law that penalizes persons who have worked in seasonal industries even though they are able, available and actively seeking employment on a full-time, year-round basis.

LD 1258 was reported out of committee in the First Regular Session, but referred back to committee and carried over. In the Second Regular Session, the bill was again reported out of committee on a divided report.

Committee Amendment "C" (H-839) proposed to replace the bill. It proposed to delete provisions relating to seasonal workers and to persons who leave work because of child-care or transportation difficulties. The amendment proposed to provide that, beginning June 1, 2003, a person is not ineligible for unemployment benefits solely because the person is not available for full-time work, provided that the person is available to work at least part-time. The amendment proposed to require the Department of Labor to provisionally adopt rules to implement the part-time worker standard and to submit the rule and any necessary statutory changes to the Legislature by February 1, 2003.

House Amendment "B" to Committee Amendment "C" (H-1027) proposed to state that the extension of benefits to part-time workers was made pursuant to the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, which provides federal Reed Act funds to states. It also proposed to require the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than March 15, 2008 regarding unemployment benefits provided to part-time workers.

LD 1258 was vetoed by the Governor. See also LD 2218.

LD 1594 **An Act to Provide Disclosure and Financial Protections to Temporary Workers** **DIED BETWEEN BODIES**

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

LD 1594 proposed to regulate the practices of temporary services companies and to require such companies to disclose wages, charges, work hours and other work conditions prior to assigning temporary workers to a job. The bill proposed to require that a temporary worker who has worked for a client employer for 90 days or more be provided the same compensation and benefits as permanent employees of the client employer.

Committee Amendment "A" (S-425), the minority report of the Joint Standing Committee on Labor, proposed to strike several provisions in the bill. It proposed to retain the provisions that would (1) prohibit a temporary services company from restricting a temporary worker from accepting a permanent position with a client company, (2) prohibit a temporary services company from charging to cash a paycheck and (3) prohibit discrimination against a temporary worker who asserts rights under the law. (Not adopted)

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LD 1629

An Act to Increase the State Share of Health Insurance for Certain Retired Teachers

ONTP

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

LD 1629 was carried over from the First Regular Session. It proposed to increase the minimum portion of retired teachers' health insurance paid by the State from the then current amount of 30% to 35% beginning January 1, 2002 for retired teachers with a household income of 180% or more of the federal poverty level and further increase the State contribution in 5% increments up to 50% for retired teachers with a household income of less than 60% of the federal poverty level.

An amendment was added and enacted as part of the Budget Bill (Public Law 2001, chapter 559, Part N) that provides for the State-paid share of teacher retiree health insurance premiums to be 35% from July 1, 2002 until March 31, 2003 and 40% thereafter.

LD 1746

An Act Regarding Workers' Compensation Benefits for Firefighters, Rescue Workers and Safety Workers Who Contract Certain Communicable Diseases

PUBLIC 663

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-931

LD 1746 is a concept draft that proposed to provide a rebuttable presumption of eligibility for workers' compensation benefits for hepatitis or hepatic-related disease for firefighters and emergency medical services personnel, except for those who worked with more than one firefighting entity.

Committee Amendment "A" (H-931) proposed to replace the bill. It proposed to provide that a firefighter, emergency medical services person, law enforcement officer or corrections officer who contracts hepatitis, meningococcal meningitis or tuberculosis is presumed to have contracted the disease in the course of employment if certain criteria are met. First, the person must have run a high risk of exposure in the course of that work. Second, the person must sign an affidavit stating that, to the best of the person's knowledge, there are not other likely sources of the disease. Third, a person must have received immunization against the diseases if the employer requires it and the immunization is medically recognized, unless the worker's physician determines that the immunization would pose a risk to the worker. Finally, except for persons employed or providing service prior to the effective date of the bill, the person must have had a negative test for hepatitis or tuberculosis prior to diagnosis.

Enacted law summary

Public Law 2001, chapter 663 provides that a firefighter, emergency medical services person, law enforcement officer or corrections officer who contracts hepatitis, meningococcal meningitis or tuberculosis is presumed under the workers' compensation law to have contracted the disease in the course of employment if certain criteria are met. First, the person must have run a high risk of exposure in the course of that work. Second, the person must sign an affidavit stating that, to the best of the person's knowledge, there are not other likely sources of the disease. Third, a person must have received immunization against the diseases if the employer requires it and the

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immunization is medically recognized, unless the worker's physician determines that the immunization would pose a risk to the worker. Finally, except for persons employed or providing service prior to the effective date of the bill, the person must have had a negative test for hepatitis or tuberculosis prior to diagnosis.

LD 1884

An Act to Authorize Certain Former Members of the Maine State Retirement System to Rejoin the Maine State Retirement System

PUBLIC 545

Sponsor(s)
YOUNGBLOOD
FISHER

Committee Report
OTP-AM

Amendments Adopted
S-445

LD 1884 proposed to allow former members of the Maine State Retirement System who opted out of the defined benefit state retirement plan into the defined contribution plan offered by the Maine Technical College System through Teachers Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF) in 1999 and 2000 to switch back to the Maine State Retirement System within a 6-month period following enactment of this bill.

Committee Amendment "A" (S-445) proposed that:

1. Employees of the Maine Technical College System who are former members electing to rejoin the Maine State Retirement System must repay the amount of their contributions plus interest;
2. Employees of the Maine Technical College System who were not formerly members of the Maine State Retirement System and who elected to join the defined contribution plan when they became employees of the Maine Technical College System may now elect to join the Maine State Retirement System;
3. Both employees of the Maine Technical College System who are former members of the Maine State Retirement System and those who are not former members of the Maine State Retirement System and who elect to join or rejoin the Maine State Retirement System under this bill may purchase service credit under the Maine State Retirement System for the period of time they participated in the defined contribution plan offered by the Maine Technical College System if they pay to the Maine State Retirement System the full actuarial cost of the benefit associated with that service; and
4. Repayment of contributions to purchase credit for prior time may be started immediately, rather than waiting for 2 years as currently required by law.

Also see Public Law 2001, chapter 710, Section 7 for technical corrections to the public law resulting from this bill.

Enacted law summary

Public Law 2001, chapter 545 allows Maine Technical College System employees who are former members of the Maine State Retirement System who opted out of the membership in the retirement system in order to participate in the defined contribution plan offered by the MTCS through the Teachers Insurance and Annuity Association/College Retirement Equities Fund in 1999 and 2000 to switch back to membership in the retirement system within a 6-month period provided they repay the amount of their withdrawn contributions plus interest. Chapter 545 also provides that employees of the Maine Technical College System who were not former members of the Maine State Retirement System and who elected to join the defined contribution plan when they became

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employees of the MTCS may elect to join the retirement system under the same conditions. The law also allows both employees of the MTCS who are former members of the Maine State Retirement System and those who are not former members of the Maine State Retirement System and who elect to join or rejoin the retirement system under this law to purchase service credit under the retirement system for the period of time they participated in the defined contribution plan offered by the MTCS if they pay to the retirement system the full actuarial cost of the benefit associated with that service.

LD 1912 **An Act to Ensure that Recipients of Trade Adjustment Assistance Retain Eligibility for Unemployment Compensation** **ONTP**

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

LD 1912 proposed to specify that an applicant for trade adjustment assistance who is initially denied but ultimately is granted such assistance does not become ineligible for unemployment compensation upon voluntarily leaving a job that pays less than 80% of the average weekly wage received in the individual's previous position.

LD 1945 **An Act to Promote Organ Donation** **PUBLIC 684**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY BROMLEY	OTP-AM	H-840 S-554 GOLDTHWAIT

LD 1945 proposed to amend the family and medical leave act to allow a person to take leave from work to donate an organ for human transplantation.

Committee Amendment "A" (H-840) proposed to add an appropriation section to provide funds for reprinting and distribution of the Department of Labor's Regulation of Employment poster.

Senate Amendment "A" to Committee Amendment "A" (S-554) proposed to remove the appropriation section and allow the Department to update the Regulation of Employment poster to reflect the organ donation provision when it next reprints the poster.

Enacted law summary

Public Law 2001, chapter 684 amends the state Family and Medical Leave Act to authorize a person to take leave from his or her job in order to donate an organ to be used for human organ transplant.

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LD 1946

An Act to Safeguard Volunteer Firefighters' Regular Employment

P & S 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-947
KILKELLY	ONTP MIN	S-536 O'GARA

LD 1946 proposed to prohibit an employer from firing or laying off an employee who is absent from work to perform volunteer fire-fighting duties.

Committee Amendment "B" (H-947) proposed to replace the bill. It proposed to protect a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency such as fires, hazardous or toxic waste spills or other situations to which the fire department is called to respond. The amendment proposed to allow written agreements between employers and local fire officials to supersede the terms of the proposed law. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over labor matters to review the law in 2005.

Senate Amendment "A" to Committee Amendment "B" (S-536) proposed to replace the committee amendment and require the Maine Fire Protection Services Commission to examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency.

Enacted law summary

Private and Special Law 2001, chapter 70 requires the Maine Fire Protection Services Commission to examine the issue of providing protection to a volunteer firefighter from being discharged or disciplined by an employer on the grounds that the volunteer firefighter arrives late or does not arrive at work because the volunteer firefighter is responding to an emergency. The Commission is required to report its findings and recommendations on the issue to the legislative committees on labor and criminal justice by December 31, 2002. Those committees are authorized to report out legislation in response to the Commission report.

LD 1960

An Act to Promote Safety of Families through the Workplace

PUBLIC 685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL	OTP-AM	H-841
EDMONDS		S-555 GOLDTHWAIT

LD 1960 proposed to amend the law providing leave from work for employees who are the victims of violence. The amendment proposed to require an employer to grant an employee leave from work if a child of that employee is a victim of violence, assault, sexual assault, stalking or any other act that would support an order for protection.

Committee Amendment "A" (H-841) proposed to replace the bill. It proposed to allow an employee to take leave if the employee's spouse, child or parent is the victim of violence. The amendment also proposed to add language to define the family relationships and to allow the employer to require confirmation of the family relationship

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Senate Amendment "A" to Committee Amendment "A" (S-555) proposed to remove the appropriation section and allow the Department to update the Regulation of Employment poster to reflect the change in law when it next reprints the poster.

Enacted law summary

Public Law 2001, chapter 685 amends the law allowing victims of violence to take a leave from work to attend to legal and medical needs arising from the violence. Chapter 685 allows a person to take leave to attend to the needs of a child, parent or spouse who is the victim of violence as well as being able to take a leave if the employee himself or herself is the victim.

LD 1970

**An Act to Clarify the Status of Retirees Who Return to Service
Under the Maine State Retirement System**

PUBLIC 557

Sponsor(s)
NORTON
EDMONDS

Committee Report
OTP-AM

Amendments Adopted
H-874

LD 1970 proposed that a retired teacher who returns to work under Public Law 2001, chapter 442 be eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under the Maine Revised Statutes, Title 20-A, section 13451.

Committee Amendment "A" (H-874) proposed that a retired teacher who returns to work as a teacher under Public Law 2001, chapter 442 may participate in the group health insurance plan for active teachers in the school administrative unit in which that teacher is working. The amendment would not affect the ability of a retired teacher, if it is acceptable to the teacher and the new employer, to remain in the group health insurance plan under which that teacher retired pursuant to the Maine Revised Statutes, Title 20-A, section 13451, including state payment of a percentage of the cost of that teacher's health insurance premium. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

Public Law 2001, chapter 559 (the Budget Bill), Part QQ, sections 1-3 and chapter 667 (the Errors Bill), Part E contain related provisions that affect the ability of a retired teacher who returns to work for the Legislature to qualify for State-paid health and dental insurance. The intent of the related provisions of those 2 bills was to qualify such an employee for eligibility to participate in the group health and dental insurance programs.

Enacted law summary

Public Law 2001, chapter 557 clarifies that a retired teacher who returns to work under Public Law 2001, chapter 442 is eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under the Maine Revised Statutes, Title 20-A, section 13451. Chapter 557 further clarifies that a retired teacher who returns to work as a teacher under the provision of chapter 442, which was enacted in 2001, is eligible to participate in the group health insurance plan for active teachers in the school administrative unit in which that teacher is working. The amendment does not affect the ability of a retired teacher, if it is acceptable to the teacher and the new employer, to remain in the group health insurance plan under which that teacher retired

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pursuant to the Maine Revised Statutes, Title 20-A, section 13451, including state payment of a percentage of the cost of that teacher's health insurance premium.

LD 1988 **An Act to Increase the Opportunities of Retired State Employees to Enroll a Spouse or Dependents in the Maine State Health Insurance Plan** **PUBLIC 641**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P COLWELL	OTP-AM	S-461

LD 1988 proposed to increase the ability of a retired state employee to add a dependent to the employee's health insurance plan by establishing an annual 2-week open enrollment period to add dependents.

Committee Amendment "A" (S-461) proposed to replace the bill. It proposed that a retired state employee be allowed to add coverage of a spouse or dependent under the retiree's state group health insurance plan at the time of retirement or at a later date if, at retirement, the retiree had designated the spouse or dependent for later coverage and the spouse or dependent can demonstrate continuity of coverage under another health insurance plan at the time of enrollment.

Enacted law summary

Public Law 2001, chapter 641 authorizes a retired state employee to add coverage of a spouse or dependent under the retiree's state group health insurance plan at the time of retirement or at a later date if the retiree had designated that spouse or dependent for later coverage and the spouse or dependent can demonstrate at least 18 months of continuous coverage under another health insurance plan at the time of enrollment. Current law, which is not changed by chapter 641, allows a spouse or dependents to be added at the time of significant life events, such as marriage or birth of a child. The retiree is responsible for payment of the premiums for a spouse or dependent enrolled in coverage under the state group plan.

LD 2001 **An Act to Amend the Law Regarding Severance Pay** **PUBLIC 625**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES CARPENTER	OTP-AM	H-948

LD 2001 proposed to amend the law governing severance pay. It proposed to set forth criteria for determining when a substantial cessation of operations occurs, triggering the requirement to make severance payments. It also proposed that any employee laid off within a period of one year prior to the substantial cessation of operations would be eligible.

Committee Amendment "A" (H-948) proposed to replace the bill. It proposed to require the Department of Labor to adopt major substantive rules to implement the severance pay law and to submit an initial set of rules to the Legislature by January 15, 2003.

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Enacted law summary

Public Law 2001, chapter 625 requires the Department of Labor to adopt rules to clarify implementation of the severance pay law. Initial rules must be provisionally adopted as major substantive rules and submitted to the Legislature for review by January 15, 2003.

LD 2006

An Act to Protect Retirement Income

PUBLIC 657

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MARTIN	OTP-AM	H-873

LD 2006 proposed to preserve retirement benefits for teachers who serve in the Legislature. Under the bill, any legislator who is a public school teacher or an employee of the Vocational-Technical Institute System and a member of the Maine State Retirement System who takes a leave of absence in order to serve as a legislator may make contributions to the Retirement System on the amount that represents the difference between the salary earned as a legislator and the salary the legislator would have received in the legislator's job as a teacher.

Committee Amendment "A" (H-873) proposed to clarify that the right of a legislator on leave of absence from teaching or from the Maine Technical College System to make additional contributions to the Maine State Retirement System is prospective beginning July 1, 2002. The amendment also proposed to require the State to pay the employer share of contributions on the difference between the legislative salary and the teaching salary of those who elect the option provided in the bill.

Enacted law summary

Public Law 2001, chapter 657 provides that, beginning July 1, 2002, a Legislator who is a public school teacher or an employee of the Vocational-Technical Institute System who takes a leave of absence in order to serve as a Legislator may make contributions to the Maine State Retirement System on the amount that represents the difference between the salary earned as a Legislator and the salary the Legislator would have received in the Legislator's job as a teacher thus preserving a higher level of compensation for purposes of calculating retirement benefits. The law also requires the State to pay the employer share of contributions on the difference between the legislative salary and the teaching salary of those who elect the option.

LD 2028

An Act to Provide Retirement Equity for Capital Security Officers

**PUBLIC 646
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL DAGGETT	OTP-AM	H-846

LD 2028 proposed to include capital security officers in the Maine State Retirement System 1998 Special Plan beginning January 1, 2002. A capital security officer eligible to transfer to the 1998 Special Plan who has been contributing to another retirement plan would be required to decide whether to transfer within 90 days of the effective date of eligibility in the 1998 Special Plan.

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Committee Amendment "A" (H-846) proposed to change the effective date of providing coverage for capital security officers under the 1998 Special Plan to July 1, 2002. The amendment also proposed to make technical corrections in the bill and to add an emergency preamble, emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 646 includes capital security officers in the Maine State Retirement System 1998 Special Plan effective July 1, 2002

Public Law 2001, chapter 646 was enacted as an emergency measure effective July 1, 2002.

LD 2030 **An Act to Establish the Administrative Operating Budget for the** **P & S 60**
Maine State Retirement System for the Fiscal Year Ending June 30, **EMERGENCY**
2003

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

LD 2030 proposed to establish the Maine State Retirement System's annual operating budget for fiscal year 2002-03. The bill identifies the retirement system's personal services costs and its costs for all other operating expenses. It also indicates how the system's expenses are apportioned among the General Fund, Non-General Fund accounts and Participating Local Districts.

Enacted law summary

Private and Special Law 2001, chapter 60 establishes annual administrative operating budge of the Maine State Retirement System for fiscal year 2002-03.

Private and Special Law 2001, chapter 60 was enacted as an emergency measure effective July 1, 2002.

LD 2034 **An Act to Provide Fairness in State Bid Criteria** **ONTP**

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

LD 2034 proposed to give preference in the award of construction and public works contracts by the State and its political subdivisions to in-state bidders, provided their bids are no more than 10% over bids submitted by out-of-state bidders.

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LD 2051

**An Act to Increase the Workers' Compensation Insurance
Assessment to Fund a Hearing Officer Position**

PUBLIC 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-589 MARTIN
	ONTP MIN	

LD 2051 proposed to increase the assessment for the Workers' Compensation Board Administrative Fund by \$125,000 in order to provide funding for a full-time hearing officer for the Board's Caribou office.

Committee Amendment "A" (H-1036), which was not adopted, proposed to replace the bill. It proposed to increase the cap on the assessment to fund the Workers' Compensation Board to \$8,300,000 beginning in fiscal year 2002-03. It proposed to reduce the limit on the reserve fund created by over-collections from 25% of the board's budget to 10% of the board's budget and to authorize the board to use the reserve fund, at its discretion, to support the activities of the board. The amendment also proposed to add an allocation section authorizing the board to spend \$1,415,108 in fiscal year 2002-03 in addition to the funds allocated for fiscal year 2002-03 in a previously enacted budget bill. The amendment proposed to direct the board to use its reserve account to fund the increased allocation for fiscal year 2002-03.

Senate Amendment "A" (S-589) proposed to replace the committee amendment. It proposed to amend the bill to add a position count for the Workers' Compensation Board for the Caribou hearing officer.

Enacted law summary

Public Law 2001, chapter 692 increases the cap on the Workers Compensation Board Administrative Fund assessment from \$6,735,000 to \$6,860,000 beginning in fiscal year 2002-03. It also allocates the additional \$125,000 to be used by the Board to fund a hearing officer in the Caribou regional office of the Workers Compensation Board, and authorizes an additional hearing officer position for the Board.

LD 2052

**An Act to Clarify the Application of Workers' Compensation
Coverage Requirements to Wood Harvesters**

PUBLIC 490

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

LD 2052 proposed to clarify the application of workers' compensation coverage requirements to wood harvesters.

Enacted law summary

Public Law 2001, chapter 490 clarifies the exemption from workers compensation law for persons engaged in harvesting forest products. It provides that family members and certain partners of persons who contract with landowners need not themselves qualify as independent contractors as long as the person who contracts with the landowner meets the criteria for obtaining a certificate of independent status or a predetermination of independent contractor status.

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LD 2053

An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws

PUBLIC 518

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-793

LD 2053 proposed to clarify that members of limited liability companies are treated the same as partners in limited partnerships by allowing family members of a member of a limited liability company to waive workers' compensation coverage when they work for the limited liability company.

Committee Amendment "A" (H-793) proposed to give members of limited liability companies the same opportunity as sole proprietors and partners to elect to be covered by the Maine Workers' Compensation Act of 1992.

Enacted law summary

Public Law 2001, chapter 518 clarifies that members of limited liability companies are treated the same as partners in limited partnerships for certain purposes under the workers compensation law. It allows a member of a limited liability company to elect to be personally covered by the law and it allows certain family members of limited liability companies to waive coverage under the law.

LD 2054

An Act Regarding the Payment of Severance Pay

DIED BETWEEN BODIES

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

LD 2054 proposed to require the payment of severance pay to laid-off employees, even if there is not a substantial cessation of operations at the covered establishment. The bill proposed to apply this change retroactively to January 1, 2000.

Committee Amendment "A" (H-929), which was not adopted, was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill and make substantive and clarifying changes in the severance pay laws.

The amendment proposed to eliminate bankruptcy as an excuse from paying severance pay and to require that notice of business termination or relocation be given to employees, municipalities and the Department of Labor. With regard to enforcement of the severance pay law, the amendment proposed to repeal language that allowed a departmental court action to supercede a citizen action. It also provided for the court to award attorney fees and interest on unpaid severance pay recovered in a court action. The amendment proposed to allow the Department to recover a civil forfeiture against businesses that violate the law.

The amendment proposed to clarify (1) that an employer must have owned a covered establishment for at least 3 years before the employer is required to pay severance pay; (2) that the amount due an employee for severance pay is based on the total number of years the employee worked at the establishment; (3) that contractual severance pay

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supersedes the statute only if the employer is bound by the contract; and (4) that parent corporations are liable for severance pay of a subsidiary when the subsidiary's covered establishment is terminated or relocated.

Committee Amendment "B" (H-930), which was not adopted, was a minority report of the Joint Standing Committee on Labor. It proposed to replace the bill and make the same changes in the severance pay law as in the majority report, except that (1) it did not propose to eliminate bankruptcy as an excuse from paying severance pay, but clarified the application of that provision; (2) it did not propose to address liability of a parent corporation; (3) it proposed to clarify that employees who are on leave, disability or workers' compensation are eligible employees but payments under disability and workers' compensation are not counted as gross wages; (4) that interest would be determined in the same manner as for post-judgment interest, not pre-judgment interest as in the majority report; and (5) that employees could agree to be paid severance pay at a time other than with the last wage payment.

LD 2058 **Resolve, to Continue the Study of the Benefits and Costs for** **RESOLVE 115**
Increasing Access to Family and Medical Leave for Maine Families

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-847
	ONTP MIN	S-545 GOLDTHWAIT

LD 2058 was the recommendation of the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, which was created by joint order in the First Regular Session of the 120th Legislature. The committee recommended that it be allowed to continue its work during another interim, since the lack of sufficient data prevented members from reaching a conclusion in 2001 regarding the costs and benefits of paid family and medical leave in Maine. Several state and interest groups are working on creating models for estimating costs and benefits of paid family and medical leave, which the committee may be able to use in 2002. Also, committee members intend to identify interest groups and experts in Maine to gather data for the next phase of the study and to provide economic analysis expertise necessary to use that data.

Committee Amendment "A" (H-847) proposed to add clarifying language to the section of the resolve authorizing the committee to introduce legislation.

Senate Amendment "A" to Committee Amendment "A" (S-545) proposed to strip the emergency preamble and emergency clause, remove language requiring that the Senator and the House member be from different political parties, change the convening date, clarify the use of outside funding, amend reimbursement language and strike the General Fund appropriation.

Enacted law summary

Resolve 2001, chapter 115 provides for continuation of the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families, which was created by joint order in the First Regular Session of the 120th Legislature.

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LD 2066

An Act to Expedite Employment in Maine Industry

PUBLIC 556

Sponsor(s)
BENNETT

Committee Report
OTP-AM

Amendments Adopted
S-459

LD 2066 proposed to amend the law relating to substance abuse testing of job applicants to allow employers to perform a screening test using a rapid response test method in order to quickly determine whether to have an applicant undergo a confirmation test.

Committee Amendment "A" (S-459) proposed to replace the bill. It proposed to allow the use of rapid response tests and to clarify the procedures that must be followed by employers using such a test.

Enacted law summary

Public Law 2001, chapter 556 permits employers to perform a screening test on job applicants using a so-called "rapid response" test. Such tests are read at the point of collection rather than being sent to a laboratory for analysis. If the screening test is positive, it must be sent to a qualified laboratory for analysis. Positive results may be used to reject an applicant only if the laboratory confirms the positive result. If the "rapid-response" test is used, the employer's written policy must include procedures for ensuring confidentiality of test results and for training.

LD 2077

An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage

PUBLIC 622

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-907

LD 2077 proposed to require any person engaged in harvesting wood products and not exempt from carrying workers' compensation coverage for that person's employees to notify landowners and employees within 3 business days of canceling a workers' compensation insurance policy. The bill also proposed to require the Workers' Compensation Board to (1) study its enforcement policies and practices concerning persons engaged in harvesting wood products who fail to maintain required workers' compensation coverage for their employees; (2) refocus its attention on safety in the forest products harvesting industry; and (3) work with the industry to develop incentive-based systems to reduce the number of accidents in the industry.

Committee Amendment "A" (H-907) proposed to change the section of the bill requiring the Workers' Compensation Board to study the forest products harvesting industry. Instead of requiring the board to perform these tasks, the amendment proposed to require the Department of Labor to convene an interagency working group to review enforcement efforts, develop accident-reduction systems and report to the Joint Standing Committee of the Legislature having jurisdiction over labor matters by January 15, 2003.

Enacted law summary

Public Law 2001, chapter 622 requires any person who is engaged in harvesting wood products and who is not exempt from carrying workers' compensation coverage for his or her employees to notify landowners and employees within 3 business days of cancellation of a workers' compensation insurance policy. Failure to comply with this

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law subjects the person to a civil forfeiture of between \$50 and \$100 for each day of noncompliance. The law also requires the Department of Labor to convene an interagency working group, including the Workers' Compensation Board, to review efforts to enforce the workers' compensation coverage requirement in the forest products harvesting industry, to develop accident-reduction systems in that industry, to consider ways to enhance data collection to assist in reducing accidents and to consider how enforcement and accident prevention can be of benefit in other industries and work places. The law requires the Department to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2003. The committees are authorized to report out legislation in response to the report.

LD 2098 **An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing** **PUBLIC 706**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM MAJ ONTP MIN	H-887 S-537 EDMONDS

LD 2098 proposed to eliminate the provision in current law that allows random drug testing without cause to be a part of a labor agreement.

Committee Amendment "A" (H-887) proposed to replace the bill. It proposed to allow for random or arbitrary drug testing to be imposed through the collective bargaining process. However, it proposed to clarify that such a program can not be imposed by unilateral imposition of the employer's last best offer, for example, when bargaining reaches an impasse.

Senate Amendment "A" to Committee Amendment "A" (S-537) proposed to strike the emergency preamble and clause.

