

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION

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

VOLUME 2



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 128th Maine Legislature

First Regular Session convened Wednesday, December 7, 2016
First Regular Session adjourned sine die Wednesday, August 2, 2017

Senate Legislative Days.....70
House Legislative Days.....70
Bills Considered.....1646

THE MAINE LEGISLATIVE COUNCIL

HOUSE MEMBERS

REP. SARA GIDEON, CHAIR
REP. ERIN D. HERBIG
REP. JARED F. GOLDEN
REP. KENNETH W. FREDETTE
REP. ELEANOR ESPLING

SENATE MEMBERS

SENATOR MICHAEL D. THIBODEAU, VICE-CHAIR
SENATOR GARRETT P. MASON
SENATOR ANDRE E. CUSHING
SENATOR TROY D. JACKSON
SENATOR NATHAN L. LIBBY

AUGUST 2017

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION

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

VOLUME 2



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

The Office of Policy and Legal Analysis

Marion Hylan Barr, Director
13 State House Station
Room 215, Cross Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

The Office of Fiscal and Program Review

Christopher W. Nolan, Director
5 State House Station
Room 226, State House
Augusta, Maine 04333-0005
Telephone: (207) 287-1635
Fax: (207) 287-6469

Contents of this Digest are available on the Internet at www.maine.gov/legis/opla

STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

TABLE OF CONTENTS

VOLUME 1

Committee Name

Joint Standing Committee on Agriculture, Conservation and Forestry

Joint Standing Committee on Appropriations and Financial Affairs

Joint Standing Committee on Criminal Justice and Public Safety

Joint Standing Committee on Education and Cultural Affairs

Joint Standing Committee on Environment and Natural Resources

Joint Standing Committee on Energy, Utilities and Technology

Joint Standing Committee on Health and Human Services

Joint Standing Committee on Insurance and Financial Services

Joint Standing Committee on Inland Fisheries and Wildlife

Appendix A: Session statistics

Appendix B: Index of bills not referred to committee

VOLUME 2

Committee Name

Joint Standing Committee on Judiciary

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Joint Select Committee on Marijuana Legalization Implementation

Joint Standing Committee on Marine Resources

Joint Standing Committee on State and Local Government

Joint Standing Committee on Taxation

Joint Standing Committee on Transportation

Joint Standing Committee on Veterans and Legal Affairs

Appendix A: Session statistics

Appendix B: Index of bills not referred to committee

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

August 2017

MEMBERS:

SEN. LISA KEIM, CHAIR
SEN. RODNEY L. WHITTEMORE
SEN. DAWN HILL

REP. MATTHEW W. MOONEN, CHAIR
REP. JOYCE MCCREIGHT
REP. CHRISTOPHER W. BABBIDGE
REP. DONNA BAILEY
REP. BARBARA A. CARDONE
REP. LOIS GALGAY RECKITT
REP. STACEY K. GUERIN
REP. ROGER L. SHERMAN
REP. RICHARD T. BRADSTREET
REP. CHRIS A. JOHANSEN

STAFF:

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

Joint Standing Committee on Judiciary

LD 2 An Act To Prevent Bad Faith Assertions of Patent Infringement

**Accepted Report A
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M CARPENTER M	ONTP OTP-AM OTP	

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

Committee Amendment "A" (H-12)

This amendment is a minority report. It replaces the bill and narrows the existing exemption to apply to only good faith demand letters and good faith assertions of patent infringement arising under 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262.

This amendment was not adopted.

LD 21 An Act To Amend the Law Regarding the Execution of Temporary Powers of Attorney

PUBLIC 42

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-22

Under current law, nonprofit legal services providers whose primary purpose is to provide free legal services are exempt from the requirement that organizations that assist parents or guardians with the process of executing a power of attorney for the temporary care of a minor ensure that a background check is completed for the agent and any adult members of the agent's household. This bill extends that exemption to nonprofit hospitals.

Committee Amendment "A" (H-22)

This amendment adds language to make clear that preparation of the powers of attorney contemplated by the current law must be in compliance with current law prohibiting the unauthorized practice of law.

Enacted Law Summary

Public Law 2017, chapter 42 exempts nonprofit hospitals from the requirement that organizations that assist parents or guardians with the process of executing a power of attorney for the temporary care of a minor ensure that a background check is completed for the agent and any adult members of the agent's household. Chapter 42 clarifies that preparation of the powers of attorney contemplated by the law must be in compliance with current law prohibiting the unauthorized practice of law.

Joint Standing Committee on Judiciary

LD 39 An Act To Clarify Landowners' Liability Regarding Public Access ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T BLACK R	ONTP	

Under the current law, known as the "Landowner Liability Law," liability for recreational or harvesting activities is not limited for an injury suffered in any case where permission to pursue any recreational or harvesting activities was granted for a consideration other than consideration paid to the landowner or the landowner's agent for use of the premises on which the injury was suffered, as long as certain conditions exist. This bill extends the limitation of liability to situations in which consideration is paid to the sublessee or the holder of an easement from the landowner, as long as certain conditions exist. See also LD 112.

LD 46 An Act To Provide Consistency with Regard to Jury Duty Exemption PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-46

Current law requires that all persons chosen for jury service must be selected at random from the broadest feasible cross-section of the population. The bill proposes achieving consistency in exemptions among medical professionals by adding nurse practitioners who are providing active patient care to other medical professionals who are providing active patient care and are currently exempt. This bill exempts certified nurse practitioners providing active patient care from jury duty.

Committee Amendment "A" (S-46)

This amendment creates consistency among medical professionals and others by removing all statutory exemptions from jury duty except for the Governor, active duty military and deployed state National Guard, thus increasing the juror pool.

Enacted Law Summary

Public Law 2017, chapter 275 creates consistency among medical professionals and others with regard to serving as a juror by removing all statutory exemptions from jury duty except for the Governor, active duty military and deployed state National Guard, thus increasing the juror pool.

LD 63 An Act To Ensure Complete Investigations by Guardians Ad Litem ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J CYRWAY S	ONTP	

This bill removes the sunset provision from the consolidated law governing children's guardians ad litem in the Maine Revised Statutes, Title 4, chapter 32.

This bill also requires a guardian ad litem appointed in cases under Title 18-A, Title 19-A or Title 22 of the Maine Revised Statutes to prepare reports to the court and the parties using court-approved forms. Each report must demonstrate that the guardian ad litem fulfilled each of the specific duties assigned to the guardian ad litem in the

Joint Standing Committee on Judiciary

court's order of appointment.

LD 64 An Act To Require Mediation within 90 Days of a Homeowner's Receipt of a Foreclosure Notice ONTP

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

This bill makes several changes to the foreclosure mediation program.

First, it makes the mediation program mandatory for all parties when a plaintiff commences an action for the foreclosure of an owner-occupied residential property of no more than four units that is the primary residence of the owner-occupant.

Second, it requires the mediation to start not more than 90 days after the defendant receives the foreclosure complaint.

Third, the bill requires the cost of mediation to be paid equally by the plaintiff and the defendant. Currently, the plaintiff pays for mediation services, although they are usually passed on to the defendant.

Fourth, the bill eliminates the requirement that the attorneys for the plaintiff and the defendant, if the defendant is represented, attend the mediation.

LD 70 An Act To Allow Municipal Governing Boards of 3 Members To Perform Official Duties via Technology ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R SAVIELLO T	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow municipal governing boards of three members to perform official duties via technology, such as conducting meetings remotely.

LD 80 An Act To Increase the Penalty for Multiple Violations of Protection from Abuse Orders ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S LUCHINI L	ONTP	

This bill amends the laws regarding penalties for violating consent agreements and protection from abuse orders in cases of domestic violence by increasing the penalties for second and third convictions.

The bill also makes a person who commits a crime involving domestic violence ineligible for deferred disposition.

Joint Standing Committee on Judiciary

LD 81 An Act Regarding the Payment of Back Child Support

PUBLIC 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B ORDWAY L	OTP-AM	S-75

This bill removes the presumption that a child support order has been paid after 20 years and clarifies that the equitable defense of laches is unavailable in actions to enforce a child support judgment or agreement.

Committee Amendment "A" (S-75)

This amendment clarifies that a child support order entered either by a court or by an administrative agency is not presumed to have been paid after 20 years. This amendment also removes the section of the bill that states that the equitable defense of laches is unavailable in actions to enforce a child support judgment, which is unnecessary given the Law Court's decision in *Brochu v. McLeod*, 2016 ME 146, 148 A.3d 1220.

Enacted Law Summary

Public Law 2017, chapter 102 removes the presumption that a child support order entered by a court or an administrative agency has been paid after 20 years.

LD 111 An Act To Establish an Additional Veterans Treatment Court

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B LIBBY N	OTP-AM OTP-AM	H-331 H-488 GUERIN S

This bill directs the Chief Justice of the Supreme Judicial Court to establish a veterans treatment court in Androscoggin County.

Committee Amendment "A" (H-331)

This amendment is the majority report. It replaces the bill and relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided.

Committee Amendment "B" (H-332)

This amendment is the minority report. It is the same as the majority report except that it provides the funding for the courts as well as for the services to be provided for the 2018-2019 biennium only.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-488)

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

House Amendment "A" To Committee Amendment "A" (H-470)

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

Joint Standing Committee on Judiciary

This amendment was not adopted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 112 An Act To Further Limit the Liability of Landowners Who Permit the ONTP
Use of Land for Outdoor Recreational Activity

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P HAMPER J	ONTP	

Current law, known as the "Landowner Liability Law," limits the liability of landowners who allow certain outdoor recreational or harvesting activities on their land, as long as the land is not primarily used for commercial recreational purposes. This bill extends that limited liability to landowners who allow their land to be used for the construction, maintenance or expansion of trails or ancillary facilities used to pursue outdoor recreational activities. See also LD 39.

LD 123 An Act To Recodify and Revise the Maine Probate Code CARRIED OVER

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

This bill, which is being submitted pursuant to Resolve 2015, chapter 73, section 1, recodifies and revises the Maine Revised Statutes, Title 18-A and amends other laws affected by this recodification and revision accordingly.

Resolve 2013, chapters 5 and 82 directed the Probate and Trust Law Advisory Commission to review the existing Probate Code and the latest version of the Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission submitted legislative recommendations in a report to the Joint Standing Committee on Judiciary of the 127th Legislature on December 6, 2014 and included revisions to the recommendations in a subsequent report submitted November 20, 2015. The purpose of this bill is to adopt the Uniform Probate Code as the Maine Uniform Probate Code, incorporating the changes recommended by the Probate and Trust Law Advisory Commission, and to reorganize the Probate Code to be more logical, while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 18-A.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 125 An Act To Allow an Order Not To Resuscitate To Be Presented in the ONTP
Form of an Indelible Mark

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

This bill prohibits emergency medical treatment providers from starting resuscitation on a person when an order not to resuscitate is presented in the form of an indelible mark, such as a tattoo, on the person's chest.

Joint Standing Committee on Judiciary

**LD 135 An Act To Authorize the Department of Health and Human Services To
Disclose Information to the Personal Representative of the Estate of an
Incapacitated or Dependent Adult Who Dies While under Public
Guardianship or Public Conservatorship**

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G MALABY R	OTP-AM	S-15

This bill requires the Department of Health and Human Services to disclose information in its records under the Adult Protective Services Act to personal representatives of the estates of incapacitated or dependent adults who die while under public guardianship or public conservatorship.

Committee Amendment "A" (S-15)

This amendment changes the title and replaces the bill to give the Department of Health and Human Services the option of disclosing information in its records under the Adult Protective Services Act to personal representatives of the estates of incapacitated or dependent adults who die while under public guardianship or public conservatorship.

Enacted Law Summary

Public Law 2017, chapter 55 gives the Department of Health and Human Services the option of disclosing information in its records under the Adult Protective Services Act to personal representatives of the estates of incapacitated or dependent adults who die while under public guardianship or public conservatorship.

**LD 146 Act To Protect the Confidentiality of State and Local Government
Employees' Private Information**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-85

This bill clarifies that certain personal information of municipal employees is confidential and the record or the portion of the record containing that information in the possession of a municipal government is not a public record. The types of information protected include that which pertains to age, ancestry, ethnicity, genetics, national origin, race, skin color, marital status, mental or physical disabilities, personal contact information, religion, sex, sexual orientation, social security and personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance.

Committee Amendment "A" (H-85)

This amendment amends the state employee personnel records provisions to include confidentiality of genetic information and sexual orientation and amends the laws governing county employee personnel records to match. This amendment includes cross-references to the Maine Human Rights Act for the definition of "sexual orientation." It also correctly provides for the confidentiality of a municipal employee's social security number.

Joint Standing Committee on Judiciary

LD 147 An Act To Amend the Maine Parentage Act

**Accepted Majority
(ONTP) Report**

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

This bill prohibits a court from ordering payment of child support from a de facto parent to another parent of the child if the de facto parent obtained that status due to the unwillingness or inability of the other parent to provide care for the child.

LD 170 An Act To Allow and Recognize a Legal Name Change upon Marriage

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHENETTE J	OTP-AM	H-274

This bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

Committee Amendment "A" (H-274)

This amendment provides funds to the Department of Health and Human Services for technology updates made necessary by the bill.

This bill was reported out of committee and then carried over on the Special Appropriations Table to the next special or regular session of the 128th Legislature by joint order, S.P. 601.

LD 193 An Act To Protect Retirement Accounts from Creditor Collection

PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P	OTP-AM	H-275

This bill removes the cap on the amount exempted from attachment by creditors for an individual retirement account.

Committee Amendment "A" (H-275)

This amendment replaces the bill by enacting a separate subsection governing the exemption from attachment of retirement accounts to match the same exemption in the United States Bankruptcy Code. The amendment provides that amounts contributed within the 120 days before either the bankruptcy action is filed or the judgment against the debtor or the issuance of the levy or other attachment is issued are not exempt. Amounts necessary to satisfy child support or spousal support obligations are also not exempt from attachment or bankruptcy.

Enacted Law Summary

Public Law 2017, chapter 177 enacts an exemption from attachment of retirement accounts to match the same

Joint Standing Committee on Judiciary

exemption in the United States Bankruptcy Code. The new subsection caps the exemption at an aggregate value of \$1,000,000 for individual retirement accounts and other tax-deferred arrangements that are exempt under the United States Bankruptcy Code, 11 United States Code, Section 522(d)(12). Chapter 177 provides that amounts contributed within the 120 days before either the bankruptcy action is filed or the judgment against the debtor or the issuance of the levy or other attachment is issued are not exempt. Amounts necessary to satisfy child support or spousal support obligations are also not exempt from attachment or bankruptcy.

LD 194 An Act To Ensure Equity in the Awarding of Compensation for Tort Claims **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P CUSHING A	ONTP OTP	

This bill provides that, if two or more defendants are found to be liable for a plaintiff's injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary damages, but each defendant is only severally liable for nonpecuniary damages proportional to the percentage of fault attributable to that defendant. If the defendants acted in concert, they are jointly and severally liable for the nonpecuniary damages as well.

LD 195 An Act Amending the So-called "Good Samaritan" Laws **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P KEIM L	ONTP OTP	

This bill amends the so-called "Good Samaritan" statute, which provides immunity to a person who renders certain assistance to another person for no expectation of monetary or other compensation from the person aided by adding immunity for any person, nonprofit organization or faith-based organization that provides shelter or housing to a homeless person.

LD 196 An Act To Protect Personal Information of Participants in a Community Well-being Check Program **PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-126

This bill creates a public records exception under the Freedom of Access Act to protect the confidentiality of personal information of participants in community well-being check programs. A community well-being check program, sometimes known as a "Good Morning Program," is a voluntary program that involves daily, or regular, telephone contact with participants and, when telephone contact cannot be made, sends local law enforcement or other designated first responders to check on the well-being of the participant at the participant's residence. The bill makes an exception to the confidentiality provision to allow for the sharing of a participant's personal information, including health information, with local law enforcement or other designated first responders as necessary to administer the program.

Committee Amendment "A" (H-126)

This amendment revises the bill to provide that the information may be made available to first responders but only

Joint Standing Committee on Judiciary

as necessary to implement the program. It also amends the bill to take out the limitation to telephone contact between the participant and the program, allowing any form of contact that the program uses. It also revises the language to use the broader term of "first responder" to cover the persons who the program sends to check on the participant's well-being and who may receive the personal information about the participant only when necessary to implement the program.

Enacted Law Summary

Public Law 2017, chapter 118 creates a public records exception under the Freedom of Access Act to protect the confidentiality of personal information of participants in community well-being check programs. A community well-being check program is a voluntary program that involves daily, or regular, contact with participants and, when contact cannot be made, sends local law enforcement or other designated first responders to check on the well-being of the participant at the participant's residence. Chapter 118 makes an exception to the confidentiality provision to allow for the sharing of a participant's personal information, including health information, with first responders as necessary to administer the program.

LD 197	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination	CARRIED OVER
---------------	---	---------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L VITELLI E	OTP-AM ONTP	H-133

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

Committee Amendment "A" (H-133)

This amendment is the majority report. It incorporates a fiscal note.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 198	An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals	PUBLIC 61
---------------	--	------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L WOODSOME D	OTP-AM	H-74

This bill provides that a landlord is not liable in a civil action for personal injury, death, property damage or other damages caused by an assistance animal on the landlord's rental property.

Committee Amendment "A" (H-74)

This amendment replaces the bill, which amends the Maine Human Rights Act, and instead amends the law governing rental property.

The amendment provides that a landlord is not liable in a civil action for personal injury, death, property damage or other damages caused by an assistance animal on the landlord's property. "Dwelling unit" is currently defined in the Maine Revised Statutes, Title 14, section 6021, subsection 1 to include mobile homes, apartments, buildings or other structures, including the common areas thereof, which are rented for human habitation.

Joint Standing Committee on Judiciary

Title 5, section 4582-A, subsection 3 provides that an individual with a physical or mental disability who uses an assistance animal is liable for any damage done to the premises or facilities by the assistance animal.

Under Title 7, section 3961, the owner or keeper of an animal is liable in a civil action to a person who is injured or whose property is damaged for the amount of damage done if the damage was not occasioned through the fault of the person injured.

Enacted Law Summary

Public Law 2017, chapter 61 provides that a landlord is not liable in a civil action for personal injury, death, property damage or other damages caused by an assistance animal on the landlord's property.

LD 218 An Act To Reduce Criminal Justice System Costs by Allowing Arraignments and Hearings in the Unified Criminal Docket To Be Held by Means of Audiovisual Telecommunications ONTP

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

This bill provides that in any criminal action in the Unified Criminal Docket, as determined by the court to be appropriate to the defendant and to make sound fiscal sense, an arraignment or hearing may be held by means of audiovisual telecommunications. The bill provides that when an arraignment or hearing is held by means of audiovisual telecommunications, the court is required to ensure that a recording of the arraignment or hearing is made and retained as part of the case file.

LD 224 An Act Regarding Actions for Failure To Follow Condominium Association Requirements ONTP

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

This bill provides that, following reasonable notice and an opportunity to be heard, a condominium association may bring an action against a unit owner or a group of unit owners for violating requirements imposed by association documents and that, following reasonable notice and an opportunity to be heard, a unit owner or a group of unit owners may bring an action against an association for violating requirements imposed by those same documents.

LD 280 An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	ONTP OTP-AM	

This bill adds tax-exempt, nonprofit regional public transportation agencies to the Maine Tort Claims Act, which limits liability for governmental entities.

Committee Amendment "A" (H-464)

This amendment, which is the minority report, replaces the bill. The Maine Tort Claims Act currently includes

Joint Standing Committee on Judiciary

"transit districts," defined in Title 30-A, section 3501, subsection 1, within the definition of "political subdivision" and thus covered by the immunity and limited liability of the Act. This amendment amends the public transportation statutes to expressly treat the tax-exempt nonprofit agencies selected by the Department of Transportation as regional public transportation agencies as transit districts, but for the purposes of the Maine Tort Claims Act only.

This amendment was not adopted.

LD 281 An Act To Amend the Percentage of Votes Needed for Condominium Governance Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P HILL D	OTP-AM	H-430

This bill amends the Maine Condominium Act to change the number of votes, depending on the number of units in the association, needed by owners of units in the association in order to convey or use as collateral common elements of the condominium or to amend the declaration of the condominium. Under this bill, if an association consists of nine or fewer units, agreement by all of the owners is necessary; if an association consists of 10 or more units, agreement by the owners of at least 80% of the votes allocated to units, rounded up to the next whole number, in the association is necessary.

Committee Amendment "A" (H-430)

This amendment replaces the bill but addresses the same issue, which is to allow a vote that is less than unanimous to make changes to a condominium declaration. The amendment, modeled on a law in Washington, requires the approval of all of the owners of the units particularly affected, as well as the approval of 90% of the owners of the total number of units, rather than 100%.

LD 282 An Act To Support Caregivers When Children Have Been Abandoned by Their Parents ONTP

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

This bill addresses concerns of caretaker relatives and others who take on the care and custody of a child when the child's parents have essentially abandoned the child to the caregiver's care and custody. When the arrangement is without a formal guardianship appointment and without a power of attorney executed by the parent, the caregiver may be considered a de facto guardian after sufficient time has elapsed with a demonstrated lack of consistent participation by the parent. A de facto guardian may petition the court to be appointed as a guardian when the parent does not consent to the appointment if the court finds a demonstrated lack of consistent participation by the parent. Current law provides that the duties of a parent include, but are not limited to, providing the child with necessary food, clothing, shelter, health care and education and a nurturing and consistent relationship and other care and control necessary for the child's physical, mental and emotional health and development.

The bill amends the list of factors the court must consider to determine the best interest of the child when deciding whether to appoint a guardian for the child to add, if there has been a demonstrated lack of consistent participation by a parent, the current capacity and disposition of the parent to comply with the duties imposed upon a parent by the parent-child relationship.

The bill provides that, if the parent or legal custodian objects to the appointment of the de facto guardian as the

Joint Standing Committee on Judiciary

guardian for the child, the court may appoint the de facto guardian as the guardian if the court finds that the parent or legal custodian is currently unwilling or unable to comply with the duties imposed upon a parent by the parent-child relationship.

The bill provides that, after the de facto guardian is appointed the guardian and the parent petitions the court to terminate the guardianship, a party opposing the termination has the burden of proving by a preponderance of the evidence that the parent seeking to terminate the guardianship is currently unfit to regain custody of the child. In determining whether a parent is unfit to regain custody, if the guardian was appointed because of a demonstrated lack of consistent participation by the parent, the court shall require the parent to show by a preponderance of the evidence that the parent is willing and able to comply with the duties imposed upon a parent by the parent-child relationship.

LD 283 An Act To Increase the Jurisdictional Limits for Small Claims

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D		

This bill increases the jurisdictional limits for small claims from \$6,000 to \$15,000.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 309 Resolve, To Establish the Working Group To Restore Judicial Discretion

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A RECKITT L	OTP-AM ONTP	S-191 H-449 MOONEN M

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a working group that will include representatives of the judicial branch to review mandatory minimum sentences that are currently required under state law and to assess whether any of those mandatory minimum sentence requirements should be amended or repealed.

Committee Amendment "A" (S-191)

This amendment establishes the Working Group To Restore Judicial Discretion to review and assess mandatory minimum sentences in state law. The working group consists of two members of the Senate and three members of the House of Representatives and must invite comments and recommendations from interested parties, including but not limited to prosecutors; criminal defense attorneys; the courts; providers of pretrial services; mental health organizations; providers of services, religious or otherwise, in correctional facilities; law enforcement; administrators of jails and other correctional facilities or programs; the Maine Commission on Indigent Legal Services; and the Criminal Law Advisory Commission. The working group is required to submit a report to the Second Regular Session of the 128th Legislature that includes recommendations to repeal or amend specific mandatory minimum sentence requirements.

House Amendment "A" To Committee Amendment "A" (H-449)

This amendment removes the emergency preamble and emergency clause from committee amendment "A."

Joint Standing Committee on Judiciary

LD 327 An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E VOLK A	ONTP OTP	

This bill provides for a cause of action for the wrongful death of an unborn viable fetus. The bill specifies that such an action must be brought in Probate Court. The bill provides that an unborn viable fetus is a fetus that has reached 24 or more weeks of gestation.

The bill specifies that a cause of action for the wrongful death of an unborn viable fetus does not exist:

1. Against the mother;
2. Against a health care practitioner or health care provider performing an abortion permitted by law and for which required consent was given; or
3. Against a health care practitioner or health care provider if the health care practitioner or health care provider did not know of the pregnancy and, under the applicable standard of care, had no medical reason to know of the pregnancy.

Senate Amendment "A" (S-316)

This amendment specifies that:

1. The estate of an unborn viable fetus may be opened for two years after the death of the unborn viable fetus for the sole purpose of appointing a personal representative to pursue an action for wrongful death; and
2. The provision for a cause of action for the wrongful death of an unborn viable fetus does not create any other cause of action or claim or status regarding the unborn viable fetus.

This amendment was not adopted.

LD 331 An Act To Correct the Maine Uniform Trust Code Concerning Certain Beneficiaries

PUBLIC 39

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

This bill is a recommendation of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2.

The bill addresses the rights of a charitable organization to enforce a trust of which it is a beneficiary. The Maine Revised Statutes, Title 18-B, section 110 provides that a charitable organization is considered a qualified beneficiary of the trust if it would be considered a distributee or permissible distributee of trust income or principal in three different situations. One situation is whether the charitable organization would be a distributee or permissible distributee on the date the status is being determined, without providing additional criteria. That provision of current law is inconsistent with the Uniform Trust Code approved by the Uniform Law Commissioners. The

Joint Standing Committee on Judiciary

Uniform Trust Code provides that a charitable organization is a qualified beneficiary if it would be a distributee or permissible distributee of the trust if the trust were to terminate on that date. This bill amends the current law to be consistent with the Uniform Trust Code, making it clear that the determination is based on whether the charitable organization would be a distributee or permissible distributee if the trust were to terminate on the date that the beneficiary status determination is being made.