Enacted law summary

Public Law 2001, chapter 706 amends the law governing random substance abuse testing in the workplace. Chapter 706 provides that an employer that chooses to implement a random testing program through collective bargaining may not implement such a program through implementation of the employer's last best offer when bargaining reaches an impasse.

LD 2108 **An Act to Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers** **PUBLIC 628
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER TURNER	OTP-AM	H-999

LD 2108 proposed to amend Maine overtime law, retroactive to January 1, 1995, to exempt interstate truck drivers and other employees of interstate trucking companies who are regulated by the federal Motor Carrier Act from the requirement to pay time-and-a-half for overtime hours.

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Committee Amendment "A" (H-999) proposed to amend the law retroactive to January 1, 1995 to exempt certain drivers and driver's helpers from the overtime law. It also proposed to amend the law effective September 1, 2003 to exempt certain drivers and driver's helpers only if they are paid wages equivalent to overtime pay wages. The amendment proposed to exempt cases pending on March 20, 2002 from the retroactive changes.

Enacted law summary

Public Law 2001, chapter 628 provides, retroactive to January 1, 1995, that interstate truck drivers and driver's helpers whose hours are regulated by the federal Motor Carrier Act are exempt from Maine's overtime law. However, beginning September 1, 2003, most such drivers and driver's helpers will be exempt from the overtime law only if they receive overtime pay reasonably equivalent to the pay that would be required under Maine's overtime law. The Department of Labor may adopt major substantive rules setting forth standards for determining whether pay is "reasonably equivalent." Also retroactive to January 1, 1995, drivers and driver's helpers who are governed by a collective bargaining agreement that regulates such pay, and those who are employed by an entity under contract with the federal government that dictates pay are exempt from the Maine law, regardless of whether they meet the "reasonably equivalent" standard. Cases pending on March 20, 2002 are not affected by the new law.

Public Law 2001, chapter 628 was enacted as an emergency measure, effective April 5, 2002.

LD 2133

An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study

DIED BETWEEN BODIES

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

LD 2133 proposed to implement the recommendations of a consultant's report on administration of the workers' compensation system, submitted pursuant to Resolve 2001, chapter 49. The bill proposed to create the Workers' Compensation Agency and divide the responsibilities of the current Workers' Compensation Board among the new agency and the board. The agency would perform administrative functions and would be managed by an Executive Director, appointed by the Governor, subject to confirmation by the Legislature. The board would be composed of 9 members appointed by the Governor, subject to confirmation by the Legislature: 3 labor members, 3 management members and 3 public members. The board would continue to provide general oversight of the system and would continue to set general policy and adopt governing rules. The bill proposed to give the Executive Director greater authority to manage staff of the agency.

The bill also proposed to change the method of assessing insurers to pay the costs of administering the system. Instead of requiring each insurer to assess and remit a specific percentage of the premium collected in the current fiscal year, the bill proposed that each insurer pay a specific amount calculated as a percentage of the previous year's premium. The assessment would not appear as a separate charge on premium notices, but would be included in the rates charged by the insurer.

Committee Amendment "A" (S-486), which was not adopted, was the minority report of the committee. It proposed to specify that the Workers' Compensation Board, in carrying out its duties, must focus on efficiency, worker safety, prompt dispute resolution and reduction in the cost of the workers' compensation system relative to

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other states. The amendment also proposed to charge public members with representing the broad public interests of the State. Finally, the amendment proposed to specify that insurers must bill and collect assessments through a surcharge based on premium, which must be separately stated on premium notices.

LD 2137 **Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards** **RESOLVE 103 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2137 proposed to authorize the Department of Labor to finally adopt a rule governing civil money penalties for violations of certain state labor laws, including those regarding wages and hours, substance abuse testing, equal pay, severance pay and prevailing wages.

Enacted law summary

Resolve 2001, chapter 103 authorizes the Department of Labor to finally adopt a rule setting forth the criteria for imposing administrative civil money penalties for certain labor law violations. The rule is Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a major substantive rule of the Department of Labor, Bureau of Labor Standards. The Legislature did not require any change in the rule as provisionally adopted by the department.

Resolve 2001, chapter 103 was finally passed as an emergency measure, effective April 4, 2002.

LD 2151 **An Act to Extend Unemployment Benefits by 13 Weeks** **ONTP**

<u>Sponsor(s)</u> BUNKER EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2151 proposed to enact a temporary emergency unemployment compensation program to provide up to an additional 13 weeks of unemployment benefits to individuals whose unemployment benefits run out on or after April 1, 2002 but before April 1, 2003. The program would be repealed April 1, 2003 and take effect only if the Federal Government has failed to enact a similar program by July 1, 2002. The Federal Government did create a comparable program in March, 2002 through Public Law 107-147, the federal Job Creation and Worker Assistance Act of 2002.

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LD 2185

An Act to Amend Maine State Retirement System Statutes

PUBLIC 699

Sponsor(s)

Committee Report

Amendments Adopted

OTP

LD 2185 proposed two changes in existing law. First, it proposed to amend the definition of “teacher” under the Maine State Retirement System to include a school employee for whom certification by the Department of Education is required whose duties include either (1) the setup, maintenance or upgrading of a school computer system, the purpose of which is to assist in the introduction of new learning to students, or (2) providing school faculty orientation and training related to use of the computer system.

Second, the bill proposed to repeal the current law that provides for reduction in benefits for retirees of participating local districts under the Maine State Retirement System who return to employment in a participating local district covered by the retirement system if they exceed certain earnings limitations. The bill would permit retirees to return to covered service and keep both their pension and their full earnings. Retirees who take advantage of the provisions of the bill would not be eligible to earn additional retirement benefits based on their return to service employment. This bill was similar to Public Law 2001, chapter 442 enacted last year covering state employees and teachers.

Enacted law summary

Public Law 2001, chapter 699 accomplishes 2 purposes. First, it includes within the definition of “teacher” under the Maine State Retirement System a school employee for whom certification by the Department of Education is required whose duties include either (1) the setup, maintenance or upgrading of a school computer system the purpose of which is to assist in the introduction of new learning to students or (2) providing school faculty orientation and training related to use of the computer system.

Second, chapter 699 repeals the current law that provides for reduction in benefits for retirees of participating local districts under the Maine State Retirement System who return to employment in a participating local district covered by the retirement system if they exceed certain earnings limitations. The bill would permit retirees to return to covered service and keep both their pension and their full earnings. Retirees who take advantage of the provisions of the bill would not be eligible to earn additional retirement benefits based on their return to service employment. This part of the bill is similar to Public Law 2001, chapter 442 enacted last year and covering state employees and teachers.

LD 2187

An Act to Provide Equity to Adoptive Parents with Respect to Parental Leave

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

BAKER

ONTP

LD 2187 proposed to provide that an employer who provides paid leave to an employee in connection with the birth of that employee's child must provide comparable paid leave to an employee in connection with that employee's adoption of a child who is less than a year old.

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LD 2197

An Act Concerning Disability Retirement Benefits under the Maine State Retirement System

PUBLIC 701

Sponsor(s)

Committee Report

Amendments Adopted

LD 2197 proposed to extend the rollback of disability retirement benefit reductions based on increased earnings capacity by the Maine State Retirement System under Public Law 2001, chapter 443 from January 1, 2003 to February 15, 2004.

Enacted law summary

Public Law 2001, chapter 701 extends the rollback of disability retirement benefit reductions based on increased earnings capacity by the Maine State Retirement System under Public Law 2001, chapter 443 from January 1, 2003 to February 15, 2004.

LD 2199

An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers

PUBLIC 707

Sponsor(s)

MICHAUD MH
SAXL

Committee Report

OTP-AM

Amendments Adopted

S-521
S-618 GOLDTHWAIT

LD 2199 proposed to:

1. Require the State to retire the unfunded liabilities of the Maine State Retirement System at a specific rate that is no less than the rate paid during fiscal year 2001-02; and
2. Establish the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers to study the impact of the changes made to the law that treat state employees and teachers who did not have 10 years of creditable service on July 1, 1993 less favorably than those with 10 years of creditable service before July 1, 1993.

Committee Amendment "A" (S-521) proposed to clarify that the floor established in the bill for the rate of retirement of the unfunded liabilities of the Maine State Retirement System applies whether the unfunded liabilities are retired within the time period required by the Constitution of Maine or some shorter period of time. The amendment also proposed to clarify the membership of the task force established in section 2 of the bill. It proposed to remove the executive director and a member of the Board of Trustees of the Maine State Retirement System from the task force and provide for 2 of the 3 legislators to be appointed by the Speaker of the House. The executive director or a designee would be made an adjunct nonvoting member of the task force. It proposed to change the process for convening the first meeting. The amendment also proposed to limit the task force to 4 meetings and provide for staffing services by the Office of Policy and Legal Analysis. Non legislative members could be reimbursed for expenses only. The amendment proposed to change the reporting date of the task force to November 6th and the joint standing committee of the Legislature having jurisdiction over retirement matters would

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be authorized to report out a bill to the First Regular Session of the 121st Legislature. This amendment proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-618) proposed that the portion of the employer contribution may not be less than the amount paid during the immediately preceding fiscal year. If the unfunded liability amount would be less than the amount paid in the immediately preceding year, the amendment proposed that the Board of Trustees of the Maine State Retirement System be directed to recommend a methodology to adjust plan funding in order to realize payment of the required amount. If no such methodology can be identified, then a General Fund appropriation in the amount of the difference between the General Fund portions of the unfunded liability payment in the 2 years in question must be sought. This amendment also proposed to remove the emergency preamble and clause.

Enacted law summary

Public Law 2001, chapter 707 requires the State to retire the unfunded liabilities of the Maine State Retirement System at a specific rate that is not less than the amount paid during the immediately preceding fiscal year. If the unfunded liability payment which is actuarially determined would be less than the amount paid in the immediately preceding year, the Board of Trustees of the Maine State Retirement System is directed to recommend a methodology to adjust plan funding in order to realize payment of the required amount; if no such methodology can be identified, then a General Fund appropriation in the amount of the difference between the General Fund portions of the unfunded liability payment in the 2 years in question must be sought.

Chapter 707 also establishes the Task Force to Study Methods of Addressing Inequities in the Retirement Benefits of State Employees and Teachers to study the impact of the changes made to the law that treat state employees and teachers who did not have 10 years of creditable service on July 1, 1993 less favorably than those with 10 years of creditable service before July 1, 1993. The Task Force is to report to the Labor Committee which is authorized to introduce legislation to the First Regular Session of the 121st Legislature.

LD 2202

An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act

PUBLIC 712

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-623 KILKELLY
TREADWELL	OTP-AM MIN	

LD 2202 proposed to amend a provision in section 213 of the Workers' Compensation Act of 1992 that determines whether a person with permanent impairment from a work injury is entitled to receive benefits for the duration of his or her incapacity to work, or is subject to a durational limit, which is currently 7 years. A person is entitled to benefits for the duration of incapacity if his or her permanent impairment, expressed as a percentage of impairment to the whole body, exceeds a threshold percentage established by the Workers Compensation Board. The law requires the Board to set the threshold at a percentage level so that 25% of cases with permanent impairment fall above the threshold and 75% fall below.

The bill proposed to set clear standards for the Board to use in determining whether impairment resulting from prior injuries or conditions are taken into account in determining an individual's permanent impairment percentage and in setting the threshold.

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LD 2202 proposed that the determination of permanent impairment for the purposes of this law include impairment resulting from a prior injury or condition that is aggravated or accelerated by the current work injury, but does not include impairment from injuries or conditions that do not affect the same body part as the current work injury or are not medically affected by the current work injury. The bill proposed to overturn the decision of the Maine Supreme Judicial Court in Kotch v. American Protective Services, Inc. 2002 ME 19, which interpreted section 213 to permit inclusion of preexisting injuries or conditions that combine with the current work injury to create disability, even if the injuries and conditions are not aggravated or accelerated by the current work injury.

The bill proposed to make these changes applicable retroactively to all injuries occurring on or after January 1, 1993, including determinations made in pending proceedings.

Committee Amendment “A” (S-574), which was not adopted, was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. It proposed to overturn the decision in Kotch v. American Protective Services, Inc. by specifying that a permanent impairment evaluation to determine an employee's entitlement to benefits for the duration of the employee's incapacity may not include nonwork-related conditions that merely combine with the current work injury without being caused, aggravated or accelerated by the work injury.

The amendment also proposed to adopt 10 years as the duration for partial benefits for employees whose impairments are below the permanent impairment threshold of 11.8%. It proposed to fix the threshold at 11.8% and repeal the adjustment mechanisms for changing both the threshold and the duration of partial benefits for those below the threshold.

The amendment proposed to change administrative provisions relating to the Workers' Compensation Board. It proposed to give the Executive Director of the board greater authority to manage the staff and finances of the board. It proposed that the Executive Director, General Counsel, hearing officers and most other staff be removable only for cause, and to require a vote of 3/4 of members of the board to remove the executive director.

Committee Amendment “B” (S-575), the minority report of the Joint Standing Committee on Labor, proposed to add a fiscal note to the bill. It was not adopted.

House Amendment "A" (H-1101) proposed to replace the bill. It proposed that the determination of permanent impairment for purposes of section 213 of the Workers' Compensation Act must include the work injury at issue as well as other work injuries that combine with the work injury at issue and contribute to the incapacity. Like the bill, it also proposed to include permanent impairment arising from other preexisting conditions and injury if those conditions or injuries are aggravated or accelerated by the work injury at issue. The amendment proposed to make these changes retroactive to injuries on or after January 1, 1993. It was not adopted.

Senate Amendment "A" to House Amendment “A” (S-609), which was not adopted, proposed to amend House Amendment “A” to provide a delayed effective date for the provision including prior work injuries that are not aggravated or accelerated by the current work injury, but that combine with the injury and contribute to incapacity to work. It proposed to provide that such injuries may be included only in determining an individual's permanent impairment for injuries on or after January 1, 2004, and only if the employee received a benefit for the prior injury under the Maine Workers' Compensation Act of 1992 but for which a lifetime lump sum has not already been paid. It also proposed that such injuries would not be included unless the Workers' Compensation Board adjusted the threshold effective January 1, 2004 in a way that takes into account the inclusion of such injuries. The amendment also proposed that the Workers' Compensation Board report the appropriate adjustment to the joint standing

Joint Standing Committee on Labor

committee of the Legislature having jurisdiction over labor matters by January 2, 2004 and indicate whether the necessary adjustment has been made.

Senate Amendment "B" to House Amendment "A" (S-622), which was not adopted, proposed to amend House Amendment "A" to allow inclusion of prior work injuries that are not aggravated or accelerated by the current work injury beginning with injuries on or after January 1, 2002, as long as the prior work injury was verifiable and resulted in benefits being paid to the worker under workers' compensation law in Maine or another state. Injuries for which a lump sum settlement was made are not included if the permanent impairment percentage from the injury exceeded the applicable threshold.

It also proposed that the Workers' Compensation Board hire 2 actuaries to develop recommendations on how the permanent impairment threshold should be adjusted to reflect the inclusion of those prior injuries and conditions and that, if the board failed to make the required adjustment by November 1, 2002, the matter must be referred to an arbitrator for resolution.

Senate Amendment "C" (S-623) proposed to replace the bill. It proposed that permanent impairment, for purposes of section 213, includes (1) impairment resulting from prior injuries and physical conditions that are aggravated or accelerated by the work injury at issue; and (2) for injuries on or after January 1, 2002, impairment resulting from prior work injuries combine with the current injury and contribute to the incapacity, provided the worker received a benefit or compensation under the Maine Workers' Compensation Act of 1992. It does not include (1) impairment from nonwork injuries that are not aggravated or accelerated by the current injury or (2) injuries for which a lump sum settlement was paid to a worker whose impairment percentage exceeded the applicable threshold.

The amendment also proposed to direct the Workers' Compensation Board to hire 2 actuaries to develop recommendations on how the permanent impairment threshold should be adjusted and proposed that, if the board fails to make the required adjustment by November 1, 2002, the matter must be referred to an arbitrator for resolution. Finally, the amendment proposed to make the changes contained in this bill retroactive to injuries on or after January 1, 1993, with exceptions for already-resolved cases.

Enacted law summary

Public Law 2001, chapter 712 amends the Workers' Compensation Act of 1992 to provide specific rules for determining the degree of an injured worker's permanent impairment, for purposes of determining whether the worker is entitled to benefits for the duration of disability. The law provides that the permanent impairment calculation includes impairment from (1) the current work injury; (2) other injuries or physical conditions that are aggravated or accelerated by the current work injury; and (3) for injuries occurring on or after January 1, 2003, prior work injuries that contribute to the employee's disability, if the worker received a benefit for that prior work injury under the Maine Workers' Compensation Act of 1992, the prior injury was not found to be ineligible under that Act, and the worker did not receive a lifetime lump sum settlement for that injury. The rules apply to permanent impairment determinations for injuries occurring on or after January 1, 1993, but it does not change any determination that was made and finalized before the effective date of the new law. Chapter 712 also assists the Workers Compensation Board in revising the threshold for determining eligibility for duration-of-disability benefits by requiring the Board to hire actuaries and to submit the issue to arbitration if the board is unable to adjust the threshold.

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LD 2206

An Act to Assist the Displaced Workers at Hathaway Shirt Company

ONTP

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

LD 2206 proposed to provide that an employer that has owned and operated a covered establishment for less than 2 years prior to the termination or relocation owes severance pay if the employer, its predecessors or the covered establishment received significant public benefits in the 5 years before the termination or relocation. As an alternative to paying severance pay, the employer would be permitted to pay over to the Department of Labor the value of all significant public benefits provided in the past 5 years. The department would use those funds to make severance payments to employees of the covered establishment and to repay the municipality or other public entity that provided the significant public benefit.

LD 2217

Resolve, to Fund the Operations of the Workers' Compensation Board for Fiscal Year 2002-03

RESOLVE 126

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

LD 2217 proposed to authorize the Workers' Compensation Board to use up to \$1,341,750 from its reserve account to fund operations of the Board for fiscal year 2002-03.

Enacted law summary

Resolve 2001, chapter 126 authorizes the Workers' Compensation Board to use up to \$1,341,750 from its reserve account in fiscal year 2002-2003 to fund operational needs, technological improvements, contracted staff for the worker advocate program, and collective bargaining costs.

LD 2218

An Act to Improve the Responsiveness of the Unemployment Insurance Program

UNSIGNED

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

LD 2218 proposed to provide that, between June 1, 2003 and May 31, 2006, a person is not ineligible for unemployment benefits solely because the person is not available for full-time work, as long as the person is available to work at least part-time. The bill proposed that the Department of Labor provisionally adopt rules to implement the part-time standard and submit them to the Labor Committee by February 1, 2003. Pursuant to the federal Job Creation and Worker Assistance Act of 2002, federal funds could be utilized to pay the costs of this provision.

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SP 0756

**JOINT ORDER, Relative to the Commission to Study Issues
Concerning School Bus Drivers (as amended by H-799)**

**PASSED
(not funded)**

Sponsor(s)

Committee Report
OTP-AM MAJ

Amendments Adopted
H-799

This Joint Order proposed to create a commission to gather information pertaining to the retention of, recruitment of and access to unemployment compensation for school bus drivers and to make a recommendation to the Legislature on the advisability of increasing access to unemployment compensation for school bus drivers.

Although this Joint Order passed in both bodies, the Legislative Council did not provide funding for its implementation from the legislative account.

SP 0821

**JOINT ORDER, Relative to the Task Force to Study a Universal
Special Retirement Plan for All Levels of Law Enforcement Officers**

**DIED ON
ADJOURNMENT**

Sponsor(s)
SAWYER

Committee Report

Amendments Adopted

This Joint Order proposed to create a task force to study the feasibility, advantages, disadvantages, cost implications and other relevant information concerning the establishment of a universal special retirement plan for law enforcement officers.

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LD 289

An Act Regarding Horse Racing

PUBLIC 567

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY FERGUSON	OTP-AM	H-794

LD 289, which was carried over from the first regular session, proposed 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."

Committee Amendment "A" (H-794) proposed to replace the original bill. It would specify that harness racing judges for commercial tracks are appointed by the State Harness Racing Commission with the approval of the track and that the judges are hired as employees of the track on an annual basis. It also would provide for the transfer of a commercial track license to another location. This amendment would provide that if a race date at a commercial track is canceled due to a horse shortage that race date is still valid for the purposes of meeting the number of race dates required for the track to qualify as a commercial track.

Enacted law summary

Public Law 2001, chapter 567 amends the definition of a "commercial track" by deleting the different criteria that currently apply to areas with different populations. It also makes technical changes to make the use of this term consistent with the term "commercial licensee." Public Law 2001, chapter 567 specifies that harness racing judges for commercial tracks are appointed by the State Harness Racing Commission with the approval of the track and that the judges are hired as employees of the track on an annual basis. It also provides for the transfer of a commercial track license to another location. This law provides that if a race date at a commercial track is canceled due to a horse shortage that race date is still valid for the purposes of meeting the number of race dates required for the track to qualify as a commercial track.

LD 1340

An Act to Hold an Advisory Referendum on Term Limits

INDEF PP

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

LD 1340, which was carried over from the first 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.

Committee Amendment "A" (H-817) proposed to amend the original bill by submitting only one question regarding term limits to the voters. The question would ask the voter if the voter is in favor of repealing term limits for Legislators.

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House Amendment "A" to Committee Amendment "A" (H-854) proposed to repeal term limits for Legislators, subject to approval by the voters at referendum.

LD 1532 **An Act to Amend the Governmental Ethics 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 1532, which was carried over from the first regular session, was an omnibus bill that proposed to amend several sections of the law pertaining to governmental ethics. It proposed to define several terms such as, "anything of value", "associated" and "reportable liability." This bill would have made changes to the laws governing standards of conduct, conflict of interest and the process for filing and processing ethics complaints. LD 1532 also proposed changes to the laws governing financial disclosure required of legislators. Finally, the bill proposed to increase the penalties for filing a false disclosure statement or for willfully failing to file on time.

LD 1752 **An Act to Update the Department of Defense, Veterans and Emergency Management Laws** **PUBLIC 662**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DOUGLASS	OTP-AM	H-837 H-946 TUTTLE S-557 DOUGLASS

LD 1752, which was carried over from the first regular session, proposed to make technical language changes throughout the Department of Defense, Veterans and Emergency Management's legislation, 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 advocates and modify the mechanism by which the Governor declares a state of emergency.

Committee Amendment "A" (H-837) proposed to specify that the sale of the Caribou Armory must be at market value. Current law states that a veteran is eligible for burial in the veterans' cemetery if he or she was a resident of the State at the time of entering military service or at the time of death. This requirement would be repealed by this amendment. The amendment also proposed to authorize the Governor to enter into an agreement with the Federal Emergency Management Agency for debris removal financial assistance. Under this agreement the Governor would be authorized to indemnify the Federal Government against any claim arising from such removal as required by federal law. The amendment also proposed to make several technical changes to the bill and add a fiscal note to the bill.

House Amendment "A" (H-880), which was not adopted, proposed to correct a cross-reference.

House Amendment "B" (H-899) proposed to amend the bill in the following ways:

1. It would correct a cross-reference;

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2. It would require proceeds from the sale of condemned property to be credited to the Department of Defense, Veterans and Emergency Management instead of to the Capital Repair Account of the Military Bureau; and
3. It would reenact the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate...existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move...the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management.

House Amendment "C" (H-946) proposed to amend the bill in the following ways:

1. It would correct a cross-reference; and
2. It would reenact the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate...existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move...the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management."

Senate Amendment "A" (S-526), which was not adopted, proposed to authorize state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the tuition.

Senate Amendment "B" (S-557) proposed to authorize state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the education.

Enacted law summary

Public Law 2001, chapter 662 makes technical language changes throughout the Department of Defense, Veterans and Emergency Management's laws, modifies the Maine Code of Military Justice, authorizes the sale of 2 armories in accordance with established procedures, fortifies reemployment rights of service members, redesignates veteran service officers to veteran advocates and modifies the mechanism by which the Governor declares a state of emergency. Chapter 662 specifies that the sale of the Caribou Armory must be at market value. Current law states that a veteran is eligible for burial in the veterans' cemetery if he or she was a resident of the State at the time of entering military service or at the time of death. This requirement is repealed by this law. It authorizes the Governor to enter into an agreement with the Federal Emergency Management Agency for debris removal financial assistance. Under this agreement the Governor is authorized to indemnify the Federal Government against any claim arising from such removal as required by federal law. Chapter 662 reenacts the River Flow Advisory Commission that was inadvertently repealed by Public Law 2001, chapter 460, a law whose purpose was to "consolidate existing dam safety laws within the Department of Defense, Veterans and Emergency Management and move the Dam Repair and Reconstruction Fund from the Department of Environmental Protection to the Department of Defense, Veterans and Emergency Management." Finally, this law authorizes state-supported postsecondary vocational schools and institutions to reduce the tuition waiver by the amount necessary to

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ensure that the value of the waiver, combined with other grants and benefits, does not exceed the total cost of the education.

LD 1883 **An Act to Clarify the On-premise Liquor License Application Process** **PUBLIC 500**

<u>Sponsor(s)</u> DAVIS P LABRECQUE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1883 proposed to clarify that municipal officers or county commissioners have 60 days to take final action on a new application for an on-premise liquor license. Under this bill, renewal license applications would have to be approved within 120 days.

Enacted law summary

Public Law 2001, chapter 500 clarifies that municipal officers or county commissioners have 60 days to take final action on a new application for an on-premise liquor license. Renewal license applications must be approved within 120 days.

LD 1886 **Resolve, Directing the Director of the Bureau of Liquor Enforcement to Study the Equity of Fees for Establishments Licensed to Sell Liquor for On-premises Consumption** **RESOLVE 82**

<u>Sponsor(s)</u> BENNETT TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-453
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LD 1886 proposed to reduce the fee for a Class II license under the retail liquor sales law to \$220 per year.

Committee Amendment "A" (S-453) proposed to replace the bill and direct the Director of the Bureau of Liquor Enforcement within the Department of Public Safety to study the equity of fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The report would be submitted to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003. This amendment would also add a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 82 directs the Director of the Bureau of Liquor Enforcement within the Department of Public Safety to study the equity of fees for establishments licensed to sell spirits, wine and malt liquor for on-premises consumption. The report is to be submitted to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters by December 31, 2003.

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LD 1890

An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices

PUBLIC 535

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

LD 1890 proposed to repeal the provision of law that requires the Commission on Governmental Ethics and Election Practices to keep a request for investigation confidential if it is filed within 10 business days immediately preceding the election.

Enacted law summary

Public Law 2001, chapter 535 repeals the provision of law that requires the Commission on Governmental Ethics and Election Practices to keep a request for investigation confidential if it is filed within 10 business days immediately preceding the election.

LD 1908

An Act to Prohibit the Consumption of Liquor by Minors on a Brewery Premises

PUBLIC 501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS LABRECQUE	OTP-AM	S-418

LD 1908 proposed to correct language contained in the provision governing the issuance of brewery and small brewery licenses to reflect that prohibition. Currently, the Maine Revised Statutes, Title 28-A, sections 705 and 2051 prohibit the sale of any liquor or imitation liquor for consumption by a minor.