Enacted Law Summary

Public Law 2017, chapter 39 implements a recommendation of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2. Chapter 39 addresses the rights of a charitable organization to enforce a trust of which it is a beneficiary by clarifying that determination of whether the charitable organization would be a distributee or permissible distributee is made based on its status if the trust were to terminate on the date the determination is being made.

LD 348 An Act To Increase Consumer Protection for Time-share Owners **Accepted Majority (ONTP) Report**

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

This bill amends the law governing time shares in the following ways.

1. It grants a person who purchases a time share from a developer the right to sell the time share back to the developer at fair market value after expiration of the sale cancellation period.
2. It prohibits the developer or an entity wholly or partially owned by the developer from serving as the manager of the time-share project.
3. It limits the liability of a time-share owner for assessments levied against the time-share unit for maintenance, taxes or fines to the fair market value of the time share.

LD 362 An Act To Allow Relative Caregivers Standing in Court **ONTP**

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

This bill specifies that a relative caregiver involved in a child protection proceeding has an unconditional right to intervene and to obtain the rights of a party in the proceeding.

LD 363 An Act To Make a Child Living with a Custodial Relative Caregiver Eligible for State-paid Legal Services **ONTP**

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

This bill provides that a child who is the subject of a child protection proceeding and who is living with a relative has a right to legal counsel at state expense during the child protection proceeding.

Joint Standing Committee on Judiciary

LD 364 An Act To Make Technical Changes to the Laws Governing Child Support

PUBLIC 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP	

This bill amends the laws governing child support guidelines to conform to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

Enacted Law Summary

Public Law 2017, chapter 30 amends the laws governing child support guidelines to conform to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

LD 365 An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding

PUBLIC 64

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

Current law requires the court to order a criminal background check of each prospective adoptive parent of a child who is the subject of an adoption petition, except if the petitioner is a biological parent of the child. This bill removes the requirement that the court order a criminal background check of a parent of the child who is not the biological parent.

Enacted Law Summary

Public Law 2017, chapter 64 provides that when a parent of a child is a party to the adoption of the child, no criminal background check is required of the parent. Current law requires all parties to the adoption, except the biological parent, to undergo a criminal background check.

LD 366 An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CUSHING A	ONTP OTP-AM	

This bill establishes prohibitions concerning restricting the sharing and use of immigration and citizenship information. It prohibits restricting the enforcement of federal immigration law. It authorizes law enforcement agencies to transport aliens who are unlawfully present in the United States to a federal facility. It establishes a complaint process, a private right of action and a duty to report.

Committee Amendment "A" (H-289)

This amendment is the minority report of the committee. It deletes the provisions of the bill authorizing law enforcement agencies to transport aliens who are unlawfully present in the United States to a federal facility and creating private rights of action. It removes from the complaint process the provision that a government entity is ineligible to receive state funds if the Attorney General determines the entity is in violation of the provisions

Joint Standing Committee on Judiciary

concerning the sharing and use of immigration and citizenship information or restricting the enforcement of federal immigration law.

The amendment also provides that if the Attorney General, upon investigation, determines that a government entity is violating the law, the Attorney General must issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the Attorney General, the court must immediately enjoin the policy or practice. Each day the government entity continues the policy or practice results in a \$500 fine. If the Superior Court disagrees with the Attorney General, the Attorney General must immediately certify that the government entity is in compliance with the law.

This amendment was not adopted.

LD 410	An Act To Except from the Freedom of Access Act Certain Information in the Possession of the Maine Public Employees Retirement System	PUBLIC 46
---------------	--	------------------

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

This bill excepts from the Freedom of Access Act specific private medical, personal and financial information of members, beneficiaries and participants in any of the programs of the Maine Public Employees Retirement System in the possession of the system.

Enacted Law Summary

Public Law 2017, chapter 46 excepts from the Freedom of Access Act specific private medical, personal and financial information of members, beneficiaries and participants in any of the programs of the Maine Public Employees Retirement System in the possession of the system.

LD 419	An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog	Accepted Majority (ONTP) Report
---------------	--	--

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

This bill allows damages for the willful or negligent injury or death of a dog to include, but not be limited to, actual damages, including veterinary fees and the value of the dog; damages for loss of companionship; damages for pain and suffering; and punitive damages. The prevailing party in any action may recover attorney's fees from the nonprevailing party.

Committee Amendment "A" (H-134)

This amendment is the minority report. It replaces the bill and changes the title. It creates a cause of action for noneconomic damages to be collected by a pet owner when another person or the person's animal kills the pet or injures the pet and the injuries lead to the death of the pet. The person must have been acting unlawfully and either intentionally or negligently. Damages are limited to \$5,000 for the loss of the reasonably expected companionship, love and affection of the pet. The \$5,000 limit does not apply to causes of action for intentional infliction of emotional distress or any other civil action other than the direct and sole loss of a pet.

The amendment does not apply to a nonprofit entity or governmental agency, or its employees, negligently causing the death of a pet while acting on the behalf of public health or animal welfare, and it does not authorize an award

Joint Standing Committee on Judiciary

of noneconomic damages in an action for professional negligence against a licensed veterinarian. It also does not apply to the killing of a dog when the killing is authorized under the Maine Revised Statutes, Title 12, section 12404, subsection 6 concerning nuisance dogs chasing, killing, wounding, worrying or attacking moose, deer, other wild animals, domestic animals, livestock or poultry.

This amendment was not adopted.

LD 428 RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR H CHIPMAN B	ONTP OTP-AM	

This resolution proposes an amendment to the Constitution of Maine to require that the text of Article X, Section 5 of the Constitution be included in any printed copies of the Constitution included with the laws of the State.

Committee Amendment "A" (H-432)

This amendment is the minority report of the committee. It amends the resolution to repeal all of Article X, Section 7, resulting in the inclusion of the omitted sections, Sections 1, 2 and 5 of Article X, when a printed copy of the Constitution of Maine is prefixed to the Laws of Maine.

This amendment was not adopted.

LD 429 An Act Concerning Guardians Ad Litem and Determinations Regarding the Best Interest of a Child in Custodial Relative Caregiver Cases Accepted Majority (ONTP) Report

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

This bill clarifies that, in proceedings in which the best interest of a child is considered, giving custody to a family member rather than a parent must be given consideration. Family members may petition for standing in a proceeding involving parental rights and responsibilities with respect to a child under certain circumstances. This bill also requires guardians ad litem in contested cases involving the best interest of a child to issue their written report on a standard form with check boxes for each mandatory and optional duty of the guardian ad litem and to describe the results with respect to the duties performed and to provide an explanation with respect to each duty that was not performed.

Committee Amendment "A" (H-412)

This amendment is the minority report of the committee. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

Joint Standing Committee on Judiciary

LD 457 An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law

**PUBLIC 138
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM	H-152

This bill repeals the sunset date of October 1, 2017 in the law regarding children's guardians ad litem.

Committee Amendment "A" (H-152)

This amendment adds an emergency preamble and emergency clause to the bill to ensure that the law governing children's guardians ad litem in the Maine Revised Statutes, Title 4 is not repealed before this legislation takes effect.

Enacted Law Summary

Public Law 2017, chapter 138 repeals the sunset date of October 1, 2017, in the law regarding children's guardians ad litem.

Public Law 2017, chapter 138 was enacted as an emergency measure effective June 7, 2017.

LD 472 An Act Regarding Parental Rights

**Died Between
Houses**

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

This bill amends the law to stipulate that parents have a fundamental right to make decisions concerning the upbringing, education and care of their minor children and requires courts to order shared parental rights and responsibilities unless the limitation of one parent's fundamental rights is supported by a compelling state interest and narrowly tailored to serve that interest through the least restrictive means possible.

Committee Amendment "A" (H-441)

This amendment, which is the minority report of the committee, strikes the portion of the bill requiring a court to order shared parental rights and responsibilities in a divorce or parental rights and responsibilities proceeding unless it finds a compelling state interest to justify an alternative arrangement. The amendment instead provides that the State or a political subdivision of the State may not infringe a parent's fundamental right to direct the care, custody and control of the parent's child unless the infringement is justified by a compelling state interest and narrowly tailored to achieve that compelling state interest through the least restrictive means necessary.

This amendment was not adopted.

Joint Standing Committee on Judiciary

LD 486 An Act To Authorize Vacating the Convictions of Members of the ONTP
Houlton Band of Maliseet Indians Convicted under Prior Laws
Governing the Possession and Use of Marijuana

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

This bill establishes a process for members of the Houlton Band of Maliseet Indians to seek vacation of a criminal conviction or civil violation adjudication if the conduct that formed the basis of the conviction or adjudication would have been legal had that conduct been committed after enactment of the Marijuana Legalization Act. The bill also establishes that, if a member of the Houlton Band of Maliseet Indians is charged with a civil violation or criminal offense for conduct that occurred prior to the effective date of the Marijuana Legalization Act, it is a defense to the prosecution that the conduct would have been legal had the conduct occurred after the effective date of the Marijuana Legalization Act.

LD 505 An Act To Amend the Laws Governing the Issuance of Birth Certificates Accepted Majority
for Adopted Persons Born in Maine (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D HICKMAN C	ONTP OTP	

This bill amends the laws governing adoption to eliminate the provision of law that requires that upon adoption of a person born in Maine, unless the adoptive parents or adopted person who is at least 18 years of age requests otherwise, the original birth certificate of the adopted person be sealed and a new certificate showing the adoptive parents as the parents of birth be created.

LD 533 An Act To Clarify the Application of the Statute of Limitations under PUBLIC 251
Article 3-A of the Uniform Commercial Code

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BREEN C	OTP-AM	H-431

The Maine Revised Statutes, Title 11, section 3-1118, subsection (1) in Article 3-A of the Uniform Commercial Code, which governs negotiable instruments, provides for a six-year statute of limitations for enforcement of negotiable instruments. In 2004, the Maine Supreme Judicial Court sitting as the Law Court held in *Fleet National Bank v. Liberty*, 2004 ME 36, 845 A.2d 1183, that Title 11, section 3-1118, subsection (1) did not repeal the 20-year statute of limitations for some types of instruments in Title 14, section 751, either expressly or by implication. This bill provides that the six-year statute of limitations in Title 11, section 3-1118, subsection (1) applies to all negotiable instruments, notwithstanding the 20-year statute of limitations for some types of instruments in Title 14, section 751.

This bill also provides that the six-year statute of limitations does not apply to certain negotiable instruments until 90 days after the legislation takes effect. It requires the Department of Professional and Financial Regulation, Bureau of Financial Institutions and Bureau of Consumer Credit Protection to give written notice to all financial institutions, mortgage servicers and debt collectors regulated by or registered with them and to other entities and agencies that have interests in loans that may be affected by this legislation.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-431)

This amendment replaces the bill. Like the bill, it clarifies that the six-year statute of limitations included in Article 3-A of the Uniform Commercial Code, not the 20-year statute of limitations in Title 14, section 751, applies to all negotiable instruments.

This amendment includes language to specifically apply the language to negotiable instruments executed on or after the effective date of this legislation. Negotiable instruments executed before the effective date are governed by the existing law.

Enacted Law Summary

Public Law 2017, chapter 251 provides that the six-year statute of limitations included in Article 3-A of the Uniform Commercial Code, not the 20-year statute of limitations in Title 14, section 751, applies to all negotiable instruments.

Public Law 2017, chapter 251 specifically applies to negotiable instruments executed on or after the effective date of this legislation. Negotiable instruments executed before the effective date are governed by the existing law.

LD 534 An Act To Amend the Laws Governing the Circumstances of Death That Veto Sustained
Must Be Reported to the Office of Chief Medical Examiner

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M WHITTEMORE R	OTP	

This bill amends the law governing the Department of the Attorney General, Office of Chief Medical Examiner as follows.

1. It clarifies that, absent certain other circumstances, the fact that a patient dies within 24 hours of admission to a hospital or other health care facility need not be reported to the Office of Chief Medical Examiner.
2. It removes the requirement that deaths due to the consequences of long-term alcohol use be reported to the Office of Chief Medical Examiner.

LD 535 An Act To Protect Maine Citizens from Aerial Trespass Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BRAKEY E		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make the activity of flying an unmanned aerial vehicle into the airspace over or crossing the boundary of another person's property and recording or videotaping or otherwise violating the privacy of the property owner either civil or criminal trespass.

Joint Standing Committee on Judiciary

LD 536 An Act To Protect Homeowners from Debt Collectors

ONTP

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

This bill prohibits a court from ordering a sale of property to satisfy a lien on the property if the owner of the property occupies the property as the owner's residence.

LD 537 An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP OTP-AM	

This bill provides an exemption from road association payments for an owner of a parcel of land benefited by a private road, private way or bridge that does not serve as the primary access route to the land. The owner is exempt from all payments or assessments for repairs or maintenance determined to be undertaken by the road association as long as the owner notifies the owners of all other parcels benefited by the road, way or bridge prior to the determination by the road association to undertake the repair or maintenance.

Committee Amendment "A" (H-531)

This amendment is the minority report and it replaces the bill. The amendment provides that an owner of a parcel of land benefited by a private road, private way or bridge that does not serve as the primary access to that parcel is exempt from all payments or assessments for repairs or maintenance relating to that private road, private way or bridge if the owner agrees to not use the private road, private way or bridge for any means of access to the parcel, whether by private vehicle or any other vehicle. An owner must claim the exemption by providing written notice to the commissioner or board of the road association. The owner is then not subject to assessments and has no voting rights in the association. An owner may terminate an exemption by notifying the road association in writing. The exemption is terminated if the no-use agreement is violated by the owner.

This amendment was not adopted.

LD 578 An Act To Modify the Divorce Laws Concerning Perpetrators of Domestic Violence

ONTP

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

This bill prohibits in a divorce action the awarding of spousal support or retirement benefits to a party if the party has been convicted of or proved by a preponderance of the evidence to have committed domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing or domestic violence stalking and the other party was the victim. The bill also prohibits the party from continuing to use the victim's name unless the names of the parties were identical before the marriage.

Joint Standing Committee on Judiciary

LD 581 An Act To Require Notification When a Temporary Protection from Abuse Order Is Rescinded ONTP

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

This bill specifies the method a court is required to use to notify a plaintiff, a defendant and the relevant law enforcement agency or correctional facility that a temporary protection from abuse order has been modified or dissolved by the court.

LD 610 An Act To Prohibit Prescriptive Property Rights Claims of Property Owned by Nonprofit Organizations Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J CYRWAY S	ONTP OTP	

This bill prohibits the acquisition of title to real estate or any interest in real estate against any nonprofit organization organized in this State by adverse possession, however exclusive or long continued.

LD 611 An Act To Amend Certain Laws Affecting the Judicial Branch PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KATZ R	OTP-AM	H-292

This bill amends the definition of "qualified legal interpreter" in the laws governing communication services for deaf persons, hard-of-hearing persons and late-deafened persons in court. The bill prohibits discrimination on account of sexual orientation in jury selection. The bill amends the requirements for record keeping for briefs filed in the Supreme Judicial Court. It requires the preservation of briefs in all cases decided, permits the transfer of the briefs in electronic format and requires the clerk of the Supreme Judicial Court to provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library instead of the law library of Penobscot County.

Committee Amendment "A" (H-292)

This amendment deletes a grammatical correction.

Enacted Law Summary

Public Law 2017, chapter 223 amends the definition of "qualified legal interpreter" in the laws governing communication services for deaf persons, hard-of-hearing persons and late-deafened persons in court to include in the definition a person who possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court. It prohibits discrimination on account of sexual orientation in jury selection, and amends the requirements for record keeping for briefs filed in the Supreme Judicial Court. It requires the preservation of briefs in all cases decided, permits the transfer of the briefs in electronic format and requires the clerk of the Supreme Judicial Court to provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library instead of the law library of Penobscot County.

Joint Standing Committee on Judiciary

LD 641 Resolve, To Establish the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)
RECKITT L

Committee Report

Amendments Adopted

This resolve establishes the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases, which is directed to conduct a comprehensive examination of domestic violence prosecutions in this State and develop recommendations on the best method to provide judges and prosecuting attorneys with information regarding related domestic abuse incidents.

LD 644 An Act To Improve Citizen Access to Legal Representation

ONTP

Sponsor(s)
SEAVEY S

Committee Report
ONTP

Amendments Adopted

This bill allows an attorney who practices law in a jurisdiction other than this State to be admitted to the general practice of law in this State without complying with the qualifications for admission to practice law specified in the Maine Revised Statutes, Title 4, section 805-A. Such an attorney must disclose in writing to a client in this State represented by that attorney that the attorney has not met these qualifications for admission and must obtain from that client written consent to the representation.

LD 645 An Act To Amend the Penalties for Failure To Pay Child Support

ONTP

Sponsor(s)
HICKMAN C

Committee Report
ONTP

Amendments Adopted

This bill removes the suspension of a driver's license as a penalty for failure to pay child support.

LD 663 An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services

Died Between Houses

Sponsor(s)
BRAKEY E

Committee Report
OTP-AM
ONTP

Amendments Adopted

This bill makes clear that an attorney who is employed by the State may provide volunteer legal services as long as the volunteer legal services do not create a conflict of interest with the attorney's work for the State. A conflict of interest exists if there is a substantial risk that the attorney's representation of the State as a client would be materially and adversely affected by the attorney's duties pursuant to the provision of the volunteer legal services. Current law prohibits the Attorney General and family law magistrates from engaging in the private practice of law, and this bill retains those prohibitions.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-280)

This amendment is the majority report. Current law prohibits district attorneys and assistant district attorneys from appearing as counsel or engaging in the private practice of law while in their full-time positions. This amendment adds to the provisions of the bill by allowing district attorneys and assistant district attorneys to provide legal services for free. Conflict of interest restrictions in rules governing the conduct of attorneys, as well as employment policies, still apply.

This amendment was not adopted.

LD 668 An Act To Facilitate the Return of Unclaimed Property

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D BRYANT M	ONTP	

Under the Uniform Unclaimed Property Act, entities that hold property that is presumed abandoned must report that property to the administrator, who is the Treasurer of State, on an annual basis. The report includes the name of each apparent owner of the presumed abandoned property and the value of the property. This bill requires the administrator to compile a cumulative list of all apparent owners of presumed abandoned property having a total value of at least \$10,000 that has been paid or delivered to the administrator at least 36 months prior to the compiling of the list. The administrator is required to release the list of apparent owners, without identifying the property or its value, upon written request. See also LD 821.

LD 677 An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M BRAKEY E	ONTP	

This bill amends the statutory provisions regarding criminal post-conviction review to allow the filing of a petition for post-conviction review claiming actual innocence at any time during the period of direct impediment, except that it may not be filed within one year of a judgment on a prior petition for post-conviction review on the same conviction. This bill requires that a petition for post-conviction review claiming actual innocence receive at least one evidentiary hearing in which the petitioner may submit new evidence and evidence submitted in prior proceedings on the same matter.

LD 697 Resolve, To Establish a Commission To Study the Roles and Rights of Grandparents in Raising Their Grandchildren

ONTP

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

This resolve requires the Chief Justice of the Supreme Judicial Court to convene a study commission to examine the increasing role of grandparents in raising their grandchildren and appropriate legal rights of grandparents in the care, custody and control of those grandchildren.

Joint Standing Committee on Judiciary

LD 698 An Act To Allow Persons 70 Years of Age and Older To Opt Out of Jury Duty ONTP

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

This bill allows persons 70 years of age and older to opt out of jury service.

LD 731 An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-229

This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are borrowers under those loans. The bill also makes changes in the foreclosure mediation process providing that, if courts have previously sanctioned the conduct of a mortgage servicer in a foreclosure process, the courts are authorized to directly sanction the mortgage servicer if the mortgage servicer's conduct evidences a failure to mediate in good faith. The bill requires the collection of data on sanctions imposed to provide that, when a mortgage servicer is found to have failed to act in good faith, the court may take into account previous conduct in determining a sanction sufficient to deter such conduct in the same case or future cases.

Committee Amendment "A" (S-229)

This amendment replaces the bill. It imposes the duty to act in good faith and with fair dealing and consistently with specified standards of care on any person who services a consumer credit transaction that is made to finance or refinance the acquisition of real estate or the initial construction of a dwelling or that is secured by a first-lien mortgage on real estate. This amendment specifies that the duties and standards of care may not be waived or modified.

This amendment allows an aggrieved consumer to recover all damages or an amount determined by the court not less than \$250 nor more than \$2,000. Under current law, an aggrieved consumer may recover no more than \$1,000. The amendment provides that the court may, in addition to awarding actual damages, award a homeowner or borrower under the Maine Consumer Credit Code statutory damages not to exceed \$15,000 if the creditor, assignee or servicer engaged in a pattern or practice of violating the duties and standards of care.

LD 771 An Act To Protect Political Speech and Prevent Climate Change Policy Profiling Accepted Majority (ONTP) Report

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

This bill reinforces the recognition that political speech is deserving of the greatest protection from abridgment by the government. The United States Supreme Court in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), continued the protection of protected political speech, no matter the source or message. This bill provides explicit legislative findings to reinforce the United States Supreme Court decision and to clearly state the

Joint Standing Committee on Judiciary

need for statutory protections of protected political speech.

The bill specifically prohibits the Attorney General from investigating, joining an investigation initiated by another state or the Federal Government or prosecuting any person based on that person's protected political speech. It also prohibits the Attorney General from using the Attorney General's prosecutorial power to favor or disfavor protected political speech.

The bill also prohibits the State from favoring or disfavoring any person based on the person's climate change policy preferences with regard to grants, contracts or employment.

LD 773 An Act To Enact the Uniform Real Property Transfer on Death Act ONTP

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

This bill enacts the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. See also LD 969.

LD 807 An Act Regarding Guardianships PUBLIC 187

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L MOONEN M	OTP	

This bill changes the law regarding the evidentiary standard for the appointment of a guardian for an unmarried minor.

Enacted Law Summary

Public Law 2017, chapter 187 changes, pursuant to the Law Court decision in *Guardianship of Sebastien Chamberlain et al.*, 2015 ME 76, the law regarding the appointment of a guardian for an unmarried minor. Under the current law, the probate court may appoint a guardian without the consent of the minor's parents whose rights have not been terminated or the minor's legal custodian when the court finds by a preponderance of the evidence that there is a de facto guardian and a demonstrated lack of consistent participation by the nonconsenting parent or legal custodian. Chapter 187 changes the evidentiary standard from a preponderance of the evidence to clear and convincing evidence.

LD 815 An Act To Allow a Council of Governments To Provide Municipal Services to Small Towns under the Maine Tort Claims Act ONTP

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

This bill expressly authorizes a council of governments to provide municipal services to a municipality pursuant to a contract between the council of governments and the municipality. The bill amends the Maine Tort Claims Act to include in the definition of "political subdivision" a council of governments when it is providing municipal services pursuant to a contract between the council of governments and the municipality.

Joint Standing Committee on Judiciary

LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M TALBOT ROSS R		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to adopt the Revised Uniform Unclaimed Property Act as adopted by the Uniform Law Commission.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 845 An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services

Died Between Houses

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

This bill includes in the definition of "indigent legal services" the filing, on behalf of an indigent party, defendant or juvenile, of a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which indigent legal services were provided.

Committee Amendment "A" (H-205)

This amendment is the majority report. The bill expands the definition of indigent legal services administered through the Maine Commission on Indigent Legal Services to include filing of a petition for certiorari to the United States Supreme Court. This amendment requires the commission to develop a procedure for approving requests by counsel for authorization to file a petition for certiorari. Compensation for the preparation and filing of the petition may not exceed \$1,500.

This amendment was not adopted.

LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D		

This bill enacts the Revised Uniform Fiduciary Access to Digital Assets Act as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A. This bill modifies the Revised Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators.

Part B amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant

Joint Standing Committee on Judiciary

authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 9 of the Revised Uniform Fiduciary Access to Digital Assets Act, included in this bill as the Maine Revised Statutes, Title 18-A, section 10-109.

Part C provides that the provisions of this bill take effect January 1, 2018.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 847 An Act To Hold Refugee Resettlement Agencies Accountable to Maine People **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP-AM	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing the tax status of refugee resettlement agencies that refuse to consult with state and local governments or that otherwise disregard the concerns of state and local governments and to make refugee resettlement agencies liable for acts of terrorism committed by refugees placed by those agencies in this State.

Committee Amendment "A" (H-413)

This amendment is the minority report of the committee. It replaces the bill, which is a concept draft.

The amendment establishes the Responsible Refugee Resettlement Act.

The Act prohibits the State and local governments from participating in the federal refugee resettlement program as created by the United States Congress pursuant to the Refugee Act of 1980, Public Law 96-212.

Under the Act, any nongovernmental entity that provides refugee resettlement services after January 1, 2018 may be held liable in a civil action if it resettles a refugee who subsequently commits an act of terrorism in this State and the entity knew or should have known that the act of terrorism was likely or imminent.

Under the Act, a nongovernmental entity that provides refugee resettlement services must certify that certain requirements are met in order to maintain eligibility for state or local tax exemptions.

Under the Act, a nongovernmental entity that provides refugee resettlement services must submit an annual report to the Governor and the Legislature that includes specific information about the refugees, refugee demographics and plans for the following year.

The Commissioner of Health and Human Services must adopt routine technical rules to carry out the Act.

The Act takes effect January 1, 2018.

This amendment was not adopted.