Committee Amendment "A" (S-418) clarifies the original bill by referencing the definition of "liquor" and "imitation liquor."

Enacted law summary

Public Law 2001, chapter 501 corrects language contained in the provision of law governing the issuance of brewery and small brewery licenses so that it is consistent with the provision that prohibits the sale of any liquor or imitation liquor for consumption by a minor.

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LD 1915

An Act to Amend the Civil Service Law with Respect to Veterans' Preference

PUBLIC 512

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

LD 1915 proposed to broaden eligibility for veterans' preference in making appointments to the classified service by eliminating the requirement for participation in a war, campaign or expedition defined in the current law. As a result, this bill would eliminate distinctions as to the period of service that currently exist in the veterans' preference statute.

Enacted law summary

Public Law 2001, chapter 512 broadens eligibility for veterans' preference in making appointments to the classified service by eliminating the requirement for participation in a war, campaign or expedition defined in the current law. As a result, it eliminates distinctions as to the period of service that currently exist in the veterans' preference statute.

LD 1919

An Act to Allow Approval of Internet-based Alcohol Server Education Courses

PUBLIC 502

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

LD 1919 allows the Commissioner of Public Safety or the commissioner's designee to approve Internet-based alcohol server education courses.

Enacted law summary

Public Law 2001, chapter 502 authorizes the Commissioner of Public Safety or the commissioner's designee to approve Internet-based alcohol server education courses.

LD 1971

An Act to Support Businesses Engaged in Both Off-premises and On-premises Retail Sales of Malt Liquor and Wine

ONTP

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

LD 1971 proposed to amend current law to allow a licensed wine bar to share a kitchen with another establishment licensed for the sale of alcohol. "Wine bar" would be defined to be an establishment that sells wine for on-premises consumption and that also sells food, not including a full course meal.

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LD 2015

An Act to Amend Certain Statutes Regarding Beano and Games of Chance

PUBLIC 538

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR	OTP-AM	H-848

LD 2015 proposed to amend the laws regarding beano and games of chance as follows.

1. It would provide for a period of 60 days for the Chief of the State Police to process applications for beano and games of chance licenses.
2. It would allow the Chief of the State Police to require evidence from beano and games of chance licensees regarding conduct of the amusements.
3. It would require organizations desiring to be licensed to conduct games of chance to be in existence for 2 years before applying for a license.
4. It would allow licensed agricultural fair societies to use tokens in the denomination of \$1 for games of chance.

Committee Amendment "A" (H-848) proposed to strike the provisions in the original bill that would have required the Chief of the State Police to process the application for a beano or game of chance license in 60 days. It also proposed to make some technical changes to the bill.

Enacted law summary

Public Law 2001, chapter 538 specifies that non-profit organizations must be in existence for 2 consecutive years in order to be eligible for a license to conduct games of chance. This law provides that the Chief of the State Police may require evidence from a licensee regarding the conduct of beano or games of chance in order to determine compliance with the laws governing those games. Chapter 538 also permits licensed agricultural fair societies to use tokens in the denomination of \$1 for games of chance.

LD 2023

An Act to Amend the Election Laws

PUBLIC 516

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DOUGLASS	OTP-AM	H-776 S-422 DOUGLASS

LD 2023 proposed to permit a nonresident United States citizen who was born outside the United States and who has never lived in the United States to register and enroll using the last residence address of either parent immediately before leaving the United States. The bill proposed to clarify that the election officials must open the boxes of ballots on election day to verify the number of ballots received. This bill would set a time certain that the incoming voting list must remain sealed after an election. The bill would clarify the information that must be included in the election returns from the municipalities, as well as the Secretary of

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State's tabulation of the vote. The bill also proposed to specify that a candidate must receive at least one vote in the primary or other election in order to win by a plurality of the votes cast. The bill would also make technical changes and provide consistent language to specify who will complete and sign certain election documents. The bill proposed to repeal the section of law that restricts certain people from being able to register or vote. The bill would also repeal the Congressional Term Limits Act of 1996, and the Maine Congressional Term Limitations Act of 1994. The bill also proposed to repeal the section of law that prohibits payment for collection of signatures if that payment is based on the number of signatures collected and clarify what other materials must be sealed with the incoming voting list. The bill would also provide for a poster to advise prospective registrants and voters of their rights. Finally, this bill proposed to provide for the federal absentee ballot to be used by members of the United States Armed Forces and citizens outside the United States in primary and general elections.

Committee Amendment "A" (H-776) proposed to strike the provisions of the original bill that provide for a new process by which United States citizens living outside the United States may register to vote and retain current law and add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-422) proposed to remove and replace the fiscal note on the committee amendment. The bill as amended would not represent a state mandate under the Constitution of Maine.

Enacted law summary

Public Law 2001, chapter 516 clarifies that election officials must open the boxes of ballots on election day to verify the number of ballots received. This law sets a time certain that the incoming voting list must remain sealed after an election. It clarifies the information that must be included in the election returns from the municipalities, as well as the Secretary of State's tabulation of the vote. Chapter 516 also specifies that a candidate must receive at least one vote in the primary or other election in order to win by a plurality of the votes cast. The law also provides for a poster to advise prospective registrants and voters of their rights. It provides for the federal absentee ballot to be used by members of the United States Armed Forces and citizens outside the United States in primary and general elections. Finally, this law makes several changes to the statutes in order to be consistent with recent court decisions regarding voting rights of persons under guardianship for mental illness, Congressional term limitations and payment for the collection of petition signatures.

LD 2055

**An Act to Make the Use of Tokens or Tickets for Games of Chance
at Agricultural Fairs Optional**

**PUBLIC 672
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK WOODCOCK	OTP-AM MAJ ONTP MIN	H-853 S-512 MILLS

LD 2055 proposed to delay by one year the date by which the use of tokens or tickets is required for games of chance at agricultural fairs.

Committee Amendment "A" (H-853) proposed to strike the original bill in its entirety and replaces it by amending current law to make the use of tickets or tokens for games of chance at agricultural fairs optional. This amendment would be retroactive to January 1, 2002.

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Senate Amendment "A" to Committee Amendment "A" (S-512) this amendment proposed to make tokens an optional means for controlling revenue in games of chance and would authorize the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens. The amendment also contains some technical redrafting of existing law and provides definitions for 4 previously undefined terms: "agricultural society," "gross revenue," "net revenue" and "tokens." Public Law 2001, chapter 672 makes the use of tokens an optional method for controlling revenue in games of chance conducted at agricultural fairs. It authorizes the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens.

Enacted law summary

Public Law 2001, chapter 672 makes the use of tokens an optional method for controlling revenue in games of chance conducted at agricultural fairs. It authorizes the Chief of the State Police to adjust record-keeping and reporting requirements for licensees who choose to use tokens.

Public Law 2001, chapter 672 was enacted as an emergency measure effective April 11, 2002.

LD 2063 **An Act to Require Timely Consideration of Appeals of Decisions of the Registrar of Voters** **ONTP**

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

LD 2063 proposed to require the registration appeals board in a town or city of 5,000 or more residents to convene on election day prior to the closing of the polls to consider any appeals that have arisen from decisions of the registrar of voters. The board would be required to meet in time to allow an aggrieved person to vote if the decision of the registrar is modified or reversed.

LD 2123 **An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores** **PUBLIC 711**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-1122 – Committee of Conference
	ONTP B	
	OTP-AM C	

LD 2123 proposed to implement the recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores. This bill proposed to require the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to continue to operate 19 state liquor stores. It proposed to repeal the 3.5 mile radius requirement when a state liquor store is replaced with an agency store. It would require an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee licensed for on premise consumption to obtain a state reselling agent license for an annual fee of \$50. The bill also proposed to specify that all spirits sold by

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agents shall be sold at the list price established by the State Liquor Commission. Finally, LD 2123 proposed to require the Bureau of Alcoholic Beverages and Lottery Operations to report annually to the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters.

Committee Amendment "A", which was not adopted, proposed to provide that an agency liquor store licensed after April 1, 2002 in a municipality with a population of 20,000 or more may not be licensed if the location is within 3.5 miles of an existing agency liquor store. The original bill would have repealed the 3.5 mile radius requirement for the location of an agency liquor store in any municipality. The amendment also proposed that if a licensee dies, the licensee's surviving spouse or designated heir shall be issued the license if the spouse or heir requests it and meets all of the necessary requirements for an agency license at that location. The amendment also proposed to clarify the number of agents that the law currently provides may be licensed per municipality. This amendment proposed that, in the event that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is required to close additional state liquor stores in the future, the department would be required to get the approval of the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters for the state liquor stores selected for closure.

Committee Amendment "B", which was not adopted, proposed to clarify the number of agents that the law currently provides may be licensed per municipality. The amendment also proposed that if a licensee dies, the licensee's surviving spouse or designated heir shall be issued the license if the spouse or heir requests it and meets all of the necessary requirements for an agency license at that location. It also proposed that, in the event that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is required to close additional state liquor stores in the future, the departments would be required to get the approval of the Joint Standing Committee of the Legislature having jurisdiction over alcoholic beverages matters for the state liquor stores selected for closure.

Conference Committee "A" proposed to maintain current law that directs the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to close six state liquor stores between June 1, 2002 and December 31, 2002. It proposed to repeal the requirement that when the Bureau of Liquor Enforcement licenses a private agency liquor store it must be at least 3.5 miles away from an existing agency liquor store. It would require an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee for on-premise consumption to obtain a state reselling agent license for an annual fee of \$50. Under this amendment, all spirits and fortified wine purchased from the State Liquor Commission would be sold at the retail price established by the commission. Finally, this amendment proposed to provide that an agency liquor licensee may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

Enacted law summary

Public Law 2001 chapter 711 maintains current law that directs the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to close six state liquor stores between June 1, 2002 and December 31, 2002. It repeals the requirement that when the Bureau of Liquor Enforcement licenses a private agency liquor store it must be at least 3.5 miles away from an existing agency liquor store. It requires an agent permitted to resell spirits and fortified wine purchased from the State Liquor Commission to a retail licensee licensed for on-premise consumption to obtain a state reselling agent license for an annual fee of \$50. Under this law, all spirits and fortified wine purchased from the State Liquor Commission will be sold at the retail price established by the commission. Finally, this law

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provides that an agency liquor license may be transferred to the spouse or heir of a deceased licensee as long as the spouse or heir meets all of the criteria applied to a traditional license applicant.

LD 2165 **Resolve, to Allow Julie Harrington to Sue the State** **FINAL PASSAGE
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL YOUNGBLOOD	OTP-AM	H-1045 S-613 DOUGLASS

LD 2165 is a resolve authorizing Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of computer software created by Julie Harrington in violation of her alleged copyrights in that software.

Committee Amendment "A" (H-1045) replaced the resolve. It proposed to authorize Julie Harrington to bring a civil action against the State for damages resulting from the alleged use by the State of a computer software program in violation of her alleged copyrights in that software. The amendment also proposed to waive any defense of immunity the State may have pursuant to the Eleventh Amendment of the United States Constitution. The amendment would have limited any recovery to \$400,000. The amendment also added a fiscal note to the resolve.

Senate Amendment "B" to Committee Amendment "A" (S-613) proposed to authorize the transfer by the Commissioner of Administrative and Financial Services of up to \$30,000 from the self-insurance fund to the Department of Corrections to offset the costs of outside counsel fees.

Senate Amendment "A" to Committee Amendment "A" (S-612) proposed to require the Department of Corrections to defend the lawsuit brought by Julie Harrington within the Department's existing resources. Senate Amendment "A" to Committee Amendment "A" was not adopted.

LD 2169 **An Act to Ensure Proper Disbursement of Matching Funds under
the Maine Clean Election Act** **PUBLIC 589**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM MAJ ONTP MIN	H-971

LD 2169 proposed to require that traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Elections Act file a report within 48 hours of making significant single expenditures. This reporting requirement would begin on the 28th day prior to an election.

Committee Amendment "A" (H-971) proposed to amend the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. As proposed, the 42nd day report would reflect activity through the 44th day prior to election day, the 21st day report would reflect activity through

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the 23rd day prior to election day and the 12th day report would reflect activity through the 14th day prior to election day.

Enacted law summary

Public Law 2001, chapter 589 amends the accelerated reporting schedule for traditionally funded candidates who have received or spent 101% of the amount disbursed to their opponents who are financed by the Maine Clean Election Act. The 42nd day report will reflect activity through the 44th day prior to election day, the 21st day report will reflect activity through the 23rd day prior to election day and the 12th day report will reflect activity through the 14th day prior to election day. Under this law, the requirement for filing 48 hour single expenditure reports begins the 14th day prior to election day.

LD 2174 **Resolve, Authorizing Michelle Booker to Sue the State**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY SAWYER	OTP-AM	H-1044

LD 2174 proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, to sue the State for damages as a result of the State's negligence in the death of Donna Leen.

Committee Amendment "A" (H-1044) replaces the resolve. It proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, to sue the Department of Corrections for wrongful death as a result of the Department's alleged negligence in the death of Donna Leen. Under the amendment, monetary recovery is limited to the maximum amounts authorized under the wrongful death provision, Maine Revised Statutes, Title 18-A, section 2-804. The amendment also added a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-568) proposed to cap the damages that may be recovered under a lawsuit brought by Michelle Booker to \$400,000, the limit specified in the Maine Tort Claims Act. Senate Amendment "A" to Committee Amendment "A" was not adopted.

LD 2174 was enacted in the House and Senate, but vetoed by the Governor.

LD 2182 **An Act to Establish a Centralized Voter Registration System for the State**

PUBLIC 637

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2182 is a committee bill pursuant to Joint Order, House Paper 1622. It proposed to define "centralized voter registration system" and authorize the Secretary of State to apply for and receive funds for the establishment of a centralized voter registration system. The bill would establish the Centralized Voter Registration Advisory Committee to assist the Secretary of State and requires the Secretary of State to

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develop a pilot program to test a centralized voter registration system and fully implement a centralized voter registration system by December 31, 2007. The Secretary of State would be authorized to adopt rules to implement and administer a centralized voter registration system. Such rules would be major substantive rules. The Secretary of State would be required to report annually to the joint standing committee of the Legislature having jurisdiction over voter registration matters and could recommend legislation necessary to implement or administer the centralized voter registration system.

Enacted law summary

Public Law 2001, chapter 637 defines "centralized voter registration system" and authorizes the Secretary of State to apply for and receive funds for the establishment of a centralized voter registration system. It establishes the Centralized Voter Registration Advisory Committee to assist the Secretary of State and requires the Secretary of State to develop a pilot program to test a centralized voter registration system and fully implement a centralized voter registration system by December 31, 2007. Under this law, the Secretary of State is authorized to adopt rules to implement and administer a centralized voter registration system. Such rules would be major substantive rules. The Secretary of State is required to report annually to the joint standing committee of the Legislature having jurisdiction over voter registration matters and may recommend legislation necessary to implement or administer the centralized voter registration system.

LD 2183 **Resolve, Regarding Legislative Review of Chapter 3: Maine Clean Elections Act and Related Provision Amendments, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices** **RESOLVE 109 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2183 proposed to approve major substantive rules governing the Maine Clean Elections Act administered by the Commission on Governmental Ethics and Election Practices.

Enacted law summary

Resolve 2001, chapter 109 approved major substantive rules governing the Maine Clean Election Act administered by the Commission on Governmental Ethics and Election Practices. Some of the rules adopted govern distribution of matching funds, record-keeping by participating candidates, the return of unspent funds and the liquidation of property purchased with Maine Clean Election Act funds.

Resolve 2001, chapter 109 was finally passed as an emergency measure effective April 8, 2002.

LD 2211 **An Act to Include a Woman Veteran on the Board of Trustees of the Maine Veterans' Homes** **PUBLIC 676**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Joint Standing Committee on Legal and Veterans' Affairs

LD 2211 is a committee bill pursuant to Joint Order 1689. It proposed to amend the law governing the membership of the Board of Trustees of the Maine Veterans' Homes. It would increase the membership from 10 to 11 and require that at least one member appointed to the board be a female veteran.

Enacted law summary

Public Law 2001, chapter 676 amends the law governing the membership of the Board of Trustees of the Maine Veterans' Homes. It increases the membership from 10 to 11 and requires that at least one member appointed to the board be a female veteran.

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Joint Standing Committee on Marine Resources

LD 425

An Act to Restrict the Use of Gill Nets

ONTP

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

LD 425, which was carried over from the First Regular Session, proposed to place certain restrictions on the use of gill nets in Maine's tidal waters.

LD 1036

An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils

ONTP

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

LD 1036, which was carried over from the First Regular Session, proposed 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 1428

An Act to Amend the Aquaculture Leasing Law

ONTP

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

LD 1428, which was carried over from the First Regular Session, proposed to provide citizens and other interested parties 10 days following the completion of the aquaculture lease hearing to submit further evidence and testimony. The bill also provided that this period could be extended for a period beyond 10 days if agreed to by the parties. The bill also proposed 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 1979

Resolve, Directing the Department of Marine Resources to Participate in a Scientific Assessment of the Activities in the Great Salt Bay

ONTP

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

LD 1979 proposed to direct the Department of Marine Resources to participate in a privately funded study of the activities in the Great Salt Bay. It also proposed to require the department to place a 4-year moratorium on new fishing and harvesting activities in the Great Salt Bay pending the outcome of the assessment.

Joint Standing Committee on Marine Resources

LD 1996

**An Act to Establish Educational Requirements for Granting
Noncommercial Lobster Licenses**

PUBLIC 581

<u>Sponsor(s)</u> ETNIER EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
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LD 1996 proposed to direct the Commissioner of Marine Resources to establish an educational program for training applicants for noncommercial and crab fishing licenses and to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete the course and pass a written test. Under this bill, a surcharge would be collected from persons taking the course sufficient to cover the costs to the department in providing the program. Surcharges collected would be deposited in the Lobster Management Fund.

Committee Amendment "A" (H-935) proposed to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also required the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. Under this amendment, a surcharge would be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected would be deposited in the Lobster Management Fund. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 581 requires that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also requires the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. A surcharge will be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected will be deposited in the Lobster Management Fund.

LD 2118

**An Act to Implement the Recommendations of the Committee to
Study the Loss of Commercial Fishing Waterfront Access and
Other Economic Development Issues Affecting Commercial Fishing**

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-934
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LD 2118 proposed to implement some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It proposed to direct the Executive Department, State Planning Office to review the structure and effectiveness of coastal management in Maine; create a working group of state agencies that deal with water-access issues; and direct the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

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Committee Amendment "A" (H-934) proposed to clarify that the working group of agencies that is established in the bill is charged with tracking coastal water access, rather than water access statewide. It clarified the activities of the working group and changed the annual reporting requirement to biennial reporting. The amendment also proposed to direct the Land and Water Resources Council, instead of the State Planning Office, to conduct a review of coastal management in the State. It also directed the Land and Water Resources Council to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 595 implements some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the Land and Water Resources Council to review the structure and effectiveness of coastal management in Maine; it creates a working group of state agencies that deal with coastal water-access issues; and it directs the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

LD 2152

An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality

**PUBLIC 587
EMERGENCY**

Sponsor(s)
ETNIER
SMALL

Committee Report
OTP-AM

Amendments Adopted
H-933

LD 2152 proposed to provide that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Committee Amendment "A" (H-933) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 2001, chapter 587 provides that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Chapter 587 was enacted as an emergency measure effective April 1, 2002.

Joint Standing Committee on Marine Resources

LD 2172

An Act to Designate the Great Salt Bay Marine Shellfish Preserve

PUBLIC 558

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2172 proposed to designate the Great Salt Bay in Lincoln County as a marine shellfish preserve to gain a better understanding of the structure, function and integrity of marine shellfish ecosystems and to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance. The bill also proposed to prohibit the harvesting of shellfish and other harvesting activities that involve bottom disturbance. Research activities would have been excluded from the prohibition. The bill also proposed to direct the Department of Marine Resources to participate in a privately funded study of the bay.

Enacted law summary

Public Law 2001, chapter 558 designates the Great Salt Bay in Lincoln County as a marine shellfish preserve. The purpose of the designation is to gain a better understanding of the structure, function and integrity of marine shellfish ecosystems and to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance. Chapter 558 prohibits the harvesting of shellfish and other harvesting activities that involve bottom disturbance. Research activities are excluded from the prohibition. Chapter 558 also directs the Department of Marine Resources to participate in a privately funded study of the bay.

LD 2213

Resolve, Dealing With One-time License Transfers of Sea Urchin Dragging Licenses

**RESOLVE 112
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2213 proposed to allow new sea urchin dragging licenses to be issued to certain persons who fish for sea urchins who were not able to qualify for license transfers under the one-time license transfer program. The resolve also proposed to set deadlines within which an affected person who fishes must provide documentation to the Commissioner of Marine Resources that the person who fishes meets the requirements.

Enacted law summary

Resolve 2001, chapter 112 allows new sea urchin dragging licenses to be issued to certain persons who fish for sea urchins who were not able to qualify for license transfers under the one-time license transfer program. The resolve sets deadlines within which an affected person who fishes must provide documentation to the Commissioner of Marine Resources that the person who fishes meets the requirements. See Public Law 2001, chapter 710, sections 22 and 23. Chapter 710 is summarized in the Judiciary Committee section.

Resolve 2001, chapter 112 was finally passed as an emergency measure effective April 9, 2002.

Joint Standing Committee on Marine Resources

HP 1570

ORDERED, the Senate Concurring, that the Joint Standing Committee on Marine Resources Report Out, to the House, Legislation to Make Changes to the Laws Governing Aquaculture Leasing

INDEF PP

Sponsor(s)
LEMOINE

Committee Report

Amendments Adopted

Joint Order, HP 1570 authorized the Joint Standing Committee on Marine Resources to report out legislation to make changes to the laws governing aquaculture leasing. The committee considered two proposals but no legislation was reported out of committee.

Proposal “A” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to provide for criminal and civil penalties for violations of the aquaculture laws. It also amended conflicting penalty provisions.
2. It proposed to authorize the Commissioner of Marine Resources to designate professional staff to sign lease documents for standard leases. It also proposed to authorize the commissioner to designate professional staff to issue final decisions and sign lease documents for limited-purpose leases. Decisions issued by staff would have been final agency actions.
3. It proposed to prohibit the commissioner from leasing any area without municipal approval if the municipality adopted an aquaculture lease siting ordinance and the lease area was within 2,500 feet of the mean high-water mark and the area was inside the boundaries of the municipality. It also proposed to prohibit the commissioner from leasing any area within LURC jurisdiction where LURC had established aquaculture lease siting standards.
4. It proposed to require applicants to submit notification of their intent to file a lease application prior to the filing of an application.
5. It proposed to amend the notice requirements for standard leases. It proposed to require the commissioner to send notice of a public hearing to riparians within 2,500 feet of a proposed standard lease site; to require the applicant to provide the names and addresses of the riparian landowners with the application; to repeal the requirement that the applicant publish notice of public hearing for a standard lease in the newspaper; and to require the commissioner to give 30 days notice of public hearings for standard leases.
6. It proposed to amend the notice requirements for limited-purpose leases. It proposed to require the commissioner to provide notice of an application for a limited-purpose lease to riparian owners within 2,500 feet of the proposed project when the application was complete; to require the applicant to provide the names and addresses of the riparian landowners with the application; to allow comments on the proposed lease for 30 days; to require the commissioner to provide notice of public hearing to riparian owners within 2, 500 feet of the proposed project; to require the commissioner to publish notice of public hearing at least 30 days before the hearing; and to delete the requirement that the holder of a limited-purpose lease publish notice of the lease area.
7. It proposed to delete language regarding Department of Environmental Protection certification.

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8. It proposed to require leaseholders to annually certify to the Department of Marine Resources that the activities in the lease meet the requirements of all necessary federal and state discharge or pollution permits. It proposed to exempt shellfish aquaculture sites from the requirement.
9. It proposed to authorize a dedicated fund derived from the weight of harvested finfish, an alternative production fee schedule based on the amount of feed used, and additional application fee and lease rents.
10. It proposed to rename and amend the composition of the Maine Salmon Aquaculture Advisory Council; to increase membership from 4 members to 7 members; and to make the commissioner a voting member. Other members would include 3 members of the finfish aquaculture industry and 3 members of the shellfish aquaculture industry.
11. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.

Proposal “B” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to change the notification requirements for limited-purpose aquaculture leases to require that the Department of Marine Resources, rather than the applicant, notify riparians after an application has been determined complete. It also proposed to remove the requirement for an applicant to publish notice of a public hearing in addition to that provided by the department.
2. It proposed to provide the Commissioner of Marine Resources or deputy commissioner the authority to delegate to staff the authority to sign decision documents on limited-purpose leases and lease documents on all types of leases following approval by either the commissioner or the department delegate.
3. It proposed to remove the requirement for the publication of legal notice on the approval of a limited-purpose lease and the filing of limited-purpose lease documents at the registry of deeds.
4. It proposed to enact language that decriminalizes the Maine Revised Statutes, Title 12, chapter 605, subchapter II except where there is current language making offenses of the aquaculture leasing and special license laws a civil offense.
5. It proposed to clarify that the commissioner has the exclusive authority to regulate moorings used in aquaculture operations located within the boundaries of a lease.
6. It proposed to repeal those sections of law that authorize an existing dedicated fund and advisory council to oversee a dedicated revenue source derived from the weight of harvested salmon at finfish aquaculture farms. New language was proposed that would broaden the purposes of the fund to include all forms of aquaculture, including shellfish, and would authorize additional sources of revenue from lease fees, application fees or other production fees to be determined by the department by rulemaking. New language was proposed to create an advisory council composed of representatives from all aquaculture sectors to oversee the fund.
7. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.

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Joint Standing Committee on Natural Resources

LD 1478

An Act to Amend Maine's Growth Management Law and Related Laws

ONTP

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

LD 1478, which was carried over from the First Regular Session, proposed to amend the growth management law and laws relating to growth management.

LD 1488

An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-936

LD 1488, which was carried over from the First Regular Session, proposed 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. It requires 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.

Committee Amendment "A" (H-936) proposed to replace the bill. It also proposed to require annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to either the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The amendment specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the

Joint Standing Committee on Natural Resources

Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The amendment also proposed to require the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

The amendment also proposed to direct the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

Enacted law summary

Public Law 2001, chapter 619, requires annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The law specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The law also requires the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

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The law also directs the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

LD 1643 **An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances** **ONTP**

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

LD 1643, which was carried over from the First Regular Session, proposed to outline the parameters within which a municipality could adopt a growth rate ordinance. Temporary growth rate ordinances could be enacted only to slow development while a community worked toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance could be enacted only as part of an integrated growth management strategy and also could be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposed to clarify that a municipality with a comprehensive plan could implement a growth rate ordinance in its rural area only.

LD 1849 **An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites** **PUBLIC 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-458

LD 1849 proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency is reimbursed for its costs and all 3rd parties are reimbursed for their costs of performing the final remedy at the waste oil site.

Committee Amendment "A" (S-458) proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

Enacted law summary

Public Law 2001, chapter 561 defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

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LD 1887

An Act to Permit Underground Storage Tanks in Low-risk Areas

ONTP

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

LD 1887 proposed to permit underground oil storage facilities within 75 feet of a private well when public water was available to replace the well and the facility installed monitoring devices around the facility, or when the facility owner agreed to pay for replacement or remediation of the well in the event of contamination by a release from the facility.

LD 1897

An Act to Facilitate the Closure of Privately Owned Solid Waste Landfills

**PUBLIC 575
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM MAJ	S-465
DAIGLE	ONTP MIN	

LD 1897 proposed to allow an owner or operator of a licensed solid waste disposal facility to use the financial assurance mechanisms allowed under federal law for closure and post-closure care and for corrective action for known releases.

Committee Amendment "A" (S-465) proposed to provide the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allowed the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 575 provides the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allows the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

Public Law 2001, chapter 575 was enacted as an emergency measure effective March 28, 2002.

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LD 1898

An Act to Mitigate the Effect of Large Mandatory Environmental Penalties

ONTP

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

LD 1898, a concept draft pursuant to Joint Rule 208, proposed to mitigate the effect of large mandatory environmental penalties by retroactively limiting the penalties that could be imposed, establishing a new process for the determination of penalties and imposing mandatory penalties only when there was an immediate threat to the public health, safety and welfare.

LD 1921

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

PUBLIC 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM MAJ OTP-AM MIN	S-476 S-535 MARTIN

LD 1921 proposed to provide for the safe removal and recycling of certain mercury-added products that are components in motor vehicles. Under the bill, automobile manufacturers bear primary responsibility for establishing and maintaining a statewide system to collect and consolidate the components for recycling. Used motor vehicle dealers and persons engaged in recycling motor vehicles share responsibility for removing the components and storing them for recycling. The Department of Environmental Protection was proposed to be responsible for providing technical assistance and conducting public education activities to maximize the effectiveness of the collection system.

Committee Amendment "A" (S-476) is the majority report of the committee. It proposed to require automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this amendment, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials.

The amendment proposed to allow the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

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Committee Amendment "B" (S-477) is the minority report of the committee. It proposed to replace the bill, change the title of the bill and make the bill a resolve. The amendment proposed to require the Department of Environmental Protection to submit a plan by January 15, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters for a program that would establish a system for the collection, transportation and recycling of at least 90 pounds per year of mercury from mercury switches removed from automobiles. The plan must include a detailed program description and a program budget. The committee is authorized to report out legislation during the First Regular Session of the 121st Legislature to implement a plan for the collection, transportation and recycling of mercury switches in automobiles.

House Amendment "A" to Committee Amendment "A" (H-1073) proposed to remove the requirement that a manufacturer of a motor vehicle pay a minimum of \$1 for each mercury switch brought to a consolidation facility and direct the Commissioner of Environmental Protection to develop a statewide program for the collection, transportation and recycling of mercury switches in automobiles. It also proposed to direct the Department of Environmental Protection to adopt rules by November 30, 2002 to implement this program and authorize the creation of consolidation centers for collection of switches and establish a funding source for the program, which is a fee of \$1 to be collected at the time of purchase of a new or used motor vehicle.

Senate Amendment "C" to Committee Amendment "A" (S-535) proposed to prohibit automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and require automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program.

This amendment also proposed to prohibit manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

Enacted law summary

Public Law 2001, chapter 656 requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this law, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials. The law prohibits automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and requires automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program. The law also prohibits manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

The law also allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental

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Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

LD 1936

An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ ONTP MIN	H-901

LD 1936 proposed to increase the training requirements for lead smart renovators and lead sampling technicians from 6 hours and 8 hours respectively to 14 hours and to require that lead smart renovators be registered and licensed by the Department of Environmental Protection.

Committee Amendment "A" (H-901) is the majority report of the Joint Standing Committee on Natural Resources.

Current law requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This amendment proposed to specify that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The amendment also proposed to add language stating that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

Enacted law summary

Public Law 2001, chapter 576, requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This law specifies that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The law also states that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

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LD 1944

An Act to Restrict the Availability of Products with Excessive Levels of Arsenic

**PUBLIC 670
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-937
MARTIN	OTP-AM MIN	

LD 1944 proposed to ban the sale of fertilizer with a total arsenic level of more than 500 parts per million and require the Department of Environmental Protection and the Department of Human Services, Bureau of Health to study and make recommendations concerning environmentally acceptable arsenic levels in other products.

Committee Amendment "A" (H-937) is the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill and allow the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and also proposed to expand what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water.

The amendment also proposed to require the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The amendment also proposed to require the department to submit those rules to the joint standing committee of the Legislature having jurisdiction over agricultural matters in January of 2003 and proposed to allow that committee to report out legislation on matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This amendment also proposed to add a new section stating that the changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Committee Amendment "B" (H-938) is the minority report of the Joint Standing Committee on Natural Resources. It is the same as the majority report except that it proposed to include the provisions in the original bill that deemed fertilizers having more than 500 parts per million of arsenic as adulterated fertilizers.

Enacted law summary

Public Law 2001, chapter 670 allows the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and expands what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water. This law also requires the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The department must submit those rules in January of 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. That committee is authorized to report out legislation on

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matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This law also states that changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Public Law 2001, chapter 670 was enacted as an emergency measure effective April 11, 2002.

LD 1962 **Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds** **RESOLVE 123**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	OTP-AM	H-902 S-580 GOLDTHWAIT

LD 1962, a concept draft pursuant to Joint Rule 208, proposed to reduce pollution to Androscoggin Lake originating from the Androscoggin River and thereby protect the lake's natural environment by directing the Department of Environmental Protection to take over ownership of, and immediate responsibility for the maintenance of, the pollution barrier located on the Dead River in Leeds, Maine known as the "Dead River Dam."

The bill also proposed to recommit up to \$20,000 in funds to the Land and Water Resources Council's Lakes Heritage Trust Fund, with the direction that these funds be made available to the Department of Environmental Protection to make needed repairs to the barrier and restore the barrier to its original design, working in cooperation with local stakeholders.

Committee Amendment "A" (H-902) proposed to change the bill to a resolve and change its title. The amendment proposed to provide the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The amendment also proposed to provide the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The amendment also proposed to allow the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The amendment also proposed to allow the committee to report out emergency legislation to the First Regular Session of the 121st Legislature.

The amendment also proposed to prohibit the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

Senate Amendment "A" to Committee Amendment "A" (S-580) proposed to allocate funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

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Enacted law summary

Resolve 2001, chapter 123 provides the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The law also provides the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The law also allows the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may report out emergency legislation to the First Regular Session of the 121st Legislature. The law also allocates funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

The law also prohibits the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

LD 1964

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

**PUBLIC 626
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	H-995 COWGER S-475

LD 1964 proposed to do the following.

1. Revise the membership of the Board of Underground Storage Tank Installers to provide flexibility in filling the seat currently allotted to the Maine Chamber of Commerce and Industry.
2. Extend the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. Require the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. Require an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. Require owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. Require owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.

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7. Eliminate redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. Clarify municipal responsibility for post-closure maintenance of closed landfills.
9. Allow the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. Exempt manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.

Committee Amendment "A" (S-475) proposed to correct an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this amendment also makes that authorization to keep \$1 per sticker retroactive to that date. The amendment also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.

The amendment also proposed to clarify that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons.

This amendment also proposed to provide the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.

The amendment proposed to add a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.

The amendment proposed to clarify that an air emission license is not required for incinerators smaller than 1,000 gallons that burn only wood waste.

This amendment also proposed to provide for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

This amendment also proposed to clarify that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to add an emergency preamble and clause to the amendment to allow it to take effect immediately.

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Enacted law summary

Public Law 2001, chapter 626 does the following.

1. It provides the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.
2. It extends the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. It requires the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. It requires an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. It requires owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. It requires owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.
7. It eliminates redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. It clarifies municipal responsibility for post-closure maintenance of closed landfills.
9. It allows the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. It exempts manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.
11. It corrects an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this law also makes that authorization to keep \$1 per sticker retroactive to that date. The law also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.
12. It clarifies that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons and clarifies that an air emission license is not required for incinerators smaller than

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1,000 gallons that burn only wood waste. This law also clarifies that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

13. It adds a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.
14. It provides for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

Public Law 2001, chapter 626 was enacted as an emergency measure effective April 5, 2002.

LD 1974

**Resolve, to Study the Design and Funding of a Household
Hazardous Waste and Universal Waste Collection Program**

RESOLVE 93

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-913

LD 1974 was a concept draft pursuant to Joint Rule 208. It proposed to establish a statewide household hazardous waste collection system and provide funding for the operating costs of this system.

Committee Amendment "A" (H-913) replaced the bill with a resolve. It proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. The amendment also proposed to allow the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 93 directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. It also allows the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature.

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LD 2004

An Act to Phase Out the Availability of Mercury-added Products

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-925
MARTIN	OTP-AM MIN	H-953 MAYO

LD 2004 proposed to phase out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists.

Committee Amendment "A" (H-925) is the majority report of the Joint Standing Committee on Natural Resources. This amendment proposed to replace the bill.

The amendment proposed to ban the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The amendment also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

Committee Amendment "B" (H-926) is the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to replace the bill, change the title of the bill and make the bill a resolve.

The amendment proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The joint standing committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-953) proposed to exempt a thermostat used by a blind or visually impaired person from the prohibition on the sale of mercury-added thermostats.

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Enacted law summary

Public Law 2001, chapter 620, phases out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists. The law also bans the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes and thermostats used by a blind or visually impaired person. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The law also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

LD 2005

An Act to Ensure the Public Benefits of Solid Waste Facilities

ONTP

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

LD 2005 proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would be used for waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the State Planning Office that the proposed facility provided a substantial public benefit. The bill also proposed to eliminate the current requirement for such a determination from the Commissioner of Environmental Protection for all solid waste facilities proposed for disposal of solid waste. This bill also proposed to clarify that an application seeking authority to dispose of different solid waste at an existing disposal facility was considered an application for a new or expanded facility.

Committee Amendment "A" (H-900), the minority report, proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would handle municipal solid waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the Commissioner of Environmental Protection that the proposed facility provided a substantial public benefit. The amendment also proposed that an application that sought authority to handle an increase in the amount of municipal solid waste at an existing solid waste facility and

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an application that sought authority for a facility to accept municipal solid waste if the facility was not currently allowed to accept municipal solid waste would obtain a determination of public benefit. The amendment also proposed that the department should employ a rebuttable presumption of public benefit for certain solid waste facilities.

This amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2014 An Act to Stabilize Funding for the Air Quality Program within the ONTP **Department of Environmental Protection**

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

LD 2014 proposed to increase revenue to the air quality program within the Department of Environmental Protection to compensate for lost fees associated with emission reductions and facility closures and to offset increases in the costs incurred to administer the air quality program. Funds would be used to maintain existing levels of operation and service within the air quality program including ongoing maintenance of the ambient air quality monitoring network.

It also proposed to provide funds for an Environmental Specialist III limited-period position for the development of a greenhouse gas registry.

LD 2016 An Act to Facilitate Compliance with Spill Prevention Requirements PUBLIC 605 **and Authorize Reimbursement for Certain Oil Spill Remediation** **Expenses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE YOUNGBLOOD	OTP-AM MAJ ONTP MIN	H-945

LD 2016 proposed to eliminate avoidable and inappropriate disbursements from the state Ground Water Oil Clean-up Fund by:

1. Improving compliance with state and federal regulatory requirements that reduce the risk of spills from aboveground oil storage tanks; and
2. Authorizing reimbursement to the Ground Water Oil Clean-up Fund of spill clean-up costs that are covered by private insurance required under the federal Motor Carrier Act.

Under this bill, owners of aboveground oil storage facilities are required to certify, on the annual chemical inventory reporting form submitted to the Maine Emergency Response Commission, that underground piping at the facility meets existing state regulatory requirements and that the facility meets existing federal regulatory requirements for preparation and maintenance of a spill prevention control and countermeasure plan. The latter requirements are incorporated into state law so that they can be enforced by the Department of Environmental Protection. It also

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requires the Department of Environmental Protection to consult with the United States Environmental Protection Agency when requiring the owner or operator of an aboveground oil storage facility to amend its spill prevention control and countermeasure plan if the owner or operator believes that the amendment is not required by federal law.

Committee Amendment "A" (H-945) proposed to eliminate provisions in the bill pertaining to changes to the chemical inventory reporting form submitted annually to the Maine Emergency Response Commission and amends the bill to limit the Department of Environmental Protection's authority to enforce federal oil spill prevention, or "SPCC," requirements to gas stations and bulk plants operated by oil distributors. The amendment sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005.

The amendment also proposed to remove provisions in the bill proposing changes to the Ground Water Oil Clean-up Fund and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The amendment also proposed to require the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The amendment also proposed to allow the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2001, chapter 605, grants the Department of Environmental Protection the authority to enforce federal oil spill prevention, or "SPCC," requirements for gas stations and bulk plants operated by oil distributors. The law sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005 and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The law also requires the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions

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taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The law also allows the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

LD 2037

An Act to Repeal the Retroactive Effect of Changes Made to the Subdivision Laws

**PUBLIC 523
EMERGENCY**

Sponsor(s)
SNOWE-MELLO
SAWYER

Committee Report
OTP-AM

Amendments Adopted
H-835

LD 2037 proposed to repeal the retroactivity clause that was contained in Public Law 2001, chapter 359 and to make that change effective on the general effective date for nonemergency legislation enacted during the First Regular Session of the 120th Legislature, September 21, 2001. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. The law contained a retroactive application clause, which made the law effective June 1, 2001.

Committee Amendment "A" (H-835) proposed to make only section 4 of Public Law 2001, chapter 359 retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation.

Enacted law summary

Public Law 2001, chapter 523 provides that only section 4 of Public Law 2001, chapter 359 was retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. Public Law 2001, chapter 359, section 8 contained a retroactive application clause that made the entire law effective June 1, 2001.

Public Law 2001, chapter 523 was enacted as an emergency measure effective March 12, 2002.

LD 2049

An Act to Authorize the Transfer of Development Rights

PUBLIC 592

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-912

LD 2049 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to authorize municipalities to establish policies and ordinances relating to the transfer of development rights.

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Committee Amendment "A" (H-912) proposed that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement.

Enacted law summary

Public Law 2001, chapter 592 provides that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 592 and chapter 578.)

LD 2059 **An Act Regarding Site Selection Criteria for Parking for State Facilities** **PUBLIC 593**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-916
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LD 2059 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to clarify that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarified that employee parking that is within reasonable walking distance may be located off site.

Committee Amendment "A" (H-916) proposed to require the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 593 clarifies that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarifies that employee parking that is within reasonable walking distance may be located off site. Finally, it requires the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking.

LD 2061 **An Act to Provide Incentives for Multimunicipal Development** **PUBLIC 621**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-944
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LD 2061 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to direct the Land and Water Resources Council to set up a pilot project program to provide incentives for towns to work together on development issues by giving them the opportunity to share costs and benefits of development. Under the bill, towns that were certified by the council as meeting the requirements of the pilot project program would have been eligible to receive priority in state transportation funding, growth management funding, Municipal Investment Trust Fund grants and community development block grants.

Committee Amendment "A" (H-944) changed the title of the bill. It proposed to amend the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It added to the highest priority for these funds projects undertaken by 2 or more municipalities.

Enacted law summary

Public Law 2001, chapter 621 amends the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It adds to the highest priority for these funds projects undertaken by 2 or more municipalities.

LD 2062

An Act to Clarify the Use of Municipal Rate of Growth Ordinances

PUBLIC 591

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-918

LD 2062 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to outline the parameters within which a municipality may adopt a rate of growth ordinance. Under the proposed bill, temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted inside a designated growth area only if the ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the State Planning Office. A permanent rate of growth ordinance may be enacted inside a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.

Committee Amendment "A" (H-918) replaced the bill. It proposed to require any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

Enacted law summary

Public Law 2001, chapter 591 requires any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

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LD 2069

An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form

PUBLIC 533

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-836

LD 2069 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It proposed to require that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine.

Committee Amendment "A" (H-836) proposed to add provisions to the bill stating that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The amendment proposed to allow the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

Enacted law summary

Public Law 2001, chapter 533, requires that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine. The law also requires that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law also allows the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

LD 2070

An Act to Establish the Community Preservation Advisory Committee

PUBLIC 648

Sponsor(s)

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-950
S-542 GOLDTHWAIT

LD 2070 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It established the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership included the Director of the State Planning Office, Legislators and public members. It also proposed that staff assistance would be provided by the State Planning Office and the Legislative Council at the request of the chairs of the committee.

Committee Amendment "A" (H-950) proposed to decrease from 3 to 2 the number of Senate members of the Community Preservation Advisory Committee and add as a member the Director of the Maine Historic Preservation

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Commission. It also clarified one of the duties of the committee by providing that the committee shall review and make recommendations regarding options for establishing a state transferable development rights bank. It also directed the Maine State Housing Authority to provide compensation, with existing budgeted resources, for public members of the committee not otherwise reimbursed for their service on the committee.

Senate Amendment "A" to Committee Amendment "A" (S-542) was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment proposed to make changes to the Community Preservation Advisory Committee enabling statute to conform to the study commission guidelines. It limited the committee to 4 meetings a year, amended the staff assistance provision, changed the submission of the annual report and removed the General Fund appropriation.

Enacted law summary

Public Law 2001, chapter 648 establishes the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership includes the Director of the State Planning Office, Legislators, the Director of the Maine Historic Preservation Commission and public members. Staff is provided by the State Planning Office and the Legislative Council may provide drafting assistance with recommended legislation.

The Maine State Housing Authority is directed to provide compensation, with existing budgeted resources, for public members of the committee who are not otherwise reimbursed for their service on the committee.

LD 2071

An Act to Amend the Law Relating to Growth-related Capital Investments

PUBLIC 613

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2071 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It was intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

Enacted law summary

Public Law 2001, chapter 613 implements a recommendation of the Joint Study Committee to Study Growth Management. It is intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

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LD 2076

Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection

RESOLVE 97

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-920

LD 2076 proposed to provide for legislative review of amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, major substantive rules of the Department of Environmental Protection.

Committee Amendment "A" (H-920) proposed to replace the resolve and remove the emergency provisions of the resolve. The amendment proposed to require the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The amendment also proposed to direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003. It also adds a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 97 requires the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The law also directs the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003.

LD 2084

An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces

PUBLIC 614

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2084 was the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It proposed to clarify who may call out and be called out to assist with emergency management activities. It also proposed to clarify who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. The bill also changed the term "civil emergency preparedness" to "emergency management."

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Enacted law summary

Public Law 2001, chapter 614 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It clarifies who may call out and be called out to assist with emergency management activities. It also clarifies who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. It also changes the term "civil emergency preparedness" to "emergency management."

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LD 2094

An Act to Encourage Regionalism in Municipal Growth Management

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-951
	ONTP MIN	

LD 2094 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to amend the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It also proposed to reinforce regional and municipal roles in growth management and more clearly enable multimunicipal planning efforts.

Committee Amendment "A" (H-951) proposed to remove the definition of "planning district" from the bill and replace that term throughout the bill with the words "municipality or multimunicipal region."

Enacted law summary

Public Law 2001, chapter 578 implements a recommendation of the Joint Study Committee to Study Growth Management. It amends the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It reinforces regional and municipal roles in growth management and more clearly enables multimunicipal planning efforts. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 578 and chapter 592.)

LD 2095

Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation

RESOLVE 98
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-919

LD 2095 proposed to provide for legislative review of portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, a major substantive rule of the Maine Land Use Regulation Commission within the Department of Conservation.

Committee Amendment "A" (H-919) proposed to require the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Enacted law summary

Resolve 2001, chapter 98 requires the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the

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Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Resolve 2001, chapter 98 was finally passed as an emergency measure effective April 3, 2002.

LD 2099 **An Act to Revise the Definition of Affordable Housing** **PUBLIC 673**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1075

LD 2099 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood developments. It also amended the definition of affordable housing in the growth management laws.

Committee Amendment "A" (H-939) proposed to replace the bill. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood development. The regulation of affordable neighborhood developments would have applied in municipalities that are part of a labor market area in which a median income household can not afford to purchase a median-priced home. This amendment was not adopted.

Committee Amendment "B" (H-1075) proposed to strike those portions of the bill that establish the State Affordable Neighborhood Development Review Board and that establish standards for affordable neighborhood developments. This amendment proposed to retain that portion of the bill that amends the definition of affordable housing in the growth management laws.

Enacted law summary

Public Law 2001, chapter 673 amends the definition of affordable housing in the growth management laws.

LD 2116 **An Act to Establish the Maine Library of Geographic Information** **PUBLIC 649**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-952
	ONTP MIN	S-552 GOLDTHWAIT

LD 2116 proposed to create the Maine Public Library of Geographic Information.

Committee Amendment "A" (H-952) proposed to require the Maine Public Library of Geographic Information Board to function in accordance with the Maine Administrative Procedure Act. It added as a purpose or duty of the board to develop appropriate internal services to facilitate access for and use of data by government agencies and the public. It provided that the library may not compete directly with private enterprise. It also replaced one member of the board who is responsible for overseeing GIS functions of a state department with the President of the Maine Science and Technology Foundation. The amendment also added a fiscal note to the bill.

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Senate Amendment "A " (S-552) proposed to change the name of the Maine Public Library of Geographic Information to "Maine Library of Geographic Information" and proposed to change the name of the Maine Public Library of Geographic Information Board to "Maine Library of Geographic Information Board."

Enacted law summary

Public Law 2001, chapter 649 creates the Maine Library of Geographic Information and the Maine Library of Geographic Information Board.

LD 2117 **Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection** **RESOLVE 99 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-917
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LD 2117 proposed to provide for legislative review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a major substantive rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection.

Committee Amendment "A" (H-917) proposed to require that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The amendment also proposed to specify that no additional hearings or other formal proceedings are required on this rule prior to the Board of Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

Enacted law summary

Resolve 2001, chapter 99 requires that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The law also specifies that no additional hearings or other formal proceedings are required on this rule prior to the Board of Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

Resolve 2001, chapter 99 was enacted as an emergency measure effective April 3, 2002.

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LD 2119

An Act Relating to Subdivision Review and Title Search Procedures

PUBLIC 651

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-472
	OTP-AM MIN	S-487 MARTIN

LD 2119 proposed to place limits on the ability of municipalities to modify the definition of "subdivision." It also would have required that all subdivision plats or plans include a notation that indicates the definition of "subdivision" in effect in the municipality at the time the subdivision is created.

Committee Amendment "A" (S-472) was the majority report of the committee. It proposed that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. It also proposed that if, at the time the Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. The amendment also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

Committee Amendment "B" (S-473) was the minority report of the committee. It proposed to require a municipality that adopts a definition of "subdivision" that is different from state law to file the local definition and any amendment to the local definition at the registry of deeds. It also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-956) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-957) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-487) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line.

Senate Amendment "B" to Committee Amendment "A" (S-533) proposed to add a mandate preamble. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 651 places limits on the ability of municipalities to modify the definition of "subdivision". It provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the

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statutory definition by January 1, 2006. A definition filed at the registry of deeds must be collected and indexed in a separate book in the registry of deeds. Chapter 651 also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

LD 2140 **Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services** **RESOLVE 125**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1046 S-628 MARTIN

LD 2140 provides for legislative review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1046) proposed to authorize the adoption of a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule.

The changes to the poster clarify that the law requires dentists to provide the brochure to their patients. The changes to the rule clarify the text of the brochure to incorporate recommendations made by the Bureau of Health.

The amendment also proposed to clarify that the Board of Dental Examiners is to print and distribute the brochure and poster and directs the State Treasurer to transfer \$50,000 from the Maine Rainy Day Fund to the board to fund the initial printing and distribution of the brochure and poster. The Board of Dental Examiners is required, using fees charged for the poster and brochure, to repay the Maine Rainy Day Fund for all costs associated with the transfer within 2 years.

The amendment also proposed to allow the Director of the Bureau of Health to make changes to the poster or brochure for the purpose of inserting or changing graphics or for improving readability and comprehensibility without requiring that those changes be reviewed by the Legislature as revisions to a major substantive rule.

House Amendment "A" to Committee Amendment "A" (H-1099) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine.

House Amendment "B" to Committee Amendment "A" (H-1103) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine. The amendment also removes the emergency preamble and emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-582) proposed to remove the emergency preamble and emergency clause from the resolve and changes the funding source.

Senate Amendment "B" to Committee Amendment "A" (S-608) proposed to remove the emergency preamble and emergency clause.

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Senate Amendment "C" to Committee Amendment "A" (S-610) proposed to provide that final adoption of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a provisionally adopted major substantive rule of the Department of Human Services, is not authorized.

Senate Amendment "D" to Committee Amendment "A" (S-627) proposed to modify the requirements for printing and distribution of the brochure and poster. It requires that the Bureau of Health within the Department of Human Services distribute a copy of the brochure and poster to each dentist in the State and requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.

Senate Amendment "E" to Committee Amendment "A" (S-628) proposed to incorporate the substance of Senate Amendment "D" to Committee Amendment "A" (S-627), and in addition, it remove the emergency preamble and emergency clause.

Enacted law summary

Resolve 2001, chapter 125 authorizes the adoption of Chapter 296, a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule. The Resolve requires the Bureau of Health to print and distribute a copy of the brochure and poster to each dentist in the state and it requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.

LD 2145

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

PUBLIC 695

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER TREAT	OTP-AM	H-1047

LD 2145 proposed to expand the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions.

Committee Amendment "A" (H-1047) proposed to add the Chancellor of the University of Maine System and the President of the Maine Technical College System to the directors of the Clean Government Initiative and provides for a schedule of reporting on the progress of the state-supported institutions of higher learning towards complying with the goals of the initiative. It also proposed to require the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

Enacted law summary

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Public Law 2001, chapter 695 expands the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions. The law also requires the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

LD 2155

An Act Pertaining to Environmental Fines

ONTP

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

LD 2155 proposed to repeal all provisions in Maine law that explicitly required or allowed penalties from various environmental violations to be dedicated to specific funds. Specifically, the bill proposed to:

1. Repeal the provisions that required environmental penalties to be deposited into the Maine Coast Environmental Trust Fund;
2. Repeal the provisions that required air pollution penalties to be deposited into the Clean Fuel Vehicle Fund;
3. Repeal the provisions that required penalties from oil discharge violations to be deposited into the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund and specified that such penalties would go to the General Fund; and
4. Repeal, on July 1, 2003, the provisions that required penalties from hazardous waste violations to be deposited into the Maine Hazardous Waste Fund and specified that such penalties would go to the General Fund.