Joint Standing Committee on Judiciary

LD 860 An Act To Establish a Statewide Electronic Warrant System

CARRIED OVER

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

This bill directs the State Court Administrator to establish a secure system for the application, issuance and return of arrest warrants and search warrants that is electronic and that provides access to authorized users statewide. The bill amends the law on search warrants to require electronic application and issuance once the electronic system has been established. The bill directs the Supreme Judicial Court to adopt amendments to the Maine Rules of Unified Criminal Procedure, Rule 4, Arrest Warrant or Summons, effective on the date of the establishment of the statewide electronic warrant system, to provide for the application, issuance and return of arrest warrants and search warrants through electronic means.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 871 An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J BELLOWS S	OTP-AM ONTP	H-414

This bill provides that, for residential real property accessible only by a private way, the seller must disclose, if known, the name of the person who owns the private way and the name of the person who is responsible for the maintenance and repair of the private way.

Committee Amendment "A" (H-414)

This amendment requires the disclosure in the sale of residential property of information regarding the means of accessing the property.

Enacted Law Summary

Public Law 2017, chapter 181 requires the disclosure in the sale of residential property of information regarding the means of accessing the property by a public way as well as by any means other than a public way. If the property is accessible by means other than a public way, whether as the only means of access or in addition to access via a public way, the owner is required to disclose information about who is responsible for maintenance of the means of the non-public way access, including any responsible road association, if known. The disclosure will put the prospective buyer on notice that access to the property may be limited and that there is a possibility that the property is subject to membership in a road association, which may require the payment of assessments.

LD 896 An Act To Promote Retention and Recruitment of Judicial Marshals and Sergeants

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D MOONEN M	ONTP	

Joint Standing Committee on Judiciary

This bill provides for a 20% upward adjustment in the salary schedules of judicial marshals and judicial sergeants in the judicial branch beginning with the pay period commencing closest to July 1, 2017. See Public Law 2017, chapter 284, Part TTTTTT.

LD 903 An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H WOODSOME D	ONTP OTP	

This bill addresses the application of foreign law in this State with the goal of protecting American citizens' constitutional rights when foreign laws and foreign legal doctrines are applied in judicial and administrative tribunals. The bill provides that:

1. A court or administrative ruling violates the public policy of this State and is void and unenforceable if it is based in whole or in part on a foreign law, legal code or legal system that would not grant the same liberties, rights and privileges as are granted under the United States Constitution and the Constitution of Maine;
2. A contract's choice of law provision that chooses such a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
3. A contract's choice of personal jurisdiction provision that provides jurisdiction over the parties that applies a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine; and
4. The court must deny a claim of forum non conveniens or related claim if granting the claim would subject the nonclaimant to a foreign forum that applies a foreign law, legal code or legal system that does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine.

The bill provides that these provisions do not apply to a corporation, partnership, limited liability company, business association or legal entity that contracts to subject itself to a foreign law, legal code or legal system in a jurisdiction other than this State or the United States and do not limit the free exercise of religion or require or authorize a court to adjudicate issues within a religious organization that would violate the First Amendment's establishment clause.

The bill also provides that these provisions may not be interpreted to conflict with any relevant treaty or international agreement.

LD 916 An Act To Modify the Term and Withholding Limitations for Spousal Support

ONTP

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

This bill amends the laws governing spousal support in divorce actions by:

Joint Standing Committee on Judiciary

1. Repealing the provision authorizing courts to award general spousal support and limiting the possible term of all spousal support orders to four years;
2. Unless agreed to by the parties, limiting the amount of support a court may order to no more than 30% of the obligor's income;
3. Limiting the amount of a withholding order to no more than 30% of a obligor's income and, if the award is based upon an agreement of the parties, no more than 35% for amounts owed that are in arrearage; and
4. Requiring the parties annually to submit financial affidavits to the court.

LD 921 An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA M MAKER J	OTP-AM	H-513

This bill removes the time and acreage limits for placing land in trust status for the Passamaquoddy Tribe and the Penobscot Nation under the Maine Indian Claims Settlement.

Committee Amendment "A" (H-513)

The bill repeals both acreage limits and time limits applicable to the acquisition and certification of trust lands under the Act to Implement the Maine Indian Claims Settlement for the Passamaquoddy Tribe and the Penobscot Nation. This amendment extends all time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands to January 31, 2025. This amendment retains the acreage limits.

The effective date and certification provisions of the bill are retained. Because this bill amends the Act to Implement the Maine Indian Claims Settlement, this bill does not take effect unless the Joint Tribal Council of the Passamaquoddy Tribe and the Tribal Chief and Council of the Penobscot Nation agree to these changes and certify their agreement to the Secretary of State within 60 days of the adjournment of the First Regular Session of the 128th Legislature.

LD 934 An Act To Establish an Expedited Temporary Guardianship Process CARRIED OVER

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

This bill amends the Probate Code to add an expedited process for the court to appoint a temporary guardian for a minor.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Judiciary

LD 969 An Act Regarding Nonprobate Transfers on Death

CARRIED OVER

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

This bill enacts as Article 6, Part 4 of the Maine Probate Code the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. It amends the Maine Probate Code to provide for the nonprobate transfer of personal property not already covered by Article 6 of the Maine Probate Code by enacting a new Part 5. Part 5 is modeled on Missouri law.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1043 An Act To Promote Impartiality in the Probate Court

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R BAILEY D	OTP-AM	S-230 S-254 KEIM L

Beginning January 1, 2019, this bill prohibits probate judges from appearing as counsel in contested probate cases. Beginning January 1, 2021, this bill also prohibits probate judges from engaging in the practice of law while they are serving as probate judges.

Committee Amendment "A" (S-230)

This amendment removes from the bill the prohibition on probate judges engaging in the practice of law while serving as probate judges.

Senate Amendment "A" (S-254)

This amendment prohibits probate judges from appearing as counsel in contested probate proceedings beginning January 1, 2021 rather than January 1, 2019 as in the bill.

LD 1047 An Act To Protect Homeowners from Improper Foreclosure Fees

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S LAWRENCE M	OTP-AM ONTP	S-198

Current law provides that attorney's fees must be paid to mortgagors when the mortgagee does not prevail in a foreclosure action, which creates a loophole that allows the mortgagee to escape the attorney's fees provisions when the plaintiff does not prevail because it is determined that the plaintiff is not the true mortgagee. This bill rectifies that loophole by clarifying that a plaintiff who claims to be a mortgagee who does not prevail in a foreclosure action must still pay attorney's fees to the prevailing mortgagor.

Committee Amendment "A" (S-198)

This amendment is the majority report. It simplifies the language of the bill to make it clear that if the plaintiff in

Joint Standing Committee on Judiciary

the foreclosure action does not prevail or did not bring the action in good faith, the court can order the plaintiff to pay costs and attorney's fees.

LD 1057 An Act To Protect Condominium Owners in the Event of a Power Outage **Accepted Majority (ONTP) Report**

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

This bill allows a condominium unit owner to install a backup electricity generator in a common element space as long as the installation does not block or disrupt the use of the common element space.

Committee Amendment "A" (H-291)

This amendment is the minority report. It allows a condominium unit owner to install an electricity generator in a limited common element space associated with the unit instead of in a common element space, which is open to all units.

This amendment was not adopted.

LD 1099 Resolve, To Require the State To Bring Suit against the Federal Government for Failure To Comply with the Federal Refugee Act of 1980 **ONTP**

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

This resolve directs the Attorney General to initiate or intervene in a civil action against the Federal Government in opposition to the federal Refugee Act of 1980 and the imposition of financial mandates on the State. If the Attorney General sends notice to the Senate and the House of Representatives declining to initiate or intervene in a civil action required by this resolve, this resolve authorizes the President of the Senate and the Speaker of the House of Representatives to employ outside counsel to commence the civil action.

LD 1120 Resolve, Directing the Maine Commission on Domestic and Sexual Abuse To Study Economic Abuse **ONTP**

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

This resolve directs the Maine Commission on Domestic and Sexual Abuse to study the effect of economic abuse and the enforcement of laws to prevent economic abuse and to provide relief to victims of economic abuse, to study the provision of training opportunities for public officials, to study the provision of a media campaign and to study the creation of programs to provide legal remedies, including the reimbursement of attorney's fees.

Joint Standing Committee on Judiciary

LD 1139 An Act To Clarify Certain Right-of-way Limitations

PUBLIC 194

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM	H-276

This bill provides that a conveyance after January 1, 2018 of an easement or right-of-way leading to or touching upon a water body does not include any right by implication to install a dock or other fixture on that water body unless such a right is expressly stated in the easement or right-of-way.

This bill also provides that a municipality may, at the request of the owner of land subject to an easement or right-of-way, conveyed after January 1, 2018, leading to or touching upon a water body that does not expressly include a right to install a dock or other fixture on that water body, after notice and hearing, direct any person who has built a dock or other fixture on that water body under a claim of an implied right under that easement or right-of-way to remove the dock or fixture at that person's expense.

Committee Amendment "A" (H-276)

This amendment replaces the bill to clearly state that, unless the written instrument that establishes an easement or right-of-way that leads to or touches upon a water body expressly includes the right to construct a dock on or using the easement or right-of-way, no such right exists in an easement or right-of-way created on or after January 1, 2018. "Water body" is intended to be all-inclusive, covering all inland and coastal waters.

This amendment does not affect easements or rights-of-way created before January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 194 provides that, unless the written instrument that establishes an easement or right-of-way that leads to or touches upon a water body expressly includes the right to construct a dock on or using the easement or right-of-way, no such right exists in an easement or right-of-way created on or after January 1, 2018. "Water body" is intended to be all-inclusive, covering all inland and coastal waters. Chapter 194 does not affect easements or rights-of-way created before January 1, 2018.

LD 1187 An Act To Amend the Child Protective Services Statutes

CARRIED OVER

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

This bill makes the following changes to the laws governing child protective services.

1. It changes the standard for determining when placement of a child in custody is in the best interests of the child to include a rebuttable presumption that placement with a relative is in the best interests of the child, if placement with that relative does not substantially interfere with reunification efforts with the birth parents.
2. It provides that in any hearing held by the court prior to issuing an order in a child protection proceeding, a parent of the child who is the subject of the proceeding has the right to hear all evidence presented, except for testimony by the guardian ad litem, prior to testifying in the hearing.
3. It changes the standard of proof required for a preliminary protection order from a preponderance of the evidence to clear and convincing evidence.

Joint Standing Committee on Judiciary

4. It requires that the Department of Health and Human Services limit its use of preliminary protection orders to no more than 50% of the total child protection petitions it has filed in a calendar year and to report to the Legislature annually on its use of the preliminary protection order relative to child protection petitions.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1187.

LD 1190 An Act Regarding Driver's License Suspensions for Nondriving-related Violations CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KEIM L	OTP-AM ONTP	H-532 H-550 MOONEN M

This bill removes the provisions of law that allow driver's license suspensions for failure to pay a fine in offenses not related to driving. This bill provides that the statutory exemptions from attachment and execution for certain property apply to the enforcement of fines owed to the State.

Committee Amendment "A" (H-532)

This amendment adds a sunset to the bill of October 1, 2021, thus prohibiting driver's license suspensions for failure to pay a fine in offenses not related to driving until October 1, 2021 and allowing two full fiscal years of information about the fiscal effect of eliminating driver's license suspension as a tool to collect fines. Without further legislative action, the law in effect prior to this Act takes effect on October 1, 2021, reinstating the ability of the court to suspend driver's licenses for nonpayment of fines.

House Amendment "A" To Committee Amendment "A" (H-550)

The bill eliminates the ability of the court to suspend a person's driver's license for failure to pay a court-ordered fine for an offense not related to driving. This amendment amends the committee amendment to give the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

This bill was reported out of committee and then carried over to any special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1216 An Act To Clarify the Law Regarding Arbitration Privacy with Respect to Executive and Legislative Branch Employees Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S	OTP-AM ONTP	

Current law requires that the final written decision of a state executive branch or legislative branch employer relating to disciplinary action of an employee that is appealed to an arbitrator be made public when the arbitrator issues a final written decision on the matter or within 120 days after a written request for the decision is made to the employer, whichever is earlier. This bill changes the law to making the employer's final written decision relating to disciplinary action of the employee public upon the issuance and release of the arbitrator's written decision on the matter, regardless of the time frame in which the arbitrator's decision is issued and released.

Committee Amendment "A" (H-433)

Joint Standing Committee on Judiciary

This amendment is the majority report. The bill addresses confidentiality of disciplinary actions appealed to arbitration affecting state employees. The amendment extends the same confidentiality to county and municipal employees. Disciplinary actions concerning state, county and municipal employees remain confidential if an action is appealed to arbitration until the arbitration decision is final and released.

This amendment was not adopted.

LD 1239 An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W KATZ R	OTP-AM ONTP	

This bill implements several recommendations of a review panel created by the Governor to review operations of the Maine Human Rights Commission.

Under the bill, if both parties are in agreement, the commission is authorized to make binding determinations pertaining to violations of the Maine Human Rights Act. The commission is authorized to order remedies that the court is currently authorized to impose. Final decisions of the commission are appealable under the Maine Administrative Procedure Act as final agency actions.