LD 2176

An Act to Ensure Consistent Regulation of Air Emissions in the State

ONTP

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

LD 2176 proposed to ensure that the State maintained a consistent, coordinated, statewide program for the regulation of air emissions sources. The bill also proposed to provide the Board of Environmental Protection with the authority to establish appropriate license conditions to address unique local conditions identified by municipalities.

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LD 2179

An Act Regarding the Clearing of Vegetation in Areas Adjacent to Protected Natural Resources

**PUBLIC 618
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-485 MARTIN

LD 2179 is the unanimous report of the Joint Standing Committee on Natural Resources and is reported pursuant to Resolve 1999, chapter 116. It proposed to make changes to the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources. This bill is an emergency to ensure that the statutory changes take effect prior to the effective date of the major substantive rules approved earlier this session.

Senate Amendment "A" (S-485) proposed to delete the proposed forestry exemption that references "rules containing statewide standards for timber harvesting in shoreland areas administered by the Department of Conservation, Marine Forest Service" since those rules were not approved by the Legislature. The amendment also proposed to reinstate the current forestry exemption and broadens it to apply to activities adjacent to any protected natural resource except for significant wildlife habitat so that cutting of vegetation in those areas will not be regulated under this law. Forest management activities that qualify for this exemption will still be required to meet permit-by-rule standards for stream crossing and soil disturbance adjacent to a great pond, river, stream or brook.

Enacted law summary

Public Law 2001, chapter 618, changes the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources.

Public Law 2001, chapter 618 was enacted as an emergency measure effective April 3, 2002.

LD 2186

Resolve, to Establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER TREAT	OTP-AM	H-1034

LD 2186 proposed to establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds.

Committee Amendment "A" (H-1034) proposed to reduce the number of members on the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds and removed the emergency preamble and emergency clause. It also added an appropriations and allocations section and a fiscal note.

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House Amendment "A" to Committee Amendment "A" (H-1074) proposed to remove the requirement that one of the members appointed by the Speaker of the House be a member of the political party that did not hold a majority of the seats in the House of Representatives.

LD 2208

**An Act Allowing for a Public Hearing Process for Certain Actions
Relating to Dams**

ONTP

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

LD 2208 proposed to amend existing authority of the Commissioner of Environmental Protection to hold water level hearings and establish water levels by extending that authority to approximately 2 dozen dams in the State that were operating with a Federal Energy Regulatory Commission exemption. The bill also proposed to require the Commissioner of Environmental Protection to hold a public hearing when a dam was proposed to be abandoned or removed.

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LD 562

An Act to Allow Municipalities to Create Capital Improvement Districts

PUBLIC 521

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS LEMONT	OTP-AM	H-822

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 also proposed to establish the process for creating and operating the district. It also proposed to establish the process for assessing costs of the improvement. The bill was carried over from the First Regular Session.

Committee Amendment "A" (H-822) proposed to replace the bill. It proposed to authorize municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. This amendment proposed provisions for establishing capital improvement districts including the required series of public hearings that must be held and the manner in which public votes on the proposed district must be executed prior to establishing a capital improvement district.

Enacted law summary

Public Law 2001, chapter 521 authorizes municipalities to create capital improvement districts. A capital improvement district is a defined area within a municipality that is initially privately owned and that has been designated by the municipality as a capital improvement district for the interrelated purposes of fairly apportioning the costs of making necessary improvements among the owners of property within the district and establishing the elements of the capital improvement district that are municipally owned. The law details the series of public hearings and capital improvement district and municipal referenda that must be conducted to implement a capital improvement district.

LD 1118

An Act to Reduce Unnecessary Paperwork in State Government

PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY TURNER	OTP-AM	H-790

LD 1118 proposed to establish the Paperwork Reduction Act that would have provided 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 agency of record is the agency or department of State Government that first required a business operating in this State to report information or data during a reporting period established by law or rule. 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. The bill was carried over from the First Regular Session.

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Committee Amendment "A" (H-790) replaced the bill and proposed to amend the State Government Evaluation Act to provide that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also proposed that, in conducting its analysis and developing its recommendations, a legislative committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 495 amends the State Government Evaluation Act in an effort to identify areas where paperwork reduction may be needed. Chapter 495 requires that agencies undergoing legislative review pursuant to that act must submit to the committee conducting the review a list of the various filings by the public that the agency requires. The amendment also specifies that, in conducting its analysis and developing its recommendations, a committee may consider the extent to which an agency has increased or decreased filing requirements and paperwork duplication burdens on the public.

LD 1218 **An Act to Amend the Calculation for Annual County Tax Assessments** **ONTP**

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

LD 1218 proposed to require the county commissioners to calculate the budget cost of non-contracted rural sheriff patrol services in proportion with those services provided to municipalities and unorganized territories in the county. The bill was carried over from the First Regular Session to the Second Regular Session of the 120th Legislature.

Committee Amendment "A" (H-803), which was not adopted, proposed to add a fiscal note to the bill.

LD 1549 **An Act to Amend the Organization of Washington County Government** **ONTP**

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

LD 1549 proposed to direct the county commissioners in Washington County to report to the Joint Standing Committee on State and Local Government with a plan for hiring a county administrator and increasing the number of county commissioner districts from 3 to 5 in Washington County. This bill was carried over from the First Regular Session.

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LD 1586

An Act to Separate Territory from the Town of Falmouth and Annex it to the City of Portland

**P & S 62
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON DAVIS G	OTP-AM	S-416

LD 1586 proposed to separate a parcel of property from the Town of Falmouth and annex it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services like sewer lines, water lines and roads from the Town of Falmouth. This bill was carried over from the First Regular Session.

Committee Amendment "A" (S-416) proposed to amend the original bill by adding a more precise description of the territory to be separated from the Town of Falmouth and annexed to the City of Portland by this legislation. It also proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 62 separates a parcel of property from the Town of Falmouth and annexes it to the City of Portland. The property is located on the southerly side of the Maine Turnpike spur that connects the turnpike with Route 1 in the Town of Falmouth. It abuts other property under the same ownership in the City of Portland. The turnpike spur acts as a substantial barrier to municipal services such as sewer lines, water lines and roads from the Town of Falmouth.

Private and Special Law 2001, chapter 62 was enacted as an emergency measure effective April 2, 2002.

LD 1678

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Legislative Compensation Commission

ONTP

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

LD 1678 proposed to establish a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. This bill proposed that the Governor appoint the 5 members of the commission, with at least one from each of the 2 major political parties. This bill also proposed that no member of the commission could be a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under this proposed bill, the commission's recommendations would have automatically taken effect for the next legislative session unless the Legislature enacted legislation specifically overriding the commission's recommendations. This bill was carried over from the First Regular Session.

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LD 1853

An Act to Authorize the Formation of Regional County Corrections Authorities

**PUBLIC 489
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY JODREY	OTP-AM MAJ ONTP MIN	S-410

LD 1853 proposed to authorize groups of 2 or more counties to plan, finance, construct and operate regional correctional facilities.

Committee Amendment "A" (S-410) proposed to clarify the process by which counties would plan, finance, construct and operate regional correctional facilities. The amendment proposed to authorize the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. It proposed to require that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Enacted law summary

Public Law 2001, chapter 489 authorizes the commissioners of 2 or more counties to jointly plan, finance, construct and operate regional correctional facilities. The law requires that county commissions acting jointly under this Act adhere to the provisions of Title 30-A governing interlocal cooperation to the extent those provisions are applicable.

Public Law 2001, chapter 489 was enacted as an emergency measure effective February 21, 2002.

LD 1854

Resolve, to Validate the Assessment, Commitment and Tax Collection of the Town of Wells for the Fiscal Year 2001

**RESOLVE 70
EMERGENCY**

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

LD 1854 proposed to correct an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge. This resolve proposed to remedy any failure to comply with the statutory requirement governing the timing of the administration of the oaths of office to these two municipal officials.

Enacted law summary

Resolve 2001, chapter 70 corrects an oversight that occurred in the Town of Wells involving the timely swearing in of two municipal officials and remedies any failure to comply with the statutory requirement governing oaths of office. The Maine Revised Statutes, Title 30-A, section 2526, subsection 9 requires all town officials to be sworn

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by the moderator in open town meeting, by the clerk, by a notary or by any other person authorized by law to administer an oath before assuming the duties of office. The tax assessor and the tax collector for the Town of Wells were appointed on April 18, 2000. Subsequent to their appointment, the town failed to swear these municipal officials in a timely manner, placing the tax commitment in jeopardy of challenge.

Resolve 2001, chapter 70 was finally passed as an emergency measure effective January 15, 2002.

LD 1856 **An Act to Amend the Definition of "Governmental Unit" as It Relates to the Maine Municipal Bond Bank Act** **PUBLIC 484**

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

LD 1856 proposed to amend the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects. Specifically, the proposed change to the bond bank law would make the Houlton Water Company, a municipally-owned corporation, eligible to fund its infrastructure projects through the Maine Municipal Bond Bank.

Enacted law summary

Public Law 2001, chapter 484 amends the Maine Municipal Bond Bank Act by amending the definition of "governmental unit" to include a municipally owned corporation as an eligible borrower for electric, water and sewer projects.

LD 1860 **An Act to Dissolve the Ministerial Accounts in the Town of Readfield's Trust Fund** **P & S 69**

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

LD 1860 proposed to authorize the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. This proposed use of the funds was approved by the voters of the Town of Readfield at the annual town meeting in June 2001. The town was required to seek legislative approval of the use of the funds because current state law does not authorize the use of ministerial funds for purchasing and installing a veterans memorial monument.

Enacted law summary

Private and Special Law 2001, chapter 69 authorizes the municipal officers of the Town of Readfield to dissolve the ministerial accounts in the town's trust fund and to use the money in these accounts for the purchase and installation of a Readfield veterans' memorial monument. The use of the funds for this purpose was approved by the voters of the Town of Readfield at the annual town meeting in June 2001.

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LD 1865

An Act to Allow the Department of Administrative and Financial Services, Bureau of General Services to Make Direct Selection of Architects, Engineers and Other Professionals Whose Services Do Not Exceed \$25,000 in Value

PUBLIC 606

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON PENDLETON	OTP-AM	H-826

LD 1865 proposed that the Department of Administrative and Financial Services, Bureau of General Services be authorized to make a direct selection of an architect or engineer without advertising or competitive selection if the cost of that architect's or engineer's services does not exceed \$25,000.

Committee Amendment "A" (H-826) proposed expanding application of the bill. As proposed in the amendment, the bureau would also be able to contract in the same circumstances with other professionals such as land surveyors, real estate appraisers, landscape architects, interior designers, soil scientists and land use planners. The amendment also proposed to clarify the process for establishment of a list of qualified individuals to provide professional, engineering and architectural services to the bureau in the planning, design and monitoring of public improvement projects and to establish an appeal process for those not selected for placement on the list. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 606 authorizes the Department of Administrative and Financial Services, Bureau of General Services to contract for architectural, engineering or other professional services on public improvement projects without advertising or competitive selection if the cost of the services is less than \$25,000. The law establishes a process for establishment of a list of individuals qualified to provide engineering, architectural and other professional services from which the bureau would select for the planning, design and monitoring of public improvement projects. Chapter 606 also establishes an appeal process for those not selected for placement on the list.

LD 1874

An Act to Give the Department of Administrative and Financial Services, Bureau of General Services Discretion Regarding Building Codes

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM	S-432

LD 1874 proposed to allow the Department of Administrative and Financial Services, Bureau of General Services to adopt for purposes of the design of public improvements construction projects the most recent version of specified national and international building codes. The bill also proposed to grant the bureau discretion to adopt only portions of the building codes that it determines applicable.

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Committee Amendment "A" (S-432) proposed to add the International Code Council to the statutory list of organizations whose code may be adopted by the Department of Administrative and Financial Services, Bureau of General Services for application to public improvement construction projects under the bill. The amendment also proposed to clarify that when the bureau makes a determination that only part of a national or international code applies in this State, that determination applies to all public improvement projects covered by that code. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 607 allows the Department of Administrative and Financial Services, Bureau of General Services to adopt the most recent version of specified national or international building codes to be used in the design of public improvements construction projects in this State. The law also gives the bureau discretion to adopt specified portions of those building codes when only part of the codes are applicable to public improvement projects in Maine.

LD 1875

**An Act to Waive the Competitive Bid Requirement for Lease of
Certain Unused State Facilities**

PUBLIC 525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-431
MCDONOUGH	ONTP MIN	

LD 1875 proposed to allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids if 50% or less or 2,500 feet or less of the facility is unused. The current restriction that the lessee be compatible with the agency in the facility would continue to apply. The bill also proposed to correct the name of the Bureau of General Services in statute.

Committee Amendment "A" (S-431) proposed to modify the bill so that, for a facility 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the whole facility is 2,500 square feet or less in size. For a facility between 5,000 and 40,000 square feet, the amendment proposed that the State could lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State would be limited to leasing 20,000 square feet of space per facility regardless of how much is unused as proposed in the amendment. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 525 allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to lease a state-owned facility without soliciting competitive bids in certain circumstances. Chapter 525 provides that, for a facility of 5,000 square feet or smaller, the State may lease up to 2,500 square feet of unused space without competitive bidding, including the whole facility if the facility is less than 2,500 square feet in size. For a facility between 5,000 and 40,000 square feet, the State may lease up to 50% of the facility without competitive bidding if the space is unused. For facilities over 40,000 square feet, the State is limited to leasing 20,000 square feet of space per facility without competitive bidding regardless of how much is unused. The current restriction that the work performed by the lessee must be compatible with that of the agency in the facility continues to apply.

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LD 1876

Resolve, Extending the Authority of the Commissioner of Administrative and Financial Services to Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56

RESOLVE 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT PENDLETON	OTP-AM	S-414

LD 1876 proposed to extend the time frame from during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta. The bill proposed to extend the time frame from September of 2002 to June of 2005.

Committee Amendment "A" (S-414) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 76 extends the time frame from September of 2002 to June of 2005 during which the authority is granted to the Commissioner of Administrative and Financial Services to convey a portion of the Kennebec Arsenal in Augusta.

LD 1878

Resolve, Authorizing the Commissioner of Administrative and Financial Services Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland

RESOLVE 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MCDONOUGH	OTP-AM	S-482

LD 1878 proposed to authorize the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center.

Committee Amendment "A" (S-482) proposed to amend the resolve by limiting to 50 years the term of the lease of any state property at the Long Creek Youth Development Center. The amendment also proposed to strike a provision that would repeal the resolve in 3 years.

Enacted law summary

Resolve 2001, chapter 95 authorizes the Commissioner of Administrative and Financial Services to lease interests of the State in property at the Long Creek Youth Development Center in South Portland. The resolve limits to 50 years the term of the lease of any state property at the Center.

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LD 1879

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Acquire or Dispose of Property or Interest in Property Pursuant to the Augusta State Facilities Master Plan set out in Resolve 2001, Chapter 34

INDEF PP

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

LD 1879 proposed to authorize the Commissioner of Administrative and Financial Services to acquire or dispose of property or interests in property in accordance with the Augusta State Facilities Master Plan.

Committee Amendment "A" (S-415), which was not adopted, proposed to strike and replace much of the original resolve. The amendment proposed to authorize the Commissioner of Administrative and Financial Services to enter into purchase and sale agreements for the purchase of property or interests in property that are located within the limits of the capitol area in Augusta and identified for acquisition in the March 2001 Augusta State Facilities Master Plan Summary Report. The amendment also proposed to require the purchase to be subject to legislative approval and appropriation. The amendment also proposed to add a fiscal note to the resolve.

Committee Amendment "B" (S-478), which was not adopted, proposed to strike and replace much of the original resolve. The amendment proposed to authorize the Commissioner of Administrative and Financial Services to enter into purchase and sale agreements for the purchase of property or interests in property that are located within the limits of the capitol area in Augusta and identified for acquisition in the March 2001 Augusta State Facilities Master Plan Summary Report. The amendment also proposed to require the purchase to be subject to legislative approval and appropriation. The amendment also proposed to add a fiscal note to the resolve. The amendment was the majority report after the bill was recommitted to the committee.

LD 1909

An Act to Permit the Town of Atkinson to Deorganize

P & S 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM MAJ	S-437
ANNIS	ONTP MIN	

LD 1909 proposed to allow the Town of Atkinson to deorganize.

Committee Amendment "A" (S-437) proposed a series of technical changes to the original bill. The amendment proposed to remove the emergency preamble and the emergency clause. It also proposed to change the date of assessment of taxes to April 1, 2003. It also proposed to require that the official town vote on deorganization occur during the next general election in November. Finally, the amendment proposed to change the effective date of the proposed deorganization if it is approved by voters of the town to July 1, 2003. The amendment also proposed to add a fiscal note to the bill.

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Enacted law summary

Private and Special Law 2001, chapter 59 allows the Town of Atkinson to deorganize providing that the voters of the town approve the deorganization proposal at the general election in November 2002. If voters approve the referendum, the effective date of the deroganization will be July 1, 2003.

LD 1926 **An Act to Amend the Boundaries Between Ripley and St. Albans** **P & S 63**

<u>Sponsor(s)</u> STEDMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-825
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LD 1926 proposed to restore the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

Committee Amendment "A" (H-825) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 63 restores the boundary between the Town of St. Albans and the Town of Ripley to its pre-1862 configuration by placing land set off in Private and Special Law 1862, chapter 181 back into the Town of Ripley.

LD 1941 **An Act to Modify the Time of Constituent Service Allowance Payments** **PUBLIC 504**

<u>Sponsor(s)</u> CLOUGH DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-802
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LD 1941 proposed to change the time when Legislators receive the 1st installment payment of their annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session in December. This bill proposed that this installment be paid in January.

Committee Amendment "A" (H-802) proposed to retain the change presented in the bill. In addition, the amendment proposed to allow a Legislator to obtain the first payment in December of the first year of the biennium upon request to the Executive Director of the Legislative Council. The amendment proposed that the executive director be required to notify Legislators of the payment choice available to them and of the tax consequences of the choice.

Enacted law summary

Public Law 2001, chapter 504 changes when Legislators receive the 1st of the 2 payments of the annual allowance for constituent services. Current law provides that this installment be paid at the start of each regular session—December in the 1st year of a biennium and January in the 2nd year. Chapter 504 sets the first payment for

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constituent services for January of each session. The law allows a Legislator to obtain the first payment in December of the first year of the biennium upon request to the Executive Director of the Legislative Council. The executive director is required to notify Legislators of the payment choice available to them and of the tax consequences of exercising the choice.

LD 1942

An Act to Provide Property Tax Relief in Cumberland County

ONTP

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

LD 1942 proposed to restore the 10% limit in Cumberland County on the amount of unencumbered surplus funds county commissioners could use annually for purposes other than reducing the county property tax levy. Public Law 2001, chapter 349, enacted last year, increased the amount, from 10% to 20% for all counties.

Committee Amendment "A" (H-849), which was not adopted, proposed to cap the limit at 15% of unencumbered surplus funds that county commissioners could use annually for purposes other than reducing the county property tax levy in Cumberland County.

LD 1943

An Act to Clarify Municipal Reapportionment Authority

PUBLIC 537

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-850

LD 1943 proposed to amend the law governing reapportionment of municipal voting districts following completion of each decennial census. Current law requires a municipality to enact a reapportionment ordinance within 18 months of the official release of census data. This bill proposes that when an ordinance is not adopted at least 90 days before a regular election held within that 18-month period, the old apportionment ordinance is used for that election. The bill also proposes that if a municipality fails to adopt a reapportionment ordinance within the 18-month period or if it does so but not more than 90 days before an election occurring after 18 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

Committee Amendment "A" (H-850) proposed to allow municipalities to utilize state House of Representatives and Senate districts in enacting a municipal reapportionment ordinance. Under the amendment, municipalities would have up to 12 months after reapportionment of House and Senate districts to reapportion municipal districts.

Enacted law summary

Public Law 2001, chapter 537 amends the law governing reapportionment of municipal voting districts following completion of each decennial census. Under chapter 537, municipalities have up to 12 months following reapportionment of House and Senate districts to reapportion municipal districts thereby allowing municipalities to utilize state legislative district lines in reapportioning their voting districts. The law clarifies that when an ordinance is not adopted at least 90 days before a regular election held within that 12-month period, the old apportionment ordinance is used for that election. The law also clarifies that if a municipality fails to adopt a reapportionment ordinance within the 12-month period or if it does so but not more than 90 days before an election

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occurring after 12 months, municipal officers up for election are elected and serve at large until a new ordinance is adopted.

LD 1952 **Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing Easement** **RESOLVE 75**

<u>Sponsor(s)</u> SMITH MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-804
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LD 1952 proposed to grant an easement giving Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. Irving Woodlands, LLC, has assembled a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid making an impact on public roads and will increase activity at the siding. The state-owned abandoned railroad corridor must be crossed at a site approximately one mile from Van Buren in order to complete this access corridor.

Committee Amendment "A" (H-804) proposed to add a fiscal note.

Enacted law summary

Resolve 2001, chapter 75 grants Irving Woodlands, LLC, a permanent right to cross the state-owned, abandoned railroad right-of-way running between Stockholm and Van Buren. This will permit Irving Woodlands, LLC, to complete assembly of a new access corridor from their lands in T17R3 WELS to the Bangor and Aroostook railroad siding in Van Buren that will avoid using public roads and increase economic activity at the siding. The abandoned railroad corridor will be crossed at a site approximately one mile from Van Buren.

LD 1967 **An Act to Assist Municipalities of Sagadahoc County with the Change in the County Budget Year** **PUBLIC 499 EMERGENCY**

<u>Sponsor(s)</u> SMALL PEAVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-417 S-440 SMALL
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LD 1967 proposed that county officers in Sagadahoc County be authorized to borrow money for purposes of carrying out the transitional county budget authorized for the county's switch to a July-June fiscal year in 2002. While waiting for payment by municipalities of their share of the transitional budget, the bill proposed that county officers be allowed to issue bonds or notes in anticipation of taxes from the transitional budget, the total face amount of which does not exceed 80% of the taxes anticipated from the transitional budget and the period of borrowing of which does not exceed 5 years.

Committee Amendment "A" (S-417) proposed to authorize municipalities to spread payment to the county of their portion of the county transitional budget over a period from one to 5 years and to direct municipalities that do so to make their payment of their annual share of the transitional budget at the same time they pay their share of the

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current year's county budget. A municipality not paying its full share of the transitional budget in 2002 would be required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" (S-440) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 2001, chapter 499 authorizes Sagadahoc County to borrow money by issuing bonds or notes in anticipation of taxes to fund county services while transitional budgets are carried out to implement the new county fiscal year enacted last year. The total face amount of municipal bonds or notes may not exceed 80% of the taxes anticipated from the transitional budgets. Municipalities are authorized to spread payment to the county of their portion of the transitional budget over a period from one to 5 years and are required to make their payment of their annual share of the transitional budget at the same time they pay their share of the current year's county budget. A municipality not paying its full share of the transitional budget in 2002 is required to pay the interest incurred by the county for borrowing in anticipation of taxes on behalf of the municipality.

Public Law 2001, chapter 499 was enacted as an emergency measure effective March 5, 2002.

LD 1991 **Resolve, to Develop a Living Memorial in Capitol Park in Honor of** **RESOLVE 110**
the Victims and Heroes of the September 11, 2001 Tragedy

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER EDMONDS	OTP-AM	H-801 S-544 GOLDTHWAIT

LD 1991 proposed to establish the Commission to Erect a Memorial to the Victims and Heroes of the September 11, 2001 Tragedy.

Committee Amendment "A" (H-801) proposed to:

1. Provide that the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of pathways;
2. Prohibit the memorial from being in the form of a statue, monument or similar structure and require any identification of the memorial to be unobtrusive and dignified;
3. Require the commission to hold a public hearing to receive public comment on the nature of the memorial; and
4. Add standard language regarding management of the commission's budget and change the reporting date for the commission to be consistent with the drafting guidelines adopted by the Legislative Council.

The amendment also proposed to add appropriation and allocation sections and a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-544) proposed to eliminate the commission and provide that the State House and Capitol Park Commission shall undertake the study.

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Enacted law summary

Resolve 2001, chapter 110 directs the State House and Capitol Park Commission to study and report to the First Regular Session of the 121st Legislature on the establishment of a memorial to the victims and heroes of the September 11, 2001 tragedy. In conducting the study, the commission shall focus on development of a living memorial consistent with the natural elements of the existing architectural plans for Capitol Park, such as plantings of vegetation or development or restoration of walkways.

LD 1993

**An Act to Amend the Laws Governing the Washington County
Emergency Medical Services Authority**

**P & S 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ OMTP MIN	H-792

LD 1993 proposed to make minor changes to the laws governing the Washington County Emergency Medical Services Authority to enhance the authority's ability to serve communities located in counties near Washington County.

Committee Amendment "A" (H-792) proposed to replace the bill and to add an emergency preamble and clause. It proposed to expand the service area of the Washington County Emergency Medical Services Authority, to add one member from the Passamaquoddy Tribe to the board of directors of the authority and to establish the appointing authority for that member. The amendment also proposed to allow appointing authorities to appoint alternate members to the board of directors and to authorize those alternate members to vote in the absence of the appointed member. The amendment also proposed to allow the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, the amendment proposed to allow the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Enacted law summary

Private and Special Law 2001, chapter 50 expands the service area of the Washington County Emergency Medical Services Authority. It adds one member from the Passamaquoddy Tribe to the board of directors of the authority and establishes the appointing authority for that member. The Act also allows appointing authorities to appoint alternate members to the board of directors and authorizes those alternate members to vote in the absence of the appointed member. The law also allows the board of directors to elect a treasurer who is not a member or alternate member of the authority. Finally, it allows the approved cost-basis schedule to include either a surcharge or discount to certain member communities.

Private and Special Law 2001, chapter 50 was enacted as an emergency measure effective February 28, 2002.

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LD 2008

An Act to Create the Office of Maine-Canada Trade Ombudsman

PUBLIC 643

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ OTP-AM MIN	H-791 H-809 SHERMAN

LD 2008 proposed to create the Office of the Maine-Canada Envoy. The envoy would be appointed by the Governor with the consent of the Senate for a term of 4 years. The envoy would: act as the Maine representative for relations with Canada to ensure the coordination of state policy when dealing with Canada; perform research and provide assistance to State Government, businesses and citizens to increase trade with Canada; act as an intermediary between Maine businesses and citizens and Canada for trade; and administer the Office of the Maine-Canada Envoy.

Committee Amendment "A" (H-791) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-809) proposed to revise the committee amendment to convert the proposed "Maine-Canada Envoy" into the "Maine-Canada Trade Ombudsman." Under the amendment, the Governor would appoint the Maine-Canada Trade Ombudsman, and the appointment would be subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate.

The amendment proposed that the ombudsman have the same basic responsibilities and powers as proposed in the original bill with regard to administering the office, providing advice to the Governor and state agencies with regard to commerce and other relations with individuals, businesses and governmental entities in Canada and representing the State at the national level for trade matters between the United States and Canada that involve Maine.

This amendment proposed to delete reference to research and assistance to develop and increase trade relations with Canada, producing publications and coordinating trade-related activities, as those functions are already provided by other agencies within the State.

The central function of the Maine-Canada Trade Ombudsman would be to answer inquiries from Maine citizens and businesses and to investigate, advise and work toward resolution of complaints that arise concerning trade issues. The ombudsman would be given the authority to negotiate on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

Enacted law summary

Public Law 2001, chapter 643 establishes a Maine-Canada Trade Ombudsman. The Governor appoints the Maine-Canada Trade Ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman will provide advice to the Governor and state agencies regarding commerce and other relations with individuals, businesses and governmental entities in Canada and represent the State at the national level for trade matters between the United States and Canada that involve Maine.

The central function of the Maine-Canada Trade Ombudsman is to answer inquiries from Maine citizens and businesses and investigate, advise and work toward resolution of complaints that arise concerning trade issues with

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Canada. Under the law, the ombudsman is given the authority to negotiate on behalf of businesses, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment for Maine products and services.

LD 2011 **An Act to Restructure the Advisory Council on Tax-deferred Arrangements** **PUBLIC 503**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BENNETT	OTP-AM	H-800

LD 2011 proposed to restructure the Advisory Council on Tax-deferred Arrangements by changing it from an advisory council to a policy-making council and by changing the number of its members from 6 to 9.

Committee Amendment "A" (H-800) proposed to replace the bill. It retained the current advisory nature of the council while increasing the membership from 6 to 10. The amendment proposed to increase the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council would not be affected by the increase in membership proposed by the amendment.

Enacted law summary

Public Law 2001, chapter 503 increases the membership of the Advisory Council on Tax-deferred Arrangements from 6 to 10 by increasing the number of employees representing the Maine State Employees Association on the council from one to 5 with one member representing each of the Maine State Employees Association bargaining units. The employer-employee voting balance on the advisory council is not affected by the increase in MSEA representation.

LD 2046 **Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags** **RESOLVE 113**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH BERRY R	OTP-AM	S-449 S-543 GOLDTHWAIT

LD 2046 proposed to establish a commission to arrange for a plaque and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean Conflict.

Committee Amendment "A" (S-449) proposed several changes to the bill. It proposed to change references to "Korean Conflict" in the resolve to "Korean War" and provide for the possibility of placing 2 plaques in the Hall of Flags, one honoring World War II veterans and one honoring Korean War veterans. The amendment also proposed to delete the section of the resolve that established a study by the Maine Historic Preservation Commission to revise the method of dealing with future requests for adding commemorative items to the State House. This amendment also proposed to add a fiscal note to the resolve.

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Senate Amendment "A" to Committee Amendment "A" (S-543) was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment proposed to make changes to conform to the study commission guidelines. It proposed to change the composition of the commission, change the convening date, remove language providing that commission members serve without payment of compensation or expenses, authorize up to 4 meetings, change the submission process for the initial report, add a compensation section and strike the funding for the interim and final reports as funding for the commission would be provided from the Legislative Account.

Enacted law summary

Resolve 2001, chapter 113 establishes a commission to arrange for the display of plaques and flags in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War.

LD 2067 **An Act to Require Appropriate Public Notice of a State Building Project** **PUBLIC 615**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-448
COLWELL	ONTP MIN	S-497 DAGGETT

LD 2067 proposed that if a proposed state public improvement construction project is not reviewed by a municipal planning board, the Department of Administrative and Financial Services, Bureau of General Services must notify, in writing, a property owner whose property abuts the proposed state project before work may begin.

Committee Amendment "A" (S-448) proposed to replace the bill. It proposed that the Department of Administrative and Financial Services, Bureau of General Services be required to provide notice of state public improvement construction projects if the municipality in which the project is located is not reviewing the project. It proposed that notice must be provided in the same manner as required by municipal ordinance in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-497) proposed to replace the committee amendment. It proposed that if a public improvement is for new construction only and is not reviewed by a municipality, the public notice must be provided by the agency responsible for the new construction.

Enacted law summary

Public Law 2001, chapter 615 provides that if a proposed state public improvement project for new construction is not reviewed by the municipal in which it is located, the agency responsible for the new construction must provide public notice of the project. Notice must be provided in the same manner as required by municipal ordinance for similar projects, in the town or city in which the project is located and must be provided as soon as development of the schematic design of the project is complete.

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LD 2114

An Act to Provide Full Utility of Retired School Buildings

**PUBLIC 586
EMERGENCY**

<u>Sponsor(s)</u> DUNLAP CATHCART		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-940
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LD 2114 proposed to provide that a municipality may use a school building transferred to it by a school board for municipal purposes in the condition that the building was in on the date of the transfer as long as work performed by the municipality on the building is limited to repairs and minor alterations.

Committee Amendment "A" (H-940) proposed to amend the original bill by striking out references to the condition of the school building being transferred to a municipality and by deleting references to limits on the nature of the work that could be done to the building by a receiving municipality.

Enacted law summary

Public Law 2001, chapter 586 clarifies current law that allows a municipality to use a school building transferred to it by a school board for municipal purposes.

Public Law 2001, chapter 586 was enacted as an emergency measure effective April 1, 2002.

LD 2115

An Act to Abolish the Educational Leave Advisory Board

PUBLIC 519

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2115 proposed to terminate the Educational Leave Advisory Board. It proposed to retain language that declares the educational leave program for state employees to be in the public interest.

Enacted law summary

Public Law 2001, chapter 519 terminates the Educational Leave Advisory Board. It retains language that declares the educational leave program for state employees to be in the public interest.

LD 2134

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine

RESOLVE 105

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1030
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LD 2134 was reported from the Joint Standing Committee on State and Local Government pursuant to Joint Order 2001, H.P. 1598. The resolve proposed to authorize the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve would be repealed 3 years from its effective date.

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Committee Amendment "A" (H-1030) proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 105 resulted from a committee bill from the Joint Standing Committee on State and Local Government. The resolve authorizes the Commissioner of Administrative and Financial Services to purchase land in the Machias Industrial Park in Machias for the new Downeast Correctional Facility. The resolve is repealed 3 years from its effective date.

LD 2177 **An Act to Implement the Recommendations of the Joint Standing Committee on State and Local Government Pursuant to Reviews Conducted under the State Government Evaluation Act** **PUBLIC 597**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2177 proposed to implement the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill proposed to amend the scheduling guidelines for the committee's future reviews of State Government agencies.

Enacted law summary

Public Law 2001, chapter 597 implements the recommendations of the Joint Standing Committee on State and Local Government as a result of its review of agencies under the State Government Evaluation Act. The bill amends the scheduling guidelines for the committee's future reviews of State Government agencies.

LD 2193 **An Act to Create the Office of Program Evaluation and Government Accountability** **PUBLIC 702**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-1039 S-595 PENDLETON
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LD 2193, which was a committee bill of the Joint Standing Committee on State and Local Government, proposed to establish both the Joint Legislative Oversight Committee and the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds. The bill, as proposed, described the duties of the committee and the office. It proposed to authorize the committee to hire a director to operate the office. It also described the duties and powers of the director and the office. The bill also described the manner in which program evaluations would be conducted by the office and the manner in which reports would be released to the committee and to the public. The bill also proposed to prohibit employees of the office from organizing or joining a union. This bill also proposed to include an appropriations and allocations section and a fiscal note.

Committee Amendment "A" (H-1039) proposed to make the following changes to the bill.

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1. To change the name of the Joint Legislative Oversight Committee to the "Government Oversight Committee";
2. To allow the committee to adopt rules that are not in conflict with the Joint Rules of the Legislature;
3. To allow the committee to report out legislation;
4. To prohibit a director of the Office of Program Evaluation and Government Accountability from being hired prior to April 1, 2003 and other employees of the office before July 1, 2003;
5. To provide that the office be a separate appropriation in the General Fund appropriation bill and in the event of a difference between the Governor's budget request and the office's budget request, it proposed to require the Governor to explain why the budget for the office submitted by the Governor differs from the budget submitted by the Legislative Council; and
6. To change the appropriations and allocations section and to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-570), which was not adopted, proposed to provide for the establishment of the Office of Program Evaluation and Government Accountability as included in the bill, but that the Government Oversight Committee, the committee that would oversee the work of the office, be a joint committee of the Legislature established under Joint Rules of the Legislature. The joint rules would establish the membership of the committee and the manner in which the chairs would be selected. This amendment also proposed to make technical changes to carry out those changes. It also proposed to provide that the Director of the Office of Program Evaluation and Government Accountability be appointed by the committee, but that the Legislative Council recommend a list of 5 candidates from which the committee would select the director. The amendment also proposed to set the term of appointment for the director at 5 years.

This amendment also proposed to correct the title of the office in the appropriation and allocation section of the amendment.

Senate Amendment "B" to Committee Amendment "A" (S-591), which was not adopted, proposed to strike the committee amendment and to make changes to the bill. It proposed to establish the Office of Program Evaluation and Government Accountability as a nonpartisan office under the control of the Legislative Council. It proposed to authorize the creation of the Joint Select Committee on Oversight. The membership of the committee and selection of the chairs would be determined pursuant to the Joint Rules of the Legislature.

It proposed to authorize the Attorney General, the State Auditor, the State Controller, the Commissioner of Administrative and Financial Services, the Director of the Office of Fiscal and Program Review and the Director of the Office of Policy and Legal Analysis to assist the Office of Program Evaluation and Government Accountability and the Joint Select Committee on Oversight. It proposed to require the committee to establish an annual schedule of state agencies to review, in collaboration with the joint standing committees of the Legislature and the Commission on Performance Budgeting. It proposed to require the office to submit an annual report to the Legislative Council.

It proposed to create 2 positions within the Office of Program Evaluation and Government Accountability, including the director. The director would be hired by and report to the Legislative Council. Finally, it proposed to appropriate funds for both staff positions beginning January 1, 2003.

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Senate Amendment "C" to Committee Amendment "A" (S-595) proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "A" and to make the following changes:

1. That the Legislative Council appoint by an affirmative vote of 8 members the Director of the Office of Program Evaluation and Government Accountability;
2. That the legislative committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed;
3. That money appropriated or allocated to the office must be expended in the discretion of the director and the legislative committee that oversees the work of the office only; and
4. That prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report remain confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

Enacted law summary

Public Law 2001, chapter 702 establishes the Office of Program Evaluation and Government Accountability for the purposes of providing legislative oversight of programs of State Government and to ensure the appropriate use of public funds by public and private entities in the State. The bill describes the duties of the Government Oversight Committee, which will be established in Legislative rules, and of the office. It authorizes the Government Oversight Committee to oversee the operations of the office. It describes the duties and powers of the director and the office. The law also describes the manner in which program evaluations are to be conducted by the office and the manner in which reports are to be released to the committee and to the public. The law authorizes the committee to report out legislation based on evaluation reports submitted to it by the office. Under chapter 702 of Public Law 2001, the director would be hired on or after April 1, 2003 and other employees of the office would be hired on or after July 1, 2003.

Under the law, the Legislative Council appoints by an affirmative vote of at least 8 members the Director of the Office of Program Evaluation and Government Accountability. The Government Oversight Committee that oversees the work of the office evaluates the director and makes a recommendation in writing to the Legislative Council before the director is reappointed. The law requires that money appropriated or allocated to the office must be expended in the discretion of the director and the Government Oversight Committee that oversees the work of the office only.

Finally, the law provides that prior to the release of a program evaluation report or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.

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Joint Standing Committee on Transportation

LD 507

An Act to Create the Transit Bonus Payment Program

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM	H-780

LD 507 proposed 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.

Committee Amendment "A" (H-780) proposed to replace the bill and establish a transit bonus payment program within the Department of Transportation. The program would allow municipalities that increase qualifying expenditures for transit to apply to the department for a transit bonus to the municipality's Urban-Rural Initiative Program payment. Funds must be used for eligible purposes under the Urban-Rural Initiative Program.

Enacted law summary

Public Law 2001, chapter 681 establishes a transit bonus payment program within the Department of Transportation. The program allows municipalities that increase qualifying expenditures for transit to apply to the department for a transit bonus to the municipality's Urban-Rural Initiative Program payment. Funds must be used for eligible purposes under the Urban-Rural Initiative Program.

LD 521

Resolve, to Direct the Department of Transportation to Submit Proposed Legislation Permitting Limited Application of Canadian Highway Weight Standards

RESOLVE 78

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	OTP-AM MAJ	H-808
SHOREY	ONTP MIN	

LD 521 proposed 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 proposed to allow 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.

Committee Amendment "A" (H-808) is the majority report of the Joint Standing Committee on Transportation. It proposed to replace the bill with a resolve that directs the Department of Transportation to submit proposed legislation to the Joint Standing Committee on Transportation in the next regular legislative session after the department has determined the location of a 3rd bridge in Washington County connecting Maine with New Brunswick, Canada. This legislation must include provisions to allow Canadian weight standards on Route 1 from the bridge to the junction of Route 1 and Route 9 in Baileyville.

Enacted law summary

Joint Standing Committee on Transportation

Resolve 2001, chapter 78 directs the Department of Transportation to submit proposed legislation to the Joint Standing Committee on Transportation in the next regular legislative session after the department has determined the location of a 3rd bridge in Washington County connecting Maine with New Brunswick, Canada. This legislation must include provisions to allow Canadian weight standards on Route 1 from the bridge to the junction of Route 1 and Route 9 in Baileyville.

LD 1832

An Act to Strengthen the Habitual Offender Law

PUBLIC 514

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA GERZOFISKY	OTP-AM	H-816 SAVAGE W S-409

LD 1832 proposed to increase the period of driver license revocation for habitual motor vehicle offenders from one year to 3 years and to provide that certain habitual offenders may petition for a work-restricted license following 2 years of license revocation.

Committee Amendment "A" (S-409) proposed to provide that certain habitual offenders may petition for a work-restricted license following 18 months of license revocation, instead of 2 years as proposed in the bill.

House Amendment "B" (H-816) proposed to exclude a conviction of operating after suspension when the suspension is based on nonpayment of child support in the number of convictions included in the definition of "habitual offender."

Enacted law summary

Public Law 2001, chapter 514 increases the period of driver license revocation for habitual motor vehicle offenders from one year to 3 years and provides that certain habitual offenders may petition for a work-restricted license following 18 months of license revocation. The law excludes a conviction of operating after suspension when the suspension is based on nonpayment of child support in the number of convictions included in the definition of "habitual offender."

LD 1836

An Act to Clarify Licensure for the Operation of Antique Trucks

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM	H-768

LD 1836 was a concept draft pursuant to Joint Rule 208. It proposed to allow a person without a driver's license to operate an antique truck as long as the truck is not being operated in commerce but for recreational, pleasure or show purposes.

Committee Amendment "A" (H-768) proposed to replace the original bill and allow a person with a Class C driver's license to operate an antique truck as long as the truck is not being operated in commerce but for recreational, pleasure or show purposes.

Joint Standing Committee on Transportation

Enacted law summary

Public Law 2001, chapter 486 allows a person with a Class C driver's license to operate an antique truck as long as the truck is not being operated in commerce but for recreational, pleasure or show purposes.

LD 1841 An Act to Allow Sharing of Information to Facilitate Interstate Cooperation Between Toll Agencies PUBLIC 473

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

LD 1841 proposed to allow the Maine Turnpike Authority to share patron information with other toll agencies in order to facilitate cooperation and interoperability between interstate toll agencies in areas such as electronic toll collection.

Enacted law summary

Public Law 2001, chapter 473 allows the Maine Turnpike Authority to share patron information with other toll agencies in order to facilitate cooperation between interstate toll agencies and technical compatibility in areas such as electronic toll collection.

LD 1844 An Act to Amend the Motor Vehicle Laws PUBLIC 671

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM MAJ	H-941
SAVAGE C	OTP-AM MIN	S-524 SAVAGE C

LD 1844 proposed to do the following.

1. It would allow the Secretary of State to suspend a driver's license or vehicle registration for delinquent accounts payable to the Department of the Secretary of State, Bureau of Motor Vehicles.
2. It would allow the Secretary of State to determine the appropriate compensation for 3rd-party agents who issue driver's license renewals.
3. It would place special mobile equipment and tractors into the staggered registration system. At the time of this proposal, for the initial registration, registrants often paid the full annual fee for a partial year.
4. It would provide the Secretary of State with the flexibility of issuing a special credential in lieu of a special plate. The credential would be used primarily to permit motor vehicles on short-term lease to be used for hire without displaying an "H" plate so long as the vehicle is covered by insurance and proper fees have been paid.
5. It would adjust the farm registration weight brackets to conform to the commercial registration weight brackets. Where the brackets have been adjusted, fees are proportional. This provision was intended to be revenue neutral.

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6. It would exempt the public or nonprofit organizations that make vehicles available to low-income persons from applying for a title in the organization's name.
7. It would provide the Secretary of State additional flexibility to process title applications in a timely manner when a lienholder has sold its interest in a lien.
8. It would clarify language regarding the filing fee when a licensed dealer is applying for an additional type of dealer license, such as when a new car dealer seeks a motorcycle dealer license.
9. It would allow any public or nonprofit organization that makes vehicles available to low-income persons to obtain a transporter plate in order to move a donated vehicle from point to point.
10. It would clarify that if a dealer is renting or leasing a vehicle or combination of vehicles to a customer, a dealer plate cannot be used on that vehicle and it would clarify the 7-day use law.
11. It would allow a person issued a special restricted license based on work or education need to operate beyond the restriction when accompanied by a licensed operator who has held a valid license for the past 2 consecutive years, is at least 20 years of age, is occupying a seat beside the driver and is licensed to operate the class of vehicle operated by the holder of the special restricted license.
12. It would allow temporary plates to be issued to a trailer or mobile home dealer to affix to a unit a customer has purchased.
13. It would provide for increased fees to defray the additional highway costs caused by over-limit loads.
14. It would clarify that trucks registered for more than 26,000 pounds and Class A special mobile equipment are eligible for excise tax reimbursement. It also would repeal obsolete language relating to the transition to the International Registration Plan.
15. It would allow the State Tax Assessor to appoint the Secretary of State as an agent to collect excise tax for the unorganized territories.

Committee Amendment "A" (H-941) was the majority report of the committee and proposed to add the following provisions to the bill.

1. It would clarify that a school board may obtain a short-term loan or a lease-purchase to acquire school buses if funds that can be used for the initial lease-purchase payment have been appropriated by the unit's legislative body.
2. It would clarify that a person operating an unregistered vehicle may be charged with a traffic infraction or crime. It would change the limit that determines whether or not the penalty is considered a traffic infraction or a crime from 120 to 150 days.
3. It would make the penalties for operating a vehicle with an expired 14-day temporary registration plate consistent with the penalties for operating a vehicle with an expired permanent registration plate.

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4. It would allow the Secretary of State to issue a set of special veterans registration plates in the name of a company under certain conditions.
5. It would allow the surviving spouse of the recipient of special veterans registration plates to use the plates, as long as the surviving spouse remains unmarried.
6. It would clarify that the Secretary of State may issue titles to semitrailers regardless of the age of the semitrailer.
7. It would clarify that the manufacturer's suggested retail price must be printed on titles for used vehicles if the manufacturer's suggested retail price appeared on the previous Maine title.
8. It would clarify that the Secretary of State may reissue a title if the lienholder fails to respond to a request to return the title or lien document.
9. It would establish a process that allows a person to voluntarily request the cancellation of a driver's license when the person is no longer able to operate a motor vehicle safely. The Secretary of State would be authorized to cancel, and not necessarily suspend, the license of a person seeking the cancellation.
10. It would remove the requirement that a person's social security number be displayed on a nondriver identification card. This would not affect state compliance with the minimum requirements of applicable federal laws.
11. It would clarify that the accompanying operator for a permit holder must have held a valid license for the past 2 consecutive years. It also would provide that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, act as the accompanying operator.
12. It would authorize the Secretary of State to approve hands-on motorcycle rider courses for the issuance of endorsements to operate motorcycles.
13. It would clarify that the conditional driver's license provisions apply to residents and nonresidents convicted of operating under the influence in Maine.
14. It would clarify that the excise tax on trucks and truck tractors is based on the purchase price of the vehicle.

Committee Amendment "B" (H-942) was the minority report of the committee. It proposed the same provisions as the majority report except that it proposed to strike the provision that provided for increased fees to defray the additional highway costs caused by over-limit loads. This amendment was not adopted.

House Amendment "A" (H-1009) proposed to strike the provision to provide for increased fees to defray the additional highway costs caused by over-limit loads. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-524) proposed to remove a provision relating to when a school board may obtain a short-term loan or a lease-purchase to acquire school buses in order to prevent a conflict with L.D. 2083, "An Act to Correct Errors and Inconsistencies in the Laws of Maine."

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Enacted law summary

Public Law 2002, chapter 671 does the following.

1. It allows the Secretary of State to suspend a driver's license or vehicle registration for delinquent accounts payable to the Department of the Secretary of State, Bureau of Motor Vehicles.
2. It allows the Secretary of State to determine the appropriate compensation for 3rd-party agents who issue driver's license renewals.
3. It places special mobile equipment and tractors into the staggered registration system. Under the prior law, for the initial registration, registrants often paid the full annual fee for a partial year.
4. It provides the Secretary of State with the flexibility of issuing a special credential in lieu of a special plate. The credential will be used primarily to permit motor vehicles on short-term lease to be used for hire without displaying an "H" plate so long as the vehicle is covered by insurance and proper fees have been paid.
5. It adjusts the farm registration weight brackets to conform to the commercial registration weight brackets. Where the brackets have been adjusted, fees are proportional. This provision is intended to be revenue neutral.
6. It exempts the public or nonprofit organizations that make vehicles available to low-income persons from applying for a title in the organization's name.
7. It provides the Secretary of State additional flexibility to process title applications in a timely manner when a lienholder has sold its interest in a lien.
8. It clarifies language regarding the filing fee when a licensed dealer is applying for an additional type of dealer license, such as when a new car dealer seeks a motorcycle dealer license.
9. It allows any public or nonprofit organization that makes vehicles available to low-income persons to obtain a transporter plate in order to move a donated vehicle from point to point.
10. It clarifies that if a dealer is renting or leasing a vehicle or combination of vehicles to a customer a dealer plate cannot be used on that vehicle and it clarifies the 7-day use law.
11. It allows a person issued a special restricted license based on work or education need to operate beyond the restriction when accompanied by a licensed operator who has held a valid license for the past 2 consecutive years, is at least 20 years of age, is occupying a seat beside the driver and is licensed to operate the class of vehicle operated by the holder of the special restricted license.
12. It allows temporary plates to be issued to a trailer or mobile home dealer to affix to a unit a customer has purchased.
13. It provides for increased fees to defray the additional highway costs caused by over-limit loads.

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14. It clarifies that trucks registered for more than 26,000 pounds and Class A special mobile equipment are eligible for excise tax reimbursement. It also repeals obsolete language relating to the transition to the International Registration Plan.
15. It allows the State Tax Assessor to appoint the Secretary of State as an agent to collect excise tax for the unorganized territories.
16. It clarifies that a person operating an unregistered vehicle may be charged with a traffic infraction or crime. It also changes the limit that determines whether or not the penalty is considered a traffic infraction or a crime from 120 to 150 days.
17. It makes the penalties for operating a vehicle with an expired 14-day temporary registration plate consistent with the penalties for operating a vehicle with an expired permanent registration plate.
18. It allows the Secretary of State to issue a set of special veterans registration plates in the name of a company under certain conditions.
19. It allows the surviving spouse of the recipient of special veterans registration plates to use the plates, as long as the surviving spouse remains unmarried.
20. It clarifies that the Secretary of State may issue titles to semitrailers regardless of the age of the semitrailer.
21. It clarifies that the manufacturer's suggested retail price must be printed on titles for used vehicles if the manufacturer's suggested retail price appeared on the previous Maine title.
22. It clarifies that the Secretary of State may reissue a title if the lienholder fails to respond to a request to return the title or lien document.
23. It establishes a process that allows a person to voluntarily request the cancellation of a driver's license when the person is no longer able to operate a motor vehicle safely. The Secretary of State is authorized to cancel, and not necessarily suspend, the license of a person seeking the cancellation.
24. It removes the requirement that a person's social security number be displayed on a nondriver identification card. This does not affect state compliance with the minimum requirements of applicable federal laws.
25. It clarifies that the accompanying operator for a permit holder must have held a valid license for the past 2 consecutive years. It also provides that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, may act as the accompanying operator.
26. It authorizes the Secretary of State to approve hands-on motorcycle rider courses for the issuance of endorsements to operate motorcycles.
27. It clarifies that the conditional driver's license provisions apply to residents and nonresidents convicted of operating under the influence in Maine.
28. It clarifies that the excise tax on trucks and truck tractors is based on the purchase price of the vehicle.

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LD 1851 **Resolve, to Rename the Bridge Between Rumford and Mexico** **ONTP**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1851 proposed to change the name of the Veterans Memorial Bridge between Rumford and Mexico to the Ridlonville Veterans Memorial Bridge.

LD 1852 **An Act to Require Tractor-trailer Drivers to Clean Off the Roofs of Their Vehicles** **ONTP**

<u>Sponsor(s)</u> FERGUSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1852 proposed to require that tractor-trailer drivers keep their vehicles clear of ice and compacted snow. Failure to do so would be a civil violation, punishable by forfeiture of at least \$200 and not to exceed \$500.

LD 1859 **An Act to Establish the Avon-Phillips Airport Authority** **ONTP**

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1859 proposed to establish the Avon-Phillips Airport Authority, governed by a board of 7 trustees, of which 2 trustees would be residents of the Town of Avon and 2 trustees would be residents of the Town of Phillips. The bill proposed to allow the authority to adopt bylaws for the governance of its affairs, acquire real and personal property, lease, rent or otherwise dispose of real or personal property and exercise the power of eminent domain.

LD 1863 **An Act to Clarify the Overweight Fine Violation for Trucks Carrying Certain Designated Commodities and Registered for 100,000 Pounds** **PUBLIC 513
EMERGENCY**

<u>Sponsor(s)</u> FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-806
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LD 1863 proposed to clarify that a 6-axle combination vehicle carrying wood products and other designated commodities that is registered for 100,000 pounds and meets the appropriate axle weight and spacing requirements must be fined for overloads in the same manner as a similarly registered 6-axle vehicle carrying general commodities.

Committee Amendment "A" (H-806) proposed to replace the bill and clarify the appropriate fine bases and fine schedules that apply for vehicle classes carrying special commodities.

Joint Standing Committee on Transportation

Enacted law summary

Public Law 2001, chapter 513 clarifies the appropriate fine bases and fine schedules that apply for vehicle classes carrying special commodities.

Public Law 2001, chapter 513 was enacted as an emergency measure effective March 7, 2002.

LD 1867 **An Act to Ensure the Safety of Maine Children While Riding in a Vehicle** **PUBLIC 585**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY	OTP-AM MAJ	H-896
BENNETT	OTP-AM MIN	

LD 1867 proposed to require a child who weighs less than 40 pounds to be secured in a child safety seat. The bill also requires a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age to be secured in a child booster seat when riding in a motor vehicle. A child under 12 years of age or who weighs less than 100 pounds is required to be secured in the back seat of a vehicle, if it is possible to do so, if that vehicle is equipped with a front-seat, passenger-side air bag.