The bill provides for the commission to suspend an investigation if a complainant files an affidavit with the commission stating that the complainant will seek a right-to-sue letter when permitted under law. Current law allows a complainant to ask for a right-to-sue letter, bypassing the commission findings, after 180 days have elapsed since the complaint was filed. Because the commission will suspend the investigation once the affidavit stating that the complainant will seek a right-to-sue letter is filed, the complainant may not withdraw the affidavit.

The bill provides for the commission to issue a right-to-sue letter to a complainant if 180 days have elapsed since the complaint was filed and the commission has not filed a civil action in the case and has not entered into a conciliation agreement in the case.

The bill authorizes the commission to impose sanctions and seek penalties for perjury, false swearing, making a false statement, providing false information or violating the nondisclosure requirements. Sanctions may include the imposition of adverse inference, liability or other remedies.

The bill authorizes the commission to establish by rule procedures to discourage abuse of the complaint and investigation process. These procedures may include, but are not limited to, refusing to accept more than five complaints from the same complainant in a 12-month period and other requirements designed to eliminate the filing of frivolous complaints.

The bill provides funding for two new paralegal positions and one new consumer outreach position.

The bill directs the commission to purchase a computer system to provide for electronic data management that allows parties and their attorneys to access the status of their cases electronically.

Committee Amendment "A" (H-434)

This amendment is the majority report. It strikes the bill but retains the provisions providing funding for the two paralegal positions and one consumer outreach position and the requirement that the Maine Human Rights Commission purchase a computer system. It adds a \$10,000 appropriation for the initial step in evaluating the commission's computer system needs.

Joint Standing Committee on Judiciary

This amendment was not adopted.

LD 1240 An Act To Provide Immunity to Medical Professionals Who Provide Free Health Care Services to Uninsured and Underserved Populations of the State

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P MAKER J	ONTP OTP	

This bill improves access to medical care for low-income individuals by providing governmental protection to health care practitioners who offer free medical services to underserved populations of the State. It is modeled on Florida law. Health care professionals who contract to provide such services as agents of the State are provided immunity under the Maine Tort Claims Act.

For those health care practitioners with continuing education requirements, each hour of volunteer service provides credit for one hour of continuing education, up to a total of eight continuing education credit hours per calendar year.

This bill applies to adverse incidents occurring on or after January 1, 2018.

LD 1241 An Act To Encourage Child Support Accountability

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J GRATWICK G	ONTP	

This bill requires a personal representative to search an electronic registry of child support obligors with outstanding child support debt prior to distributing the assets of an estate to an heir or a devisee. The personal representative shall withhold from an heir's or a devisee's inheritance the amount of any outstanding child support debt and forward that amount to the Department of Health and Human Services.

This bill also directs the Department of Health and Human Services to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the most effective way to create a program that requires an unemployed or underemployed child support obligor who has a substantial unpaid child support debt to engage in at least 30 hours per week of uncompensated community service work, receiving an hourly credit against the obligor's child support debt equivalent to the minimum wage. It authorizes the joint standing committee to submit a bill to implement this program to the Second Regular Session of the 128th Legislature.

LD 1260 Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R	OTP-AM	S-231 S-287 KATZ R

Joint Standing Committee on Judiciary

This resolve establishes the Commission To Create a Plan for the Establishment of a Probate Court System with Full-time Judges including legislators and interested parties to create a plan describing how a probate system with full-time judges can be created and funded. The Joint Standing Committee on Judiciary has authority to report out a bill regarding the plan to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (S-231)

This amendment makes the following changes to the resolve.

1. It adds an emergency preamble and emergency clause to the resolve.
2. It changes the title of the resolve and renames the commission the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System. It does not require that the plan be based on full-time judges, although the commission is not prohibited from including full-time judges in its plan.
3. It changes the membership of the commission from 15 members to 13 members and requires the appointing authorities to make every effort to ensure that appointments to the commission represent diversity with regard to geography and population across the State.
4. To provide flexibility to the commission to manage its work, it deletes the requirement that subcommittees include individuals not on the commission.
5. It requires that the commission include in its funding recommendations a plan that ensures the probate judges are provided payment and benefits that fairly compensate them and prohibits them from practicing law during their service as Probate Court Judges.
6. It requires that county officials, in addition to the registers of probate and the Administrative Office of the Courts, provide information and assistance when requested by the commission.

Senate Amendment "A" To Committee Amendment "A" (S-287)

This amendment amends Committee Amendment "A" by striking the emergency preamble and emergency clause, adding a preamble and authorizing the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System to seek private and public funding.

LD 1264 Resolve, Regarding Court Facilities in York County

ONTP

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

This resolve directs the Judicial Department to terminate all construction, contracts, contract negotiations and any other negotiations and any other actions relating to the acquisition, ownership, construction, permitting and operation of the York County Judicial Center and to maintain and continue providing court services in the Superior Court and District Courts in York County. Under the resolve, if the Judicial Department determines that terminating all construction, contracts, contract negotiations and any other negotiations and any other actions relating to the acquisition, ownership, construction, permitting and operation of the York County Judicial Center will result in excessive monetary loss to the State, the construction of the York County Judicial Center may continue, but the Judicial Department must provide office space in the York County Judicial Center to the York County District Attorney's Office, compensate York County for the cost of additional staffing associated with inmate security and ensure that the York County Board of Commissioners' recommendations concerning inmate holding areas are

Joint Standing Committee on Judiciary

considered in the design of the York County Judicial Center.

LD 1267 An Act To Protect Licensing Information of Medical Professionals

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R TUELL W		

This bill provides that information concerning the application for and granting of licenses issued by the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine is confidential, except that each board is required to allow inspection of certain information. See also LD 1541.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1275 An Act To Amend and Remove the Need for Periodic Update of the
Laws Governing the Validation of Title Defects**

PUBLIC 196

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

This bill amends the laws governing the validation of title defects to specify under what circumstances various defects in deeds and other instruments and subdivision plats do not affect title to real property. The bill removes the need for periodic updating of these laws by specifying the applicable lookback period.

Enacted Law Summary

Public Law 2017, chapter 196 amends the laws governing the validation of title defects to specify under what circumstances various defects in deeds and other instruments and subdivision plats do not affect title to real property. Chapter 196 removes the need for periodic updating of these laws by specifying the applicable lookback period.

**LD 1281 An Act Regarding the Compensation of Assistant Attorneys General and
District Attorneys and the Approval of Financial Orders by the Attorney
General and Secretary of State**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D MOONEN M	ONTP	

This bill eliminates the requirement that compensation set by the Attorney General for assistant attorneys general, staff attorneys, the secretary to the Attorney General, District Attorneys and deputy and assistant district attorneys be approved by the Governor. It also allows the Attorney General and the Secretary of State to approve financial orders for transfers and revisions of and increases to allotments within the budgets of their respective departments.

Joint Standing Committee on Judiciary

LD 1282 An Act To Provide a Definition for the Maine Condominium Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R GRANT G	ONTP	

This bill provides a definition of "asset" for use in the Maine Condominium Act.

LD 1304 An Act To Specify the Rights of Parents

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H KEIM L	ONTP	

This bill amends the Child and Family Services and Child Protection Act in several ways.

1. The bill prohibits the Department of Health and Human Services from discriminating against parents who engage in nontraditional methods of parenting when the department determines whether to take any child protective actions and in determining what actions to take.
2. The bill requires the court to give appropriate weight to the importance of maintaining the familial bond connecting the child and a relative requesting placement when determining the best interests of the child.
3. The bill requires the department to share confidential records with a person designated by one or both parents as a participant.
4. The bill clarifies that the restrictions on the release of confidential information do not prohibit a parent, other family member, participant or caretaker of a child from sharing any information about the child, the family or the circumstances involving the child that is the subject of an investigation or proceeding under this Act as long as the information shared was not obtained by the parent, other family member, participant or caretaker from confidential records of the department.
5. The bill requires the department to develop a roster of appropriate professionals capable and appropriately credentialed to investigate, interview or provide expert testimony that may be admissible in a proceeding under this Act. At the request of a parent, the court is required to order a professional on the roster to investigate, interview or provide expert testimony in addition to any investigation, interview or expert testimony provided by one or more persons already involved by the department. The State is responsible for paying the costs of the additional expert's services.
6. The bill amends the law concerning rehabilitation and reunification plans to ensure that the department provide or make available any services the department identifies as necessary for a parent to receive and complete to be reunited with the child. If the department fails to provide or make those services available, the department is required to report the failure to the court, and the court will extend the time within which the parent is required to meet the requirements of the plan. Related to the failure of the department to provide or make available the identified services is the adjustment to the calculation of the time the child is considered in foster care for the purpose of triggering the termination of parental rights. The period of time during which the department is required to provide or make available services but fails to do so is not included in the time the child is considered in foster care.

Joint Standing Committee on Judiciary

7. Current law provides that the department may file a termination of parental rights petition when the child has been in foster care for at least 15 of the most recent 22 months. The bill extends those periods to 24 months and 30 months, respectively.

8. The bill provides an opportunity for a parent who has been convicted of a crime to show the rehabilitative steps taken to address the underlying criminal behavior, and thus rebut the presumption favoring termination of parental rights.

LD 1305 An Act To Protect Victims of Sexual Assault

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W DILL J	ONTP OTP	

Current law allows a person who is a victim of a sexual assault to file a petition for a protection order, whether or not the person who committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed two years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault the opportunity to petition for an order that is a fixed period of time that may be longer than two years, including an order that may be permanent. The bill also adds to the types of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.

**LD 1311 An Act To Amend the Law Regarding Notice of Claim Recordings by
Statutory Road Associations**

PUBLIC 306

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N	OTP-AM ONTP	H-435

This bill makes the following changes to the laws governing the repair and maintenance of private ways.

1. It requires any notice of claim or process for the recovery of money from the owner of a parcel of land benefited by a private way to include the name of the owner of the parcel.
2. It provides that in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds.
3. It requires the road commissioner or road association board to prepare and record in the county's registry of deeds a release of a recorded notice of claim when money owed by an owner of a parcel of land benefited by a private way is paid.

Committee Amendment "A" (H-435)

This amendment is the majority report. It replaces the bill but retains the provision that ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds. The amendment provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the

Joint Standing Committee on Judiciary

county's registry of deeds. A notice of claim expires 18 months from the date of recording unless it is extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.

Enacted Law Summary

Public Law 2017, chapter 306 ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds. Chapter 306 provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds. A notice of claim expires 18 months from the date of recording unless it is extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional 18-month periods until the claim is paid.

LD 1315 An Act Regarding the Maine Indian Tribal-State Commission and ONTP
Directing the Commission To Address Issues To Improve the
Relationship between the State and the Penobscot Nation,
Passamaquoddy Tribe, Houlton Band of Maliseet Indians and
Aroostook Band of Micmacs

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

This bill amends the law establishing the Maine Indian Tribal-State Commission to allow the commission to submit legislation and directs the commission to study a number of unresolved issues between the State and the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians.

LD 1355 An Act To Ensure the Timely and Proper Completion of Residential CARRIED OVER
Foreclosures

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

This bill makes changes to the laws governing the adjournment of a public sale of foreclosed premises and where such a sale must be conducted. It clarifies several aspects of the post-foreclosure sale process regarding the filing of reports of sale and mandates that the report be filed within 45 days of the sale. If a foreclosure sale produces proceeds beyond those payable to the mortgagee, the bill requires the mortgagee to pay the surplus to the mortgagor or other party entitled to it no later than the time of the filing of the report of sale and provides a means for the party entitled to the surplus to obtain a court order for the turnover of the surplus if the mortgagee fails to do so. The bill clarifies that, after the redemption period has expired, but before a sale, a mortgagee may agree with a mortgagor to a reinstatement of the mortgage, and that the mortgagee may, in connection with the reinstatement, waive the foreclosure judgment and restore all parties to the action to the positions that they were in before any foreclosure.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Judiciary

LD 1356 An Act To Amend the Grandparents Visitation Act

ONTP

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

This bill amends the Grandparents Visitation Act and other provisions of law concerning grandparents by:

1. Repealing and replacing the current laws governing grandparent standing to petition the court for visitation with and access to a grandchild; under the bill a grandparent seeking visitation must engage in mediation with the parent or parents prior to filing a petition unless mediation is not possible due to the death, incapacity or unavailability of the parent or parents, in which case the grandparent must satisfy one of three specific standing criteria;
2. Including, in the factors related to the best interests of the child that the court must consider when ruling on a grandparent visitation petition, the effect on a grieving child who has lost a parent of being denied visitation with and access to a grandparent and any evidence that a parent or legal guardian of a child is not considering or acting in the best interests of the child;
3. Removing the provision requiring supervision of a grandparent who is a convicted sex offender and has been granted visitation and access to a grandchild; and
4. Removing the provision of the child protective statutes that terminates a grandparent's right to visitation with and access to a grandchild after the grandchild has been adopted.