Committee Amendment "A" (H-896) was the majority report of the Joint Standing Committee on Transportation. This amendment proposed to replace the bill and to require a child who weighs less than 40 pounds to be secured in a child safety seat. The amendment also proposed to require a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age to be secured in a federally approved child restraint system when riding in a motor vehicle. It also proposed to require that a child under 12 years of age or who weighs less than 100 pounds be secured in the back seat of a vehicle, if possible, regardless of whether or not the vehicle is equipped with a front seat, passenger-side air bag.

Enacted law summary

Public Law 2001, chapter 585 requires a child who weighs less than 40 pounds to be secured in a child safety seat. It requires a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age to be secured in a federally approved child restraint system when riding in a motor vehicle. It also requires that a child under 12 years of age who weighs less than 100 pounds be secured in the back seat of a vehicle, if possible, regardless of whether or not the vehicle is equipped with a front seat, passenger-side air bag.

LD 1881 **An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation** **PUBLIC 485**

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

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LD 1881 proposed to increase the dollar amount that the Department of Transportation can pay landowners for property without a formal appraisal from \$5,000 to \$15,000. A market analysis would be performed in place of the formal appraisal. In cases in which the landowner does not consent to the amount, a formal appraisal would be performed.

Enacted law summary

Public Law 2001, chapter 485 increases the dollar amount that the Department of Transportation can pay landowners for property without a formal appraisal from \$5,000 to \$15,000. A market analysis will be performed in place of the formal appraisal. In cases in which the landowner does not consent to the amount, a formal appraisal will be performed.

LD 1896 **An Act to Simplify the Process by Which a Financial Institution Transfers Motor Vehicle Title to a Lessee** **ONTP**

<u>Sponsor(s)</u> YOUNGBLOOD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1896 proposed to expand the ability of a financial institution to sell a motor vehicle that it leased to the lessee of the vehicle. The bill also proposed to permit financial institutions to use agents rather than employees to accomplish such sales.

LD 1907 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow for Loans to be Repaid With Federal Transportation Funds** **CON RES 1**

<u>Sponsor(s)</u> SAVAGE C FISHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-842 FISHER S-419
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LD 1907 proposed to amend the Constitution of Maine to allow the State to issue temporary debt to be repaid with federal transportation funds to facilitate the development of highways, bridges and other transportation projects.

Committee Amendment "A" (S-419) proposed to limit the amount of short-term debt that can be issued under the proposed amendment to the Constitution of Maine to 50% of federal transportation funds allocated in the prior fiscal year.

House Amendment "A" to Committee Amendment "A" (H-842) proposed to clarify that the transportation funds are funds that were appropriated by the Federal Government in the prior federal fiscal year.

Enacted law summary

Constitutional Resolution 2001, chapter 1 proposes to amend the Constitution of Maine to allow the State to issue temporary debt to be repaid with federal transportation funds to facilitate the development of highways, bridges and other transportation projects. It limits the amount of short-term debt that can be issued under the proposed

Joint Standing Committee on Transportation

amendment to the Constitution of Maine to 50% of transportation funds that were appropriated by the Federal Government in the prior federal fiscal year.

LD 1927 **Resolve, to Rename the Highland Avenue Bridge the Major General Henry Merriam Bridge** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1927 proposed to rename the Highland Avenue Bridge in Houlton the Major General Henry Merriam Bridge in honor of a Houlton native who won the Medal of Honor in the Civil War.

LD 1978 **An Act to Allow Maine to Participate in the Federal Pilot Program for Drivers Delivering Home Heating Oil** **PUBLIC 507**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-807
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LD 1978 proposed to instruct the Commissioner of Public Safety to allow Maine to participate in the Federal Motor Carrier Safety Administration, or "FMCSA" pilot program that allows for a restart of drivers' hours in order to allow for flexibility in the hours-of-service regulations. This pilot program, which lasts for 3 years, is managed and monitored by the FMCSA and will provide data to the FMCSA for the purpose of evaluating current hours-of-service regulations.

Committee Amendment "A" (H-807) proposed to clarify that rules adopted pursuant to the bill are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Enacted law summary

Public Law 2001, chapter 507 instructs the Commissioner of Public Safety to allow Maine to participate in the Federal Motor Carrier Safety Administration, or "FMCSA" pilot program that allows for a restart of drivers' hours in order to allow for flexibility in the hours-of-service regulations. This pilot program, which lasts for 3 years, is managed and monitored by the FMCSA and will provide data to the FMCSA for the purpose of evaluating current hours-of-service regulations.

LD 1982 **An Act to Reduce the Economic Impact of Seasonally Posted Roads** **ONTP**

<u>Sponsor(s)</u> SULLIVAN BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1982 proposed to allow municipalities to issue permits for vehicles to operate on any roads that may be posted. A municipality would be able to charge a fee for the permit subject to guidelines set by the Department of Transportation.

Joint Standing Committee on Transportation

LD 1984

An Act to Modernize the Procurement Practices at the Department of Transportation

PUBLIC 689

<u>Sponsor(s)</u> FISHER SAVAGE C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-798
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LD 1984 proposed to update the procurement practices of the Department of Transportation by allowing for the posting of advertisements for bids on construction contracts on the Internet, instead of requiring the expense of legal notices in newspapers.

Committee Amendment "A" (H-798) adds an appropriation and allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 689 updates the procurement practices of the Department of Transportation by allowing for the posting of advertisements for bids on construction contracts on the Internet, instead of requiring the expense of legal notices in newspapers.

LD 2009

An Act to Amend the Laws Concerning Specialty License Plates

PUBLIC 623

<u>Sponsor(s)</u> MCNEIL O'GARA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-928
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LD 2009 proposed to amend the laws governing specialty license plates to require the sponsor of specialty plates to provide a minimum number of signatures of support and to tighten the requirement regarding payment in advance of the manufacture of the specialty plate.

Committee Amendment "A" (H-928) proposed to replace the bill and establish the lobster special registration plate and the Lobster Research, Education and Development Fund. It also proposed to establish the Maine Black Bears special registration plate and the Maine Black Bears Scholarship Fund. The amendment retained the provisions of the bill that tighten the requirements for the authorization of new specialty license plates.

Enacted law summary

Public Law 2001, chapter 623 establishes the lobster special registration plate and the Lobster Research, Education and Development Fund. It also establishes the Maine Black Bears special registration plate and the Maine Black Bears Scholarship Fund. The law also tightens the requirements for the authorization of new specialty license plates.

Joint Standing Committee on Transportation

LD 2018

An Act to Amend the Motor Vehicle Laws

PUBLIC 687

<u>Sponsor(s)</u> FISHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1032 S-593 GOLDTHWAIT
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LD 2018 proposed to amend the motor vehicle laws as follows.

1. It would correct a conflict between 2 sections of law to clarify that a person operating a tractor or trailer used solely for farming purposes does not need an operator's license on a public way between farm lots.
2. It would clarify existing language regarding weighing points so that a sign directing a commercial motor vehicle operator to stop for weighing can be placed on a public way intersecting the way where the weighing point is located.
3. It would create a traffic infraction if a motor vehicle operator fails to remove compacted snow and ice from a vehicle and that compacted snow and ice falls from the vehicle causing personal injury or property damage.
4. It would amend the definition of "blood-alcohol level" to include the equivalent measurement of alcohol in breath.

Committee Amendment "A" (H-1032) makes the following changes to the bill.

1. It would strike the provision in the bill that makes it a traffic infraction if a motor vehicle operator fails to remove compacted snow and ice from a vehicle and the snow and ice falls from the vehicle causing personal injury or property damage.
2. It would strike the provision in the bill that amends the definition of "blood-alcohol level" to include the equivalent measurement of alcohol on the breath.
3. It would define an "electric personal assistive mobility device," also known as a Segway, and create provisions governing its operation.
4. It would authorize the Commissioner of Transportation to undertake a 2-year pilot project that provides specified exemptions from specified truck weight requirements for 4-axle trucks hauling certain commodities.
5. It would clarify that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, act as an accompanying operator.

Senate Amendment "A" to Committee Amendment "A" (S-593) was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment would remove legislative members from an advisory committee established to advise the Commissioner of Transportation on matters pertaining to truck weight laws and instead would require the commissioner and the advisory committee to meet with the Joint Standing Committee on Transportation during one of that committee's regularly scheduled meetings during the 2002 legislative interim to update the committee on the progress of those issues.

Joint Standing Committee on Transportation

Enacted law summary

Public Law 2001, chapter 687 amends the motor vehicle laws as follows.

1. It corrects a conflict between 2 sections to clarify that a person operating a tractor or trailer used solely for farming purposes does not need an operator's license on a public way between farm lots.
2. It clarifies existing language regarding weighing points so that a sign directing a commercial motor vehicle operator to stop for weighing can be placed on a public way intersecting the way where the weighing point is located.
3. It defines an "electric personal assistive mobility device," also known as a Segway, and creates provisions governing its operation.
4. It authorizes the Commissioner of Transportation to undertake a 2-year pilot project that provides specified exemptions from specified truck weight requirements for 4-axle trucks hauling certain commodities. It also requires the commissioner and an advisory committee to meet with the Joint Standing Committee on Transportation during one of that committee's regularly scheduled meetings during the 2002 legislative interim to update the committee on matters pertaining to truck weight laws.
5. It clarifies that a person whose license was suspended for medical reasons within the past 2 consecutive years may, with the approval of the Secretary of State, act as an accompanying operator.

LD 2020

An Act to Promote the Fiscal Sustainability of the Highway Fund

PUBLIC 688

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER	OTP-AM MAJ	H-1042
GAGNON	OTP-AM MIN	

LD 2020 proposed to promote the fiscal sustainability of the Highway Fund by annually indexing motor fuel taxes to reflect inflation, with the new rates taking effect each July 1st, starting in 2003.

Committee Amendment "A" (H-1042) was the majority report. It proposed to establish an annual index for motor fuel tax rates that is based on the Consumer Price Index and is retroactive to 1999. This amendment also proposed to require that the Department of Transportation must submit a bill to the Legislature that repeals any forthcoming adjustment in fuel tax rates for each biennium.

Committee Amendment "B" (H-1043) was the minority report. It proposed to replace the bill and transfer certain funds from the General Fund to the Highway Fund in order to maintain and enhance highways and bridges. Specifically, this amendment proposed to transfer 13.7% of the sales tax revenue associated with the sale of new or used automobiles or trucks from the General Fund to the Highway Fund. This amendment was not adopted.

House Amendment "A" (H-1105) proposed to transfer all the funds in the Maine Learning Technology Endowment to the Highway Fund and would deauthorize the financing arrangements for the endowment. This amendment was not adopted.

Joint Standing Committee on Transportation

House Amendment "A" to Committee Amendment "A" (H-1109) proposed to repeal the provisions of the bill, as amended by Committee Amendment "A," effective July 1, 2003. This amendment was not adopted.

House Amendment "B" (H-1114) proposed to transfer the balance of the Maine Learning Technology Endowment to the Highway Fund and use the funds to decrease the excise tax imposed on gasoline and special fuels by 3¢ for one year beginning July 1, 2002 and ending June 30, 2003. This amendment also would deauthorize the financing arrangements for the endowment. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 688 promotes the fiscal sustainability of the Highway Fund by annually indexing motor fuel taxes to reflect inflation, with the new rates taking effect each July 1st. The index is retroactive to 1999. The law also requires the Department of Transportation to submit a bill to the Legislature that repeals any forthcoming adjustment in fuel tax rates for each biennium.

LD 2047 **An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2003** **P & S 55**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		S-450

LD 2047 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, 2003 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "A" (S-450) added a fiscal note to the bill.

Enacted law summary

Private and Special Law 2001, chapter 55 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, 2003 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 2064 **An Act to Waive the Title Fee for Towed Abandoned Vehicles** **PUBLIC 563**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
FERGUSON GOOLEY		OTP-AM		S-462

LD 2064 proposed to exempt a towing company from paying a title fee for an abandoned motor vehicle if the towing company tows the vehicle at the request of the State Police and then claims the vehicle and declares that the vehicle is a total loss.

Joint Standing Committee on Transportation

Committee Amendment "A" (S-462) proposed to replace the bill and exempt from payment of a title fee a towing company that tows an abandoned vehicle at the request of a law enforcement officer, claims the vehicle and declares that the vehicle is a total loss, and properly notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law. The amendment also proposed to clarify that notification from the Secretary of State to the owner and lienholder must inform the owner that the owner must pay \$23 to transfer the title. If the owner or person in possession of the proper document fails to deliver the proper document and registration plates to the Secretary of State, the Secretary of State could suspend the owner's privilege to title or register a vehicle.

Enacted law summary

Public Law 2001, chapter 563 exempts from payment of a title fee a towing company that tows an abandoned vehicle at the request of a law enforcement officer, claims the vehicle and declares that the vehicle is a total loss, and properly notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law. The law also clarifies that notification from the Secretary of State to the owner and lienholder must inform the owner that the owner must pay \$23 to transfer the title. If the owner or person in possession of the proper document fails to deliver the proper document and registration plates to the Secretary of State, the Secretary of State may suspend the owner's privilege to title or register a vehicle.

LD 2082

An Act to Amend the Subdivision Review Criteria for Traffic

PUBLIC 560

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-867

LD 2082 was the recommendation of the Joint Standing Committee to Study Growth Management. It proposed to amend the subdivision review criteria for traffic by requiring a determination that the proposed subdivision will not reduce the posted speed of a mobility arterial or retrograde arterial.

Committee Amendment "A" (H-867) proposed to replace the bill and to amend the subdivision review criteria for traffic by requiring documentation from the Department of Transportation that includes a finding that the proposed subdivision conforms to the law regulating entrances to highways.

Enacted law summary

Public Law 2001, chapter 560 implements the recommendation of the Joint Standing Committee to Study Growth Management. It amends the subdivision review criteria for traffic by requiring documentation from the Department of Transportation that includes a finding that the proposed subdivision conforms to the law regulating entrances to highways.

Joint Standing Committee on Transportation

LD 2092

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

**PUBLIC 565
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISHER SAVAGE C	OTP-AM	H-949

LD 2092 proposed to do the following:

PART A

1. It would make additional allocations from the Highway Fund.
2. It would make additional allocations from the Federal Expenditure Fund.
3. It would make additional allocations from the Highway Garage Fund.
4. It would make additional allocations from the Island Ferry Service Fund.

PART B

1. It would make allocations from the Highway Fund for approved reclassifications and range changes.
2. It would make allocations from the Federal Expenditures Fund for approved reclassifications and range changes.
3. It would make allocations from the Highway Garage Fund for approved reclassifications and range changes.
4. It would make allocations from the Island Ferry Service Fund for approved reclassifications and range changes.

PART C

1. It would make allocations from the Highway Fund for anticipated salary costs.

Committee Amendment “A” (H-949) proposed to do the following:

PART A

1. It would make allocations from the Highway Fund.
2. It would make allocations from the Federal Expenditures Fund.
3. It would make allocations from the Highway Garage Fund.

Joint Standing Committee on Transportation

4. It would make allocations from Island Ferry Services Fund.

PART B

1. It would make allocations from the Highway Fund for approved reclassifications and range changes.
2. It would make allocations from the Federal Expenditures Fund for approved reclassifications and range changes.
3. It would make allocations from the Highway Garage Fund for approved reclassifications and range changes.
4. It would make allocations from the Island Ferry Services Fund for approved reclassifications and range changes.

PART C

1. It would make allocations from the Highway Fund for anticipated salary costs.

PART D

1. It would make allocations from the Highway Fund.
2. It would make allocations from the Federal Expenditures Fund.

PART E

1. It would make allocations from the Highway Fund to cover the expenditures of the repealed Transportation Safety Fund.
2. It would make allocations from Other Special Revenue funds to reflect the repeal of the Transportation Safety Fund.

PART F

1. It would repeal the Transportation Safety Fund
2. It would authorize the transfer of all revenues from the Transportation Safety Fund to the Highway Fund.
3. It would correct a cross-reference.
4. It would authorize the transfer of all unencumbered balances from the Transportation Safety Fund to the unallocated surplus of the Highway Fund.

PART G

1. It would provide enabling statutory language to implement a proposed constitutional amendment that will allow the State to issue temporary debt to be repaid with federal transportation funds.

Joint Standing Committee on Transportation

2. It would specify that the enabling statutory language will take effect only upon approval by the voters.

PART H

1. It would allow the Department of Transportation to adopt certain major substantive rules.

PART I

1. It would require the Department of Transportation to work with certain state, federal and private agencies to revise certain interstate designations.

PART J

1. It would amend provisions of Public Law 2001, chapter 314 to make minor corrections.

PART K

1. It would allow more flexibility in the use of Urban-Rural Initiative Program funds by certain municipalities.

Enacted law summary

Public Law 2001, chapter 565 does the following.

PART A

1. It makes additional allocations from the Highway Fund.
2. It makes additional allocations from the Federal Expenditure Fund.
3. It makes additional allocations from the Highway Garage Fund.
4. It makes additional allocations from the Island Ferry Service Fund.

PART B

1. It makes allocations from the Highway Fund for approved reclassifications and range changes.
2. It makes allocations from the Federal Expenditures Fund for approved reclassifications and range changes.
3. It makes allocations from the Highway Garage Fund for approved reclassifications and range changes
4. It makes allocations from the Island Ferry Service Fund for approved reclassifications and range changes.

PART C

1. It makes allocations from the Highway Fund for anticipated salary costs.

Joint Standing Committee on Transportation

PART D

1. It makes allocations from the Highway Fund.
2. It makes allocations from the Federal Expenditures Fund.

PART E

1. It makes allocations from the Highway Fund to cover the expenditures of the repealed Transportation Safety Fund.
2. It makes allocations from Other Special Revenue funds to reflect the repeal of the Transportation Safety Fund.

PART F

1. It repeals the Transportation Safety Fund.
2. It authorizes the transfer of all revenues from the Transportation Safety Fund to the Highway Fund.
3. It corrects a cross-reference.
4. It authorizes the transfer of all unencumbered balances from the Transportation Safety Fund to the unallocated surplus of the Highway Fund.

PART G

1. It provides enabling statutory language to implement a proposed constitutional amendment that will allow the State to issue temporary debt to be repaid with federal transportation funds.
2. It specifies that the enabling statutory language will take effect only upon approval by the voters.

PART H

1. It allows the Department of Transportation to adopt certain major substantive rules.

PART I

1. It requires the Department of Transportation to work with certain state, federal and private agencies to revise certain interstate designations.

PART J

1. It amends provisions of Public Law 2001, chapter 314 to make minor corrections.

PART K

1. It allows more flexibility in the use of Urban-Rural Initiative Program funds by certain municipalities.

Joint Standing Committee on Transportation

Public Law 2001, chapter 565 was enacted as an emergency measure effective March 26, 2002.

LD 2150 **An Act to Facilitate Water Well Drilling if Necessitated by
Emergency Drought Conditions** **PUBLIC 540
EMERGENCY**

<u>Sponsor(s)</u> NUTTING J COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-469
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LD 2150 proposed to allow a person operating a vehicle that is transporting well-drilling equipment to travel over a county or municipal way without a specific county or municipal permit during calendar year 2002.

Committee Amendment "A" (S-469) proposed to allow a person operating a vehicle that is transporting well-drilling equipment to travel over a county or municipal way without a specific county or municipal permit during a period of drought emergency declared by the Governor, provided certain conditions were met.

Enacted law summary

Public Law 2001, chapter 540 allows a person operating a vehicle that is transporting well-drilling equipment to travel over a county or municipal way without a specific county or municipal permit during a period of drought emergency declared by the Governor, provided certain conditions are met.

Public Law 2001, chapter 540 was enacted as an emergency measure effective March 21, 2002.

LD 2178 **An Act to Implement the Minority Report of the Joint Standing
Committee on Transportation Regarding the Final Report of the
Task Force to Study the Municipal Excise Tax and Other Motor
Vehicle Registration Fees** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 2178 proposed to allow municipalities the option to offer up to a 10% discount in the amount of excise tax paid on motor vehicles.

LD 2214 **Resolve, to Establish and Fund the Task Force on Rail
Transportation** **RESOLVE 120
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2214 proposed to establish and fund the Task Force on Rail Transportation. The task force would be comprised of legislators and non-legislators with rail interests. The duties of the task force would be to evaluate

Joint Standing Committee on Transportation

current transportation policies and plans, develop an integrated statewide rail transportation policy and plan, and develop steps to implement this policy and plan. The task force would identify State budgetary strategies to assist railroads confronted with significant financial problems. The task force would also create a plan for educating the Legislature and the public on these policies and plans. The State's Railroad Preservation and Assistance Fund would fund the task force.

Enacted law summary

Resolve 2001, chapter 120 establishes and funds the Task Force on Rail Transportation. The task force is comprised of legislators and non-legislators with rail interests. The duties of the task force are to evaluate current transportation policies and plans, develop an integrated statewide rail transportation policy and plan, and develop steps to implement this policy and plan. The task force will identify State budgetary strategies to assist railroads confronted with significant financial problems. The task force will also create a plan for educating the Legislature and the public on these policies and plans. The State's Railroad Preservation and Assistance Fund will fund the task force.

Resolve 2001, chapter 120 was finally passed as an emergency measure effective April 11, 2002.

HP 1727

JOINT ORDER, Relative to the Task Force on Rail Transportation

PASSED

Sponsor(s)
JONES

Committee Report
OTP

Amendments Adopted
H-1884 HA

HP1727 proposed to establish the Task Force on Rail Transportation. The task force would be comprised of legislators and non-legislators with rail interests. The duties of the task force would be to evaluate current transportation policies and plans, develop an integrated statewide rail transportation policy and plan, and develop steps to implement this policy and plan. The task force would identify State budgetary strategies to assist railroads confronted with significant financial problems. The task force would also create a plan for educating the Legislature and the public on these policies and plans.

The Joint Standing Committee on Transportation amended the Joint Order to authorize the Joint Standing Committee on Appropriations and Financial Affairs to report out a bill regarding a task force on rail transportation. This was done so that an executive agency could fund the task force. The Joint Standing Committee on Appropriations and Financial Affairs reported out LD 2214, which was enacted as Resolve 2001, chapter 120.

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Joint Standing Committee on Utilities and Energy

LD 420

An Act to Strengthen Energy Conservation

PUBLIC 624
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM MAJ	H-961
FERGUSON	OTP-AM MIN	

LD 420, which was carried over from the First Regular Session, proposed to increase the cap on the total conservation program expenditures for each transmission and distribution utility to .25 cent per kilowatt hour and to require the Public Utilities Commission, in setting such expenditures levels, to consider levels of conservation program expenditures in other New England states.

Committee Amendment "A" (H-961), which was the majority report of the committee, proposed to replace the bill. This amendment proposed to:

1. Remove the responsibility for developing and monitoring the implementation of conservation programs from the State Planning Office;
2. Remove responsibility for administering new conservation programs from transmission and distribution utilities;
3. Direct the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities;
4. Establish goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs;
5. Direct the commission to secure relevant expertise in carrying out its conservation-related responsibilities;
6. Allow the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities;
7. Require the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs;
8. Authorize transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs;
9. In order to facilitate start-up of conservation programs, authorize the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective;
10. Require the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establish an arbitration process to

Joint Standing Committee on Utilities and Energy

settle such disputes, and establish certain standards for contract interpretation by the commission and arbitrators in settling such disputes;

11. Require the commission to report on the feasibility of assuming the administration of existing conservation-related contracts;
12. Add an emergency preamble and emergency clause to the bill; and
13. Add an allocation section to the bill and a fiscal note.

Committee Amendment "B" (H-962), which was the minority report of the committee, proposed to replace the bill and change the title to reflect the content of the amendment. This amendment proposed to remove all funding for the electric energy conservation program and to eliminate the program. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 624, removes the responsibility for developing and monitoring the implementation of energy conservation programs from the State Planning Office; removes responsibility for administering new conservation programs from transmission and distribution utilities; directs the Public Utilities Commission to develop and administer conservation programs funded through assessments on transmission and distribution utilities; establishes goals and guidelines for the commission in undertaking its responsibilities with respect to conservation programs; directs the commission to secure relevant expertise in carrying out its conservation-related responsibilities; allows the commission to use a portion of the funds collected for conservation programs for administrative costs of the commission in carrying out its responsibilities; requires the commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on funds raised and spent and activities taken with respect to conservation programs; authorizes transmission and distribution utilities to create transition benefit plans for employees who are laid off as a result of the transfer to the commission of the administration of conservation programs; in order to facilitate start-up of conservation programs, authorizes the commission to implement on a short-term basis, without satisfying all the procedural requirements of the new law, conservation programs that the commission finds to be cost effective; requires the commission to adjudicate contract disputes relating to the administration of existing conservation-related contracts by transmission and distribution utilities, establishes an arbitration process to settle such disputes, and establishes certain standards for contract interpretation by the commission and arbitrators in settling such disputes; requires the commission to report on the feasibility of assuming the administration of existing conservation-related contracts.

Public Law 2001, chapter 624 was enacted as an emergency measure effective April 5, 2002.

LD 646

An Act to Establish the Energy Resources Council

PUBLIC 630

Sponsor(s)
MCKEE
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-882

Joint Standing Committee on Utilities and Energy

LD 646, which was carried over from the First Regular Session, proposed to establish the Maine Energy Advisory Council to advise and make recommendations to the State Planning Office concerning energy issues.

Committee Amendment "A" (H-882) proposed to replace the bill. The amendment proposed to create the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The proposed Council would be comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority and staffed by the State Planning Office. The amendment proposed to change the title and add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 630 creates the Energy Advisory Council to facilitate more effective interagency coordination of the State's activities regarding energy issues. The Council is comprised of the Director of the State Planning Office, Chair of the Public Utilities Commission, Commissioner of Environmental Protection, the Public Advocate, Commissioner of Transportation, Commissioner of Administrative and Financial Services, Commissioner of Economic and Community Development and the Director of the Maine State Housing Authority.

LD 1139 **An Act to Ensure Access to Energy Markets for Maine's Small Hydroelectric Facilities** **ONTP**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139, which was carried over from the First Regular Session, proposed 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.

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** **ONTP**

<u>Sponsor(s)</u> MICHAUD MH STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1412, which was carried over from the First Regular Session, 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 would be transferred to Great Northern Energy, LLC upon the acquisition by Great Northern Energy of the dams.

Joint Standing Committee on Utilities and Energy

LD 1837

An Act to Improve the Ability of the Public Utilities Commission to Enforce State Laws, Rules and Requirements

ONTP

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1837 proposed to increase the dollar amount of the penalty that the Public Utilities Commission may impose if a public utility does not comply with the utility law or commission rules, tariffs or orders; it proposed to establish certain guidelines for assessing the penalty.

LD 1838

An Act to Eliminate Unnecessary Filing Requirements for Water Utilities

PUBLIC 488

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-765
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LD 1838 proposed to remove the requirement that, in addition to filing plans for the construction of a water system, a water utility must file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of its next best alternative. The bill proposed to remove the requirement that the information be made available for public review but to retain the requirement that the public be notified if expenses exceed a specified level.

Under current law a water utility must provide special notice to customers if it proposes to incur expenditures over a certain amount as a result of the requirements of the federal Safe Drinking Water Act. Under the bill a water utility would be required to provide such notice anytime it proposed to incur such expenditures, whether or not those expenses would be incurred as a result of the federal Safe Drinking Water Act.

Committee Amendment "A" (H-765) proposed to change the public notice portion of the bill back to the current law so that notice would only be required when a water utility incurs such expenditures as a result of the federal Safe Drinking Water Act.

Enacted law summary

Public Law 2001, chapter 488 removes the requirement that a water utility that, as a result of the requirements of the federal Safe Drinking Water Act, will incur expenses in excess of 50% of its annual operating revenue file with the Public Utilities Commission and with the Department of Human Services engineering estimates, all costs, and a justification of the construction project and of the utility's next best alternative. The law also removes the requirement that this information be made available for public review; it retains the requirement that the public be notified if such expenses will be incurred.

Joint Standing Committee on Utilities and Energy

LD 1845

An Act Authorizing the Town of Waldoboro to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project

**P & S 51
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-772 H-810 SAVAGE W

LD 1845 proposed to extend the period for temporary financing for the Town of Waldoboro's water project.

Committee Amendment "A" (H-772) proposed to extend the period of temporary financing for the Waldoboro water project an additional year so that the total period of temporary financing authorized is 6 years. It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-810) proposed to make a technical correction to the emergency preamble.

Enacted law summary

Private and Special Law 2001, chapter 51 extends the period for temporary financing for the Town of Waldoboro's water project to 6 years.

Private and Special Law 2001, chapter 51 was enacted as an emergency measure effective March 6, 2002.

LD 1857

An Act to Amend the Charter of the Mount Blue Water District

**P & S 48
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-773

LD 1857 proposed to change the eligibility requirements for the election of trustees for the Mt. Blue Standard Water District. It also proposed to allow the trustees to determine the compensation for the trustees and the treasurer of the board of trustees. The bill also proposed to allow the trustees to elect a treasurer that is not a trustee of the district.

Committee Amendment "A" (H-773) proposed to clarify certain language of the bill relating to the hiring of a nontrustee as treasurer of the Mt. Blue Standard Water District and make this provision retroactive to the effective date of the law creating the district. It also proposed to allow a person who does not reside in the district to be a trustee if the person is a customer of the district. It proposed to allow the trustees to propose the compensation of the trustees and the treasurer, but to make the proposal subject to approval by the voters of the district. It proposed to make all these changes subject to referendum approval.

Enacted law summary

Private and Special Law 2001, chapter 48 amends the charter of the Mt. Blue Standard Water District to allow a person who does not reside in the district to be a trustee if the person is a customer of the district; to allow the trustees to propose the compensation of the trustees and the treasurer, but makes the proposal subject to approval by the voters of the district; and, retroactive to the effective date of the law creating the district, to allow the

Joint Standing Committee on Utilities and Energy

trustees to hire a treasurer who is not a trustee of the district. All these provisions are subject to referendum approval within the district.

Private and Special Law 2001, chapter 48 was enacted as an emergency measure effective March 21, 2002, subject to referendum approval.

LD 1862

An Act to Amend the Charter of the Winterport Sewerage District

**P & S 49
EMERGENCY**

Sponsor(s)
BROOKS

Committee Report
OTP-AM

Amendments Adopted
H-761
H-769 BROOKS

LD 1862 proposed to amend the Charter of the Winterport Sewerage District by increasing the debt limit to \$1,200,000. The bill also proposed to amend the charter by adding language that allows any subsequent debt changes to be made by referendum.

Committee Amendment "A" (H-761) proposed to replace the bill. The amendment proposed:

1. To increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum; and
2. To permit the district to increase its debt limit in the future through a referendum process.

House Amendment "A" to Committee Amendment "A" (H-769) proposed to add language to the referendum clause to address the fact that the Town of Winterport held a town meeting on Saturday, January 26, 2002 at which the question whether the debt limit of the Winterport Sewerage District should be increased to \$1,200,000 was voted and approved. The amendment proposed to provide that if due certificate of that vote is filed with the Secretary of State, Part A of the Act, which authorizes the increase in debt limit, takes effect when approved.

Enacted law summary

Private and Special Law 2001, chapter 49 amends the Charter of the Winterport Sewerage District to increase the debt limit of the Winterport Sewerage District from \$400,000 to \$1,200,000, subject to approval by local referendum, and to permit the district to increase its debt limit in the future through a referendum process. Private and Special Law 2001, chapter 49 recognizes that the Town of Winterport held a town meeting prior to enactment of this law at which the question whether the debt limit of the Winterport Sewerage District should be increased was voted and approved; the law provides that if due certificate of that vote is filed with the Secretary of State, the authority to increase in debt limit takes effect without the necessity of further referendum approval.

Private and Special Law 2001, chapter 49 was enacted as an emergency measure effective February 21, 2002.

Joint Standing Committee on Utilities and Energy

LD 1869 **An Act Regarding Protective Orders in Public Utilities Commission Proceedings** **ONTP**

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

LD 1869 proposed to change the criteria for the issuance of protective orders in Public Utilities Commission proceedings. It proposed to repeal some of the changes that were made in 1998 that required, with some exceptions, confidential information to be made available to an opposing party's counsel or consultant and to allow the Public Utilities Commission to determine the financial interests of the parties seeking access to confidential information.

LD 1893 **An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate** **PUBLIC 476**

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

LD 1893 proposed to authorize the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. The bill also proposed to authorize the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

Enacted law summary

Public Law 2001, chapter 476 authorizes the Public Advocate to substitute an economic analyst position for a vacant senior counsel position. Public Law 2002, chapter 476 also authorizes the Public Advocate to compensate a senior counsel at a higher salary range when the increase is necessary to provide competitive salary levels.

LD 1906 **An Act to Amend the Charter of the Corinna Sewer District** **P & S 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TOBIN J	OTP	

LD 1906 proposed to amend the charter of the Corinna Sewer District by allowing the trustees to set a date for the annual meeting.

Enacted law summary

Private and Special Law 2001, chapter 47 amends the charter of the Corinna Sewer District by allowing the trustees discretion in setting the date for the annual meeting.

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Private and Special Law 2001, chapter 47 was enacted as an emergency measure effective February 14, 2002.

LD 1937 **An Act to Benefit Maine's Economy** **ONTP**

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

LD 1937 proposed to use funds from the asset sale gain accounts of Bangor Hydro-Electric and Central Maine Power (ratepayer funds derived from the sale of generation assets) to provide rate subsidies in the form of 1 cent/kWh credits to medium and large electricity consumers. These accounts were used by the Public Utilities Commission to provide a .8 cent/kWh subsidy in the form of credits to certain medium and large customers of BHE and CMP from April 15, 2001 to February 28, 2002. In stipulations approved by the Public Utilities Commission in "stranded cost" cases for BHE and CMP, further subsidies were provided in the form of credits of .45 cents/kWh for large consumers of CMP and .4 cents/kWh for certain large customers of BHE.

LD 1973 **An Act Regarding Utility Easements** **PUBLIC 608**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	H-872

LD 1973 proposed to provide that utilities would obtain easements to maintain, improve and replace facilities across a railroad in the event the railroad is abandoned. The bill also proposed to specify that electric utilities can take easements across railroad property unless the crossing would interfere with rail operations.

Committee Amendment "A" (H-872) proposed to replace the bill. This amendment proposed

1. To authorize the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad; and
2. To clarify that the commission cannot authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 608 authorizes the Public Utilities Commission to allow a natural gas utility or a person maintaining or operating a telephone or electric line to acquire an easement to run a line across a railroad, including an abandoned railroad, and clarifies that the commission can not authorize a natural gas utility or a person maintaining or operating a telephone or electric line to acquire by eminent domain land owned by the State.

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LD 1981 **An Act to Prohibit the Charging of Tolls for Phone Calls Made Between Contiguous Communities** **ONTP**

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

LD 1981 proposed to prohibit a telephone utility from charging a toll-call rate for a telephone call made between contiguous communities. Similar issues relating to local calling areas were reviewed by the committee in the First Regular Session (see LD 33); also, the Public Utilities Commission is reviewing these issues in the context of its revision of its Basic Service Calling Area Rule, Chapter 205.

LD 1985 **An Act to Avoid Incompatible Employment of Water Utility Employees** **ONTP**

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

LD 1985 proposed to establish a new process that water utilities would be required to follow in cases involving potential conflicts of interest in the hiring of contractors. It also proposed to establish criteria for the employment of municipal officers and their family members by a water utility. The bill also proposed to allow the Public Utilities Commission to grant a waiver of the employment criteria if it found that the water utility's hiring procedure was equitable for ratepayers and candidates for employment.

LD 1995 **Resolve, Regarding Participation in Regional Transmission Organization** **RESOLVE 81
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-838

LD 1995 proposed to require the Public Utilities Commission to conduct a study of the feasibility of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada. The resolve also proposed to require that the Public Utilities Commission require that any regional transmission organization joined by the State's transmission and distribution utilities have a governance structure that provides for voting participation of consumers.

Committee Amendment "A" (H-838) proposed to add clarifying language to the section of the resolve directing the Public Utilities Commission to undertake a study. This amendment proposed to remove the section of the resolve relating to the governance structure of a regional transmission organization. This amendment also proposed to add a fiscal note to the resolve.

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Enacted law summary

Resolve 2001, chapter 81 requires the Public Utilities Commission to conduct a study of the advantages and disadvantages of the State's transmission and distribution utilities' participation in a regional transmission organization that includes northern Maine and Canada.

Resolve 2001, chapter 81 was finally passed as an emergency measure effective March 14, 2002.

LD 2003

An Act to Prepare Residential Electricity Customers for Competitive Electricity Markets in Maine

**PUBLIC 528
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS EDMONDS	OTP-AM	H-819

LD 2003 proposed to advance by 2 years the deadline for the Public Utilities Commission investigation of the continued necessity of standard-offer service in the State's competitive electricity markets. The bill also proposed to specify certain matters that the commission must investigate with respect to the continuation of standard-offer service and proposed to require the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Committee Amendment "A" (H-819) proposed to add language to the bill to clarify that the Public Utilities Commission is in no manner limited in its investigation of standard-offer issues to those described in the bill. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 528 advances by 2 years the deadline for the Public Utilities Commission investigation of the value and continued necessity of standard-offer service in the State's competitive electricity markets. The bill also specifies certain matters that the commission must investigate with respect to the continuation of standard-offer service and requires the commission to make recommendations to the Utilities and Energy Committee on appropriate changes in the laws governing standard-offer service.

Public Law 2001, chapter 528 was enacted as an emergency and took effect on March 12, 2002.

LD 2024

An Act to Improve the Safety Provided by the Underground Facilities Protection Law

**PUBLIC 577
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP-AM	H-895

LD 2024 proposed to revise the law governing the so-called dig-safe system. The revisions proposed to provide limited exemptions for cemeteries and shoulder grading; require operators to mark inactive facilities, affirmatively respond to the dig-safe system and locate facilities to the point of service transfer; require the system to implement

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a location-specific information capability; and require excavators to re-notify the system monthly. The bill also proposed to specify that the person who mechanically performs the excavation is responsible for verifying that notifications and locations have been performed and for locating facilities on private property under some circumstances. Finally, the bill proposed to remove the exemption for water utilities and for highway sign installation and to make some administrative changes.

Committee Amendment "A" (H-895) proposed to replace the bill. This amendment proposed to change the so-called dig-safe law by:

1. Establishing alternative procedures for shoulder-grading activities, allowing exemption from current hand-dig requirements;
2. Exempting excavations in cemeteries if certain precautions are taken;
3. Eliminating the current exemption for highway sign work;
4. Requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way;
5. Establishing procedures to identify and locate abandoned facilities;
6. Requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given;
7. Exempting private landowners from the definition of underground facility operator; and
8. Repealing the provision requiring architects and designers to make the location of underground facilities part of their plans.

Enacted law summary

Public Law 2001, chapter 577 revises provisions of the law that govern the Dig Safe underground facilities protection program in the State by establishing alternative procedures for shoulder-grading activities that allow an exemption from current hand-dig requirements; exempting excavations in cemeteries if certain precautions are taken; eliminating the current exemption for highway sign work; requiring underground facility operators to mark gas and electric facilities known to the operators located within a public way; establishing procedures to identify and locate abandoned facilities; requiring, in the case of subcontracting or multiple excavators, the excavator responsible for the actual excavation to ascertain whether required notices have been given; exempting private landowners from the definition of underground facility operator; and repealing the provision requiring architects and designers to mark the location of underground facilities on their plans.

Public Law 2001, chapter 577 was enacted as an emergency measure effective March 28, 2002.

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LD 2041

An Act to Control Internet "Spam"

DIED BETWEEN
BODIES

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

LD 2041 proposed to restrict unsolicited commercial e-mail, defined as e-mail that is sent for the purpose of advertising or conveying real property, goods or services or extending credit, soliciting contributions or broadcasting a political or social message, by requiring the e-mail to contain a valid toll-free telephone number, return e-mail address and return postal address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill proposed to require unsolicited commercial e-mail to include labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults. Sending unsolicited commercial e-mail in violation of these requirements would be considered an unfair trade practice. The bill proposed that all these provisions would be repealed in the event that federal legislation is enacted that prohibits or regulates unsolicited commercial e-mail.

Committee Amendment "A" (H-906) proposed to replace the bill. This amendment proposed to preserve the main provisions of the original bill but clarify and modify some of the language and add some new provisions. Specifically, the amendment proposed to:

1. Modify the definition of "unsolicited commercial e-mail" to remove reference to social and political commentary and to exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Require a person sending unsolicited commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
3. Require unsolicited commercial e-mail to include appropriate labels in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail and whether it contains material suitable only for adults;
4. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$500 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
5. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
6. Add a fiscal note to the bill.

Senate Amendment "A" (S-584) proposed to replace the bill. The amendment proposed to preserve certain portions of the bill, to modify other portions and to add new provisions. Specifically, the amendment proposed to:

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1. Add a definition of "commercial e-mail" limiting it to email that primarily advertises or promotes the commercial availability of a product or service for profit or invites recipient to view Internet site operated primarily for commercial purposes; the definition would exclude e-mail from an e-mail service provider if the service provider has an agreement with the recipient allowing the sending of advertisements in exchange for free e-mail service;
2. Add a new definition of "unsolicited commercial e-mail" to exclude any email to a recipient who had given permission to the sender to send such email or who had any business relationship with the sender in the last 5 years, unless the recipient had requested not to receive such emails;
3. Remove from the bill the requirement that unsolicited commercial e-mail include a label in the subject line so that recipients are made aware that the e-mail is an unsolicited commercial e-mail; it proposed to preserve the requirement that a label be included if the email contains material suitable only for adults;
4. Require a person sending commercial e-mail to provide in the e-mail a valid return e-mail address or Internet website through which the recipient may decline further such e-mail but remove from the bill the requirements that the sender provide a U.S. postal address and a toll-free telephone number;
5. Provide that violations of these provisions constitute unfair trade practices enforceable by the Attorney General and also provide for civil actions for injunctive relief and monetary damages of up to \$600 for violations that may be brought by recipients of the e-mails and injunctive relief and monetary damages of up to \$1,000 for violations brought by e-mail service providers;
6. Remove from the bill the provision that would repeal the law upon enactment of federal law on unsolicited commercial e-mail; and
7. Provide that an e-mail service provider is not liable for any commercial e-mail it didn't initiate.

Senate Amendment "A" to Committee Amendment "A" (S-520) proposed to amend the committee amendment with a net effect substantively identical to Senate Amendment "A" (S-584), except that it did not propose to increase the monetary damages in civil actions brought by recipients of emails from \$500, as proposed in the committee amendment, to \$600, as proposed in Senate Amendment "A" (S-584).

LD 2073	An Act to Amend the Charter of the Portland Water District for the Purpose of Redistricting Trustee Representation to Reflect 2000 Census Data	P & S 56 EMERGENCY
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<u>Sponsor(s)</u> MCLAUGHLIN PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-818
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LD 2073 proposed to amend the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment would be phased in as the terms of current trustees expire beginning in November 2002.

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Committee Amendment "A" (H-818) proposed to make further changes to the charter of the Portland Water District relating to the timing and manner of trustee elections to make them consistent with the reapportionment of the district's trustees and to add clarifying language to the portion of the bill dealing with transition.

House Amendment "A" (H-893) This amendment proposed replace the bill with new provisions to require the Public Utilities Commission to develop a plan, to be reviewed by the Legislature, redistricting the representation of the trustees of the Portland Water District based upon water consumption. The number of trustees would remain at 11 but the commission would be required to make recommendations regarding the length of the terms of the trustees. The amendment proposed to require the commission to review the district boundaries for the trustees every 5 years.

Enacted law summary

Private and Special Law 2001, chapter 56 amends the charter of the Portland Water District to reapportion the 11 trustees among the 10 member communities based on 2000 census data. The reapportionment will be phased in as the terms of current trustees expire beginning in November 2002.

Private and Special Law 2001, chapter 56 was enacted as an emergency measure effective March 21, 2002.

LD 2085

An Act Relating to the Transfer to GNE, LLC of Certain Privileges Bestowed by the Legislature upon Great Northern Paper, Inc.

**P & S 45
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-404
STANLEY	OTP-AM MIN	

LD 2085 was a concept draft pursuant to Joint Rule 208. LD 2085 proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities and to provide for economic development in the Katahdin region.

Committee Amendment "A" (S-404), which was the majority report of the committee, proposed to facilitate the pending sale of Great Northern Paper, Inc.'s hydroelectric facilities by allowing Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities; it also proposed to confirm Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities would have that ability. The amendment also proposed to require notification to and an opportunity to meet with the Governor and area Legislators upon the transfer of the hydropower facilities or the facility licenses or the closure of either of the Millinocket mills.

The amendment proposed to require certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and either of the paper mills are closed. The amendment proposed to prohibit any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market.

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The amendment proposed to repeal certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Committee Amendment "B" (S-405), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed the same provisions as the majority report but also proposed to require certain reports to be made to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to authorize the committee to report out legislation relating to the hydropower facilities to the 125th and 126th Legislatures.

Senate Amendment "A" (S-406) proposed to remove the emergency preamble and emergency clause from the amendment, add a provision making the legislation retroactive to January 25, 2002 and add a provision requiring that if any part of the Act is held invalid, the entire Act is invalidated.

Enacted law summary

Private and Special Law 2001, chapter 45 allows Great Northern Paper, Inc. and its successors to transfer to 3rd parties any or all charter rights related to Great Northern Paper, Inc.'s hydroelectric facilities and confirms Great Northern Paper, Inc.'s authority to sell power on the same basis as any other person engaged in the business of selling electricity and to clarify that the purchaser of Great Northern Paper, Inc.'s dams and hydroelectric and related facilities will have that authority. The law also requires notification and an opportunity to meet with the Governor and area Legislators, upon the occurrence of certain events that would affect the Katahdin region. The law requires certain payments to be made to the economic development body serving the Katahdin region if, during a defined 15-year period, certain new transmission lines are built and there is a paper mill closing. The law prohibits any agreement or understanding between the owner of the hydropower facilities and the owner of either paper mill under which the owner of a mill receives revenue from the sale of electricity from the hydropower facilities and there is a paper mill closing for the purpose of allowing or increasing the sale of the electricity from the hydropower facilities to any other purchaser or entity or into the wholesale electric market. The law repeals certain obsolete provisions of Private and Special Law relating to authorizations for certain entities to sell power or transmit energy from the hydropower facilities.

Private and Special Law 2001, chapter 45 was enacted as an emergency measure effective January 28, 2002.

NOTE: LD 2083 (the "Errors Bill"), sections E-5 and E-6 as enacted (PL 2001, ch. 667) retroactively added new provisions to the Private and Special Law 2001, chapter 45. The new language exempts from Public Utilities Commission regulation the sale and transmission of electricity generated by the hydroelectric facilities formerly owned by Great Northern Paper, Inc. to any persons to which Great Northern Paper, Inc. formerly supplied or sold such electricity between July 1, 1997 and January 28, 2002 unless the commission determines that a person to whom the electricity is sold, provided or transmitted has reasonable access to the electrical grid of a regulated transmission and distribution utility or for any other reason finds that continuance of the exemption is not in the public interest.

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LD 2107

Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 83
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-894

LD 2107 proposed to provide for legislative review of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-894) proposed to authorize the final adoption of those portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions that are major substantive rules of the Public Utilities provided certain enumerated changes are made to the rule. The changes would (1) clarify that a transmission and distribution utility is not required to certify the safety of a private line but only to make a determination whether the line can be safely energized, (2) require a transmission and distribution utility to refuse to energize a private line if it is unsafe and allow a transmission and distribution utility to refuse to energize a private line if it otherwise does not meet the standards of the rules, (3) establish a timeframe for a transmission and distribution utility's inspection of a privately built line, a timeframe and process for resolving disputes between a transmission and distribution utility and a private line contractor about the application of the rules, and exemptions from these timeframes in cases of a weather emergency, and (4) increase the period of cost sharing among users of line extensions from 10 to 20 years.

Enacted law summary

Resolve 2001, chapter 83 authorizes final adoption of portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a major substantive rule of the Public Utilities Commission, provided certain enumerated changes are made to the rule.

Resolve 2001, chapter 83 was finally passed as an emergency measure effective March 21, 2002.

LD 2147

An Act Providing for the Supply of Water to the City of Brewer

**P & S 66
EMERGENCY**

Sponsor(s)
YOUNGBLOOD
LEDWIN

Committee Report
OTP-AM

Amendments Adopted
S-498
S-510 YOUNGBLOOD

LD 2147 proposed to authorize the City of Brewer to acquire the assets of the Brewer Water District. The bill also proposed to repeal the charter of the Brewer Water District.

Committee Amendment "A" (S-498) proposed to replace the bill. This amendment proposed to preserve the essential elements of the bill but make various modifications and add new provisions. This amendment proposed to:

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1. Authorize the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city;
2. Upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, require the transfer of the assets and obligations of the water district to the city;
3. Upon the transfer of the assets and obligations of the water district to the city, grant to the city authority, now possessed by the district, to take water from water sources outside the city, to serve customers outside the city, to lay pipe and exercise eminent domain outside the city, and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and
4. Require the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorize the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-510) proposed to add an emergency preamble and clause and change language in the bill to allow submission of the issue of dissolution of the Brewer Water District to the voters of the City of Brewer at the June primary.

Enacted law summary

Private and Special Law 2001, chapter 66 authorizes the City of Brewer to hold a referendum on the dissolution of the Brewer Water District and the transfer of the district's assets to the city; upon approval of the referendum, and approval of a majority of the City Council of Brewer and a majority of the trustees of the district, requires the transfer of the assets and obligations of the water district to the city; upon the transfer of the assets and obligations of the water district to the city, grants to the city authority, now possessed by the district, to take water from water sources outside the city, to serve customers outside the city, to lay pipe and exercise eminent domain outside the city and to adopt rules to protect Hatcase Pond, which is located in the Town of Dedham and the Town of Eddington; and requires the Public Utilities Commission, at the request of the city, to examine employment contracts of the district and authorizes the commission to void a contract if the commission finds the contract was an unreasonable act of the district.

Private and Special Law 2001, chapter 66 was enacted as an emergency measure effective April 4, 2002.

LD 2159

**An Act to Amend the Charter of the Corinna Water District to
Allow for the Appointment of Trustees**

**P & S 65
EMERGENCY**

<u>Sponsor(s)</u> DAVIS P TOBIN J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-474
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LD 2159 proposed to amend the charter of the Corinna Water District to provide for the appointment of trustees to the board of trustees of the Corinna Water District by the municipal officers of the Town of Corinna. It also proposed to repeal a provision requiring the trustees to be customers of the district.

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The current trustees of the Corinna Water District were appointed by the municipal officers of the Town of Corinna. In the change to the district's charter accomplished by Private and Special Law 2001, chapter 13, this was prospectively changed and the trustees' successors were to be elected. Under the bill, the trustees would again be appointed by the municipal officers of the Town of Corinna.

Committee Amendment "A" (S-474) proposed to provide that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. This amendment also proposed retroactively to extend the terms of existing trustees until their successors are appointed and retroactively to remove the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Enacted law summary

Private and Special Law 2001, chapter 65 amends the charter of the Corinna Water District to provide that its trustees are to be appointed by the municipal officers of the Town of Corinna. This law provides that the new trustees of the Corinna Water District are to be appointed within 3 months of the effective date of the legislation. The law retroactively extends the terms of existing trustees until their successors are appointed and retroactively removes the requirement created by Private and Special Law 2001, chapter 13 that the trustees be residents of the district.

Private and Special Law 2001, chapter 65 was enacted as an emergency measure effective April 2, 2002.

LD 2171

An Act to Withdraw from the Texas Low-level Radioactive Waste Disposal Compact

**PUBLIC 629
EMERGENCY**

Sponsor(s)
SAVAGE W
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-1006

LD 2171 proposed to terminate the State's participation in an interstate compact with the states of Texas and Vermont for the disposal of low-level radioactive waste generated in the 3 states at a facility to be licensed and built in the State of Texas. There is a strong likelihood that the decommissioning of the Maine Yankee Atomic Power Company nuclear power plant will be completed prior to the opening of any disposal facility in Texas; remaining low-level waste generators in this State produce a small volume of waste that currently is accepted for disposal at facilities in South Carolina and Utah. Under the compact, the customers paying for Maine Yankee's decommissioning could eventually be exposed to a \$25,000,000 payment obligation for compact membership.

Committee Amendment "A" (H-1006) proposed to clarify certain language in the bill and repeal Public Law 1993, chapter 400, section 4 that enacted the text of the Texas Low-Level Radioactive Waste Disposal Compact.

Enacted law summary

Public Law 2001, chapter 629 terminates the State's participation in an interstate compact with the states of Texas and Vermont for the disposal in Texas of low-level radioactive waste generated in the 3 states.

Public Law 2001, chapter 629 was enacted as an emergency measure effective April 5, 2002.

Joint Standing Committee on Utilities and Energy

LD 2207

An Act to Amend the Charter of the Winterport Water District

P & S 68
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	Pursuant to Joint Order	

LD 2207, which was reported by the committee pursuant to Joint Order, proposed to increase the debt limit of the Winterport Water District to \$1.2 million, subject to approval in a local referendum, and to permit the district to increase its debt limit in the future through a referendum process.

Enacted law summary

Private and Special Law 2001, chapter 68 increases the debt limit of the Winterport Water District, subject to approval in a local referendum, and permits the district to increase its debt limit in the future through a referendum process.

Private and Special Law 2001, chapter 68 was enacted as an emergency measure effective April 8, 2002.

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