LD 1406 An Act To Promote Prescription Drug Price Transparency

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E FOLEY R		

This bill amends the law governing profiteering in prescription drugs. The bill requires more disclosure of drug production, research and development costs, marketing and advertising costs and actual costs paid upon purchase. The bill allows investigations by the Attorney General of violations of these provisions. The bill adds a required written report from the Attorney General each year. See also LD 1605.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1432 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Advance Payment of Costs for Public
Records Requests**

PUBLIC 158

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

This bill, which is a recommendation of the Right To Know Advisory Committee in response to the decision of the Superior Court in *Flanders v. State, et al.*, BELSC-CV-15-12 (Me. Super. Ct., Waldo Cty., Aug. 12, 2016), is

Joint Standing Committee on Judiciary

intended to clarify that under Maine's Freedom of Access Act, an agency or public official may require payment of all costs before providing a public record to a requester.

Committee Amendment "A" (H-290)

This amendment is the minority report. It allows an agency or official to require payment of all costs before providing the requested public record only if the costs exceed \$20.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 158 is intended to clarify that under Maine's Freedom of Access Act, an agency or public official may require payment of all costs before providing a public record to a requester.

LD 1437 An Act To Establish a Youth-in-care Court

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S MILLETT R	ONTP	

This bill directs the Chief Justice of the Supreme Judicial Court to establish a youth-in-care court with jurisdiction over child protective and termination of parental rights proceedings as well as adoption and child custody proceedings involving youth in the foster care system as a pilot project within one or more judicial districts of the District Court. The bill further directs the judicial branch to evaluate the effectiveness of the pilot project and to submit a report and recommendations regarding the pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15, 2019. The joint standing committee may report out a bill related to the report to the First Regular Session of the 129th Legislature.

LD 1442 An Act To Raise the Debtor's Exemption on Vehicles

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-212

This bill increases the exemption from attachment and execution for a motor vehicle from \$5,000 to \$7,500 and provides a full exemption for a payment or account under an individual retirement plan or account that was rolled over from a plan or account under the United States Internal Revenue Code of 1954, Section 401(k) or 403(b) or from a similar, employment-related retirement or pension plan or account.

Committee Amendment "A" (S-212)

This amendment removes the provision of the bill that establishes an exemption for the rollover of individual retirement or similar accounts and plans and makes technical corrections. See also LD 193.

Enacted Law Summary

Public Law 2017, chapter 209 increases the exemption from attachment and execution for a motor vehicle from \$5,000 to \$7,500.

Joint Standing Committee on Judiciary

LD 1465 An Act To Protect Elders from Financial Exploitation and Ensure the ONTP
Efficient Use of Litigation Resources for the State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D MOONEN M	ONTP	

This bill provides General Fund appropriations for the Department of the Attorney General to establish one Research Assistant position dedicated to the litigation division and one Attorney General Detective position to assist in cases involving elder financial exploitation.

LD 1482 An Act To Implement the Recommendations of the Right To Know PUBLIC 163
Advisory Committee Concerning Existing Public Records Exceptions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-333

This bill implements the recommendations of the Right To Know Advisory Committee relating to its review of existing public records exceptions enacted after 2004 and before 2013.

This bill repeals the current exception from the definition of "public records" under Maine's Freedom of Access Act for social security numbers in the possession of the Secretary of State because this is duplicative of the existing general exception for social security numbers in the Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph N.

This bill changes the criteria for designation of records of the Efficiency Maine Trust as confidential from requiring that each of four criteria be met to instead require that one of two criteria be met. This bill also provides that the director of the Efficiency Maine Trust, instead of the Efficiency Maine Trust Board, may disclose or authorize disclosure of otherwise confidential information in certain specified circumstances.

Committee Amendment "A" (H-333)

This amendment is the majority report, and it retains the current decision-making authority of the Efficiency Maine Trust Board with regard to treating records as confidential.

Enacted Law Summary

Public Law 2017, chapter 163 implements the recommendations of the Right To Know Advisory Committee relating to its review of existing public records exceptions enacted after 2004 and before 2013.

Public Law 2017, chapter 163 repeals the current exception from the definition of "public records" under Maine's Freedom of Access Act for social security numbers in the possession of the Secretary of State because this is duplicative of the existing general exception for social security numbers in the Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph N.

Public Law 2017, chapter 163 changes the criteria for designation of records of the Efficiency Maine Trust as confidential from requiring that each of four criteria be met to instead require that one of two criteria be met.

Joint Standing Committee on Judiciary

LD 1541 An Act To Protect Certain Administrative Licensing Files

CARRIED OVER

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

This bill makes polygraph examiner and professional investigator administrative licensing files confidential by law, except the final written decision of whether a license is issued or denied, or of whether, in response to a complaint, adverse action is taken against a licensee's license, is publicly accessible and records may be disclosed for criminal justice purposes or to a government licensing agency of this State or another state. In the case of the issuance or denial of a license, the final written decision must state the basis for which a license is issued or denied, and, in the case of a complaint against a licensee's license, the final written decision must state the basis for which adverse action was or was not taken against the license. The Private Security Guards Act also is amended to ensure consistency with the changes made to the Polygraph Examiners Act and Professional Investigators Act. See also LD 1267.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1605 An Act To Increase Consumer Prescription Drug Protections

Accepted Majority (ONTP) Report

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

This bill requires the Maine Health Data Organization to annually identify, upon the request of the Attorney General, prescription drugs on which the State spends significant amounts of money and for which the manufacturer's list price for the drug has increased by 50% or more over the past five years or 15% or more over the past 12 months. The Maine Health Data Organization is required to provide the list to the Attorney General, who must require the manufacturer of the drugs to provide a justification for the increase.

The bill also prohibits manufacturers and wholesale distributors from price gouging in the sale of essential off-patent or generic drugs. It authorizes the Attorney General to obtain data from the Maine Health Data Organization concerning increases in prices of essential off-patent or generic drugs and requires manufacturers of essential off-patent or generic drugs to submit information to the Attorney General upon request of the Attorney General. See also LD 1406.

LD 1607 An Act To Prioritize Family Members as Surrogates for Medical Decisions

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAWKE S ROSEN K	ONTP OTP-AM	

Current law places nonspousal partners above adult children, parents and adult siblings when prioritizing who may act as a surrogate for medical decisions for an incapacitated adult, including the decision to withhold or withdraw

Joint Standing Committee on Judiciary

life-sustaining treatment. This bill gives adult children, parents and adult siblings medical decision-making priority over nonspousal partners.

Committee Amendment "A" (H-465)

This amendment is the minority report. It replaces the bill to give a patient's adult child and parent higher priority than a nonspousal partner to serve as a surrogate decision maker for medical decisions when the patient is unable to make or communicate decisions.

This amendment was not adopted.

LD 1616 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 288
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-556

This bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-556)

This amendment designates the contents of the bill as Part A. Sections of the bill containing errors or conflicts that have been resolved by the enactment of other public laws or that are otherwise not needed are deleted from the bill. Sections of the bill containing errors or conflicts that this amendment further amends are moved to the new Part B.

The amendment adds Part B, which makes technical corrections, and Part C, which makes corrections that are or could be interpreted as being substantive.

Part C of the amendment makes the following changes which are or could be considered to be substantive.

Section C-1 corrects a drafting error made in Public Law 2017, chapter 143 concerning credit unions, and section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 143.

Section C-2 corrects a drafting error in Public Law 2017, chapter 179 concerning contracts involving the Maine Community College System. This section corrects the provision to provide that a contract that contains one or more of the listed prohibited provisions is not void, as the language in chapter 179 states, but that the provisions are void; the rest of the contract is not affected. Section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 179.

Section C-3 amends a statute governing home heating oil delivery drivers to correct a cross-reference to a provision that would otherwise prohibit home heating oil delivery drivers from bleeding a residential home heating oil burner because they lack a license from the Maine Fuel Board. Section 39 of the bill incorrectly addressed this issue.

Enacted Law Summary

Public Law 2017, chapter 288 corrects technical and substantive errors and inconsistencies in the laws of Maine.

Parts A and B make technical corrections; Part C makes corrections that are or could be interpreted as being substantive.

Joint Standing Committee on Judiciary

Part C of chapter 288 makes the following changes which are or could be considered to be substantive.

Section C-1 corrects a drafting error made in Public Law 2017, chapter 143 concerning credit unions, and section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 143.

Section C-2 corrects a drafting error in Public Law 2017, chapter 179 concerning contracts involving the Maine Community College System. This section corrects the provision to provide that a contract that contains one or more of the listed prohibited provisions is not void, as the language in chapter 179 states, but that the provisions are void; the rest of the contract is not affected. Section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 179.

Section C-3 amends a statute governing home heating oil delivery drivers to correct a cross-reference to a provision that would otherwise prohibit home heating oil delivery drivers from bleeding a residential home heating oil burner because they lack a license from the Maine Fuel Board.

Public Law 2017, chapter 288 was enacted as an emergency measure effective July 15, 2017, although some provisions do not take effect until 90 days after adjournment of the First Regular Session of the 128th Legislature.

**LD 1633 An Act Concerning Private Personal Information of Public Employees
and Licensed Individuals**

**Died Between
Houses**

Sponsor(s)

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill is based on a recommendation of the Right To Know Advisory Committee concerning the protection of private personal information that may be considered public records. The bill directs the joint standing committee of the Legislature having jurisdiction over judiciary matters to balance the public's right to know about public employees and professional and occupational licensees and license applicants with the privacy and safety interests of the individuals involved when a proposed public records exception concerns the private personal information of public employees and professional or occupational licensees or license applicants.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Adoption

Enacted

LD 365 An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding PUBLIC 64

Not Enacted

LD 505 An Act To Amend the Laws Governing the Issuance of Birth Certificates for Adopted Persons Born in Maine Majority (ONTP) Report

Attorney General & District Attorneys

Not Enacted

LD 534 An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner Veto Sustained

LD 1281 An Act Regarding the Compensation of Assistant Attorneys General and District Attorneys and the Approval of Financial Orders by the Attorney General and Secretary of State ONTP

LD 1465 An Act To Protect Elders from Financial Exploitation and Ensure the Efficient Use of Litigation Resources for the State ONTP

Child Abuse and Child Protection

Not Enacted

LD 362 An Act To Allow Relative Caregivers Standing in Court ONTP

LD 363 An Act To Make a Child Living with a Custodial Relative Caregiver Eligible for State-paid Legal Services ONTP

LD 429 An Act Concerning Guardians Ad Litem and Determinations Regarding the Best Interest of a Child in Custodial Relative Caregiver Cases Majority (ONTP) Report

LD 1187 An Act To Amend the Child Protective Services Statutes CARRIED OVER

LD 1304 An Act To Specify the Rights of Parents ONTP

LD 1437 An Act To Establish a Youth-in-care Court ONTP

Constitutional Issues

Not Enacted

LD 197	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination	CARRIED OVER
LD 771	An Act To Protect Political Speech and Prevent Climate Change Policy Profiling	Majority (ONTP) Report
LD 903	An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine	Majority (ONTP) Report
LD 1099	Resolve, To Require the State To Bring Suit against the Federal Government for Failure To Comply with the Federal Refugee Act of 1980	ONTP

Courts

Enacted

LD 611	An Act To Amend Certain Laws Affecting the Judicial Branch	PUBLIC 223
--------	--	------------

Not Enacted

LD 111	An Act To Establish an Additional Veterans Treatment Court	CARRIED OVER
LD 283	An Act To Increase the Jurisdictional Limits for Small Claims	CARRIED OVER
LD 860	An Act To Establish a Statewide Electronic Warrant System	CARRIED OVER
LD 896	An Act To Promote Retention and Recruitment of Judicial Marshals and Sergeants	ONTP
LD 1264	Resolve, Regarding Court Facilities in York County	ONTP

Courts and Court Procedure

Not Enacted

LD 218	An Act To Reduce Criminal Justice System Costs by Allowing Arraignments and Hearings in the Unified Criminal Docket To Be Held by Means of Audiovisual Telecommunications	ONTP
--------	---	------

Courts, Jury Duty

Enacted

LD 46	An Act To Provide Consistency with Regard to Jury Duty Exemption	PUBLIC 275
-------	--	------------

Not Enacted

LD 698	An Act To Allow Persons 70 Years of Age and Older To Opt Out of Jury Duty	ONTP
--------	---	------

Criminal Law and Procedure

Not Enacted

LD 309	Resolve, To Establish the Working Group To Restore Judicial Discretion	Died On Adjournment
LD 677	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence	ONTP

Domestic Violence/Protection from Abuse

Not Enacted

LD 80	An Act To Increase the Penalty for Multiple Violations of Protection from Abuse Orders	ONTP
LD 578	An Act To Modify the Divorce Laws Concerning Perpetrators of Domestic Violence	ONTP
LD 581	An Act To Require Notification When a Temporary Protection from Abuse Order Is Rescinded	ONTP
LD 641	Resolve, To Establish the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases	Leave to Withdraw Pursuant to Joint Rule 310
LD 1120	Resolve, Directing the Maine Commission on Domestic and Sexual Abuse To Study Economic Abuse	ONTP
LD 1305	An Act To Protect Victims of Sexual Assault	Majority (ONTP) Report

Family Law, Child Support

Enacted

LD 81	An Act Regarding the Payment of Back Child Support	PUBLIC 102
LD 364	An Act To Make Technical Changes to the Laws Governing Child Support	PUBLIC 30

Not Enacted

LD 147	An Act To Amend the Maine Parentage Act	Majority (ONTP) Report
LD 645	An Act To Amend the Penalties for Failure To Pay Child Support	ONTP
LD 1241	An Act To Encourage Child Support Accountability	ONTP

Family Law, General

Not Enacted

LD 170	An Act To Allow and Recognize a Legal Name Change upon Marriage	CARRIED OVER
LD 282	An Act To Support Caregivers When Children Have Been Abandoned by Their Parents	ONTP
LD 472	An Act Regarding Parental Rights	Died Between Houses
LD 697	Resolve, To Establish a Commission To Study the Roles and Rights of Grandparents in Raising Their Grandchildren	ONTP
LD 916	An Act To Modify the Term and Withholding Limitations for Spousal Support	ONTP
LD 1356	An Act To Amend the Grandparents Visitation Act	ONTP

Family Law, Guardians ad litem

Enacted

LD 457	An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law	PUBLIC 138 EMERGENCY
--------	---	-------------------------

Not Enacted

LD 63	An Act To Ensure Complete Investigations by Guardians Ad Litem	ONTP
-------	--	------

Foreclosure

Enacted

LD 533	An Act To Clarify the Application of the Statute of Limitations under Article 3-A of the Uniform Commercial Code	PUBLIC 251
--------	--	------------

Not Enacted

LD 64	<i>An Act To Require Mediation within 90 Days of a Homeowner's Receipt of a Foreclosure Notice</i>	ONTP
LD 731	An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners	Veto Sustained
LD 1047	An Act To Protect Homeowners from Improper Foreclosure Fees	Veto Sustained
LD 1355	An Act To Ensure the Timely and Proper Completion of Residential Foreclosures	CARRIED OVER

Freedom of Access/Confidentiality/Privacy

Enacted

LD 135	An Act To Authorize the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship	PUBLIC 55
LD 196	An Act To Protect Personal Information of Participants in a Community Well-being Check Program	PUBLIC 118
LD 410	An Act To Except from the Freedom of Access Act Certain Information in the Possession of the Maine Public Employees Retirement System	PUBLIC 46
LD 1432	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Advance Payment of Costs for Public Records Requests	PUBLIC 158
LD 1482	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Existing Public Records Exceptions	PUBLIC 163

Not Enacted

LD 70	An Act To Allow Municipal Governing Boards of 3 Members To Perform Official Duties via Technology	ONTP
LD 146	Act To Protect the Confidentiality of State and Local Government Employees' Private Information	Veto Sustained
LD 1216	An Act To Clarify the Law Regarding Arbitration Privacy with Respect to Executive and Legislative Branch Employees	Died Between Houses
LD 1267	An Act To Protect Licensing Information of Medical Professionals	CARRIED OVER
LD 1541	An Act To Protect Certain Administrative Licensing Files	CARRIED OVER
LD 1633	An Act Concerning Private Personal Information of Public Employees and Licensed Individuals	Died Between Houses

Human Rights and Medical Rights

Not Enacted

LD 125	An Act To Allow an Order Not To Resuscitate To Be Presented in the Form of an Indelible Mark	ONTP
LD 1239	An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act	Died Between Houses
LD 1607	An Act To Prioritize Family Members as Surrogates for Medical Decisions	Died Between Houses

Legal Services

Not Enacted

LD 644	An Act To Improve Citizen Access to Legal Representation	ONTP
LD 663	An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services	Died Between Houses
LD 845	An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services	Died Between Houses

Miscellaneous

Enacted

LD 193	An Act To Protect Retirement Accounts from Creditor Collection	PUBLIC 177
LD 1442	An Act To Raise the Debtor's Exemption on Vehicles	PUBLIC 209

Not Enacted

LD 2	An Act To Prevent Bad Faith Assertions of Patent Infringement	Report A (ONTP)
LD 366	An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities	Majority (ONTP) Report
LD 535	An Act To Protect Maine Citizens from Aerial Trespass	Leave to Withdraw Pursuant to Joint Rule 310
LD 847	An Act To Hold Refugee Resettlement Agencies Accountable to Maine People	Majority (ONTP) Report
LD 1190	An Act Regarding Driver's License Suspensions for Nondriving-related Violations	CARRIED OVER
LD 1406	An Act To Promote Prescription Drug Price Transparency	CARRIED OVER
LD 1605	An Act To Increase Consumer Prescription Drug Protections	Majority (ONTP) Report

Probate Code and Trust Code

Enacted

LD 21	An Act To Amend the Law Regarding the Execution of Temporary Powers of Attorney	PUBLIC 42
LD 331	An Act To Correct the Maine Uniform Trust Code Concerning Certain Beneficiaries	PUBLIC 39
LD 807	An Act Regarding Guardianships	PUBLIC 187

Not Enacted

LD 123	An Act To Recodify and Revise the Maine Probate Code	CARRIED OVER
LD 773	An Act To Enact the Uniform Real Property Transfer on Death Act	ONTP

LD 846	An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act	CARRIED OVER
LD 934	An Act To Establish an Expedited Temporary Guardianship Process	CARRIED OVER
LD 969	An Act Regarding Nonprobate Transfers on Death	CARRIED OVER
LD 1043	An Act To Promote Impartiality in the Probate Court	Veto Sustained
LD 1260	Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System	Veto Sustained

Real Property, Property Rights and Eminent Domain

Enacted

LD 871	An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way	PUBLIC 181
LD 1139	An Act To Clarify Certain Right-of-way Limitations	PUBLIC 194
LD 1275	An Act To Amend and Remove the Need for Periodic Update of the Laws Governing the Validation of Title Defects	PUBLIC 196
LD 1311	An Act To Amend the Law Regarding Notice of Claim Recordings by Statutory Road Associations	PUBLIC 306

Not Enacted

LD 224	An Act Regarding Actions for Failure To Follow Condominium Association Requirements	ONTP
LD 281	An Act To Amend the Percentage of Votes Needed for Condominium Governance	Veto Sustained
LD 348	An Act To Increase Consumer Protection for Time-share Owners	Majority (ONTP) Report
LD 536	An Act To Protect Homeowners from Debt Collectors	ONTP
LD 537	An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road	Died Between Houses
LD 610	An Act To Prohibit Prescriptive Property Rights Claims of Property Owned by Nonprofit Organizations	Majority (ONTP) Report
LD 1057	An Act To Protect Condominium Owners in the Event of a Power Outage	Majority (ONTP) Report
LD 1282	An Act To Provide a Definition for the Maine Condominium Act	ONTP

Statutes

Enacted

LD 1616	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 288 EMERGENCY
---------	---	-------------------------

Torts, Immunity and Medical Malpractice

Enacted

LD 198	An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals	PUBLIC 61
--------	---	-----------

Not Enacted

LD 39	An Act To Clarify Landowners' Liability Regarding Public Access	ONTP
LD 112	An Act To Further Limit the Liability of Landowners Who Permit the Use of Land for Outdoor Recreational Activity	ONTP
LD 194	An Act To Ensure Equity in the Awarding of Compensation for Tort Claims	Majority (ONTP) Report
LD 195	An Act Amending the So-called "Good Samaritan" Laws	Majority (ONTP) Report
LD 280	An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act	Died Between Houses
LD 327	An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus	Died Between Houses
LD 419	An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog	Majority (ONTP) Report
LD 815	An Act To Allow a Council of Governments To Provide Municipal Services to Small Towns under the Maine Tort Claims Act	ONTP
LD 1240	An Act To Provide Immunity to Medical Professionals Who Provide Free Health Care Services to Uninsured and Underserved Populations of the State	Majority (ONTP) Report

Tribal-State Relations

Not Enacted

LD 428	RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations	Died Between Houses
LD 486	An Act To Authorize Vacating the Convictions of Members of the Houlton Band of Maliseet Indians Convicted under Prior Laws Governing the Possession and Use of Marijuana	ONTP
LD 921	An Act To Extend Time Limits for Placing Land in Trust Status	Veto Sustained

LD 1315 under the Maine Indian Claims Settlement
An Act Regarding the Maine Indian Tribal-State Commission
and Directing the Commission To Address Issues To Improve
the Relationship between the State and the Penobscot Nation,
Passamaquoddy Tribe, Houlton Band of Maliseet Indians and
Aroostook Band of Micmacs ONTP

Unclaimed Property

Not Enacted

LD 668 An Act To Facilitate the Return of Unclaimed Property ONTP
LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act CARRIED OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

August 2017

MEMBERS:

SEN. AMY F. VOLK, CHAIR
SEN. BRIAN D. LANGLEY
SEN. SHEENA LEE BELLOWS

REP. RYAN M. FECTEAU, CHAIR
REP. ANNE-MARIE MASTRACCIO
REP. DILLON F. BATES
REP. JAMES R. HANDY
REP. DONNA R. DOORE *
REP. MICHELLE DUNPHY*
REP. MICHAEL A. SYLVESTER
REP. SUSAN M. W. AUSTIN
REP. LAWRENCE E. LOCKMAN
REP. JOEL R. STETKIS
REP. KAREN R. VACHON

STAFF:

HENRY FOUTS, LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

*Committee member for a portion of the session

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 13 An Act To Require Certain Licensing Boards To Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E VOLK A	ONTP	

This bill requires the Board of Osteopathic Licensure, the Board of Licensure in Medicine, the State Board of Social Worker Licensure, the Board of Counseling Professionals Licensure and the Board of Dental Practice to report to a law enforcement agency or the Department of Health and Human Services known or suspected incidents of sexual abuse of a client or patient by a professional regulated by the board or by an assistant to a professional regulated by the board.

LD 22 An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks PUBLIC 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J	OTP	

This bill repeals the statute that requires municipal officers to license roller-skating rinks and that makes it a civil offense to operate a roller-skating rink without a license from the municipality where the rink is located.

Enacted Law Summary

Public Law 2017, chapter 12 repeals the statute that requires municipal officers to license roller-skating rinks and that makes it a civil offense to operate a roller-skating rink without a license from the municipality where the rink is located.

LD 37 An Act To Provide a Career and Technical Education Training Option for Plumbers PUBLIC 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD T	OTP-AM	S-3

This bill allows a person who has completed a plumbing course as a secondary student at an approved career and technical education program and who has passed the journeyman licensing examination to obtain a journeyman-in-training license from the Plumbers' Examining Board.

Committee Amendment "A" (S-3)

This amendment makes technical corrections to provide consistency in the statutory language governing the qualifications for obtaining a journeyman-in-training plumbing license.

Enacted Law Summary

Public Law 2017, chapter 4 allows a person who has completed a plumbing course as a secondary student at an approved career and technical education program and who has passed the journeyman licensing examination to obtain a journeyman-in-training license from the Plumbers' Examining Board.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 65 An Act To Ensure the Right To Work without Payment of Dues or Fees
to a Labor Union as a Condition of Employment Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CUSHING A	ONTP OTP-AM	

This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

Committee Amendment "A" (H-466)

This amendment provides funding for one part-time Assistant Attorney General position and one part-time Detective position to investigate and prosecute violations concerning the right to refrain from joining a union.

This amendment was not adopted.

**LD 66 An Act To Prohibit Public Employers from Acting as Collection Agents
for Labor Unions Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP	

This bill prohibits a public employer from collecting service fees or member dues owed by an employee to a collective bargaining agent pursuant to a lawful collective bargaining agreement. Current law expressly allows a public employer to take this deduction without signed authorization from the public employee. This bill also eliminates language from the election statutes that exempts a public employer from the Class C crime of misuse of a state government computer system for deducting dues or other funds from an employee's pay and remitting those funds to the employee's collective bargaining agent.

**LD 67 An Act To Improve Insurance Coverage for First Responders Answering
a Call to Duty Accepted Minority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M BREEN C	OTP-AM ONTP	

This bill creates a rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or volunteer emergency medical services person considered an employee within the meaning of the Maine Workers' Compensation Act of 1992 is considered to arise out of and in the course of employment and is compensable under the Act if the personal injury occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding. It also prohibits an insurer or employer providing self-insurance from limiting benefits for such emergency first responders to personal injuries that occur after the emergency first responder begins travelling on a public way.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Committee Amendment "A" (H-43)

This amendment, which is the majority report, replaces the bill with a resolve directing the Workers' Compensation Board to study shortcomings in workers' compensation insurance coverage for emergency first responders and to report its findings and proposed solutions to the joint standing committee by December 15, 2017. The joint standing committee has authority to report out a bill in response to this report in the Second Regular Session of the 128th Legislature. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 84 An Act To Clarify the Contracts Used for Automobile Sales ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D MASTRACCIO A	ONTP	

This bill requires a motor vehicle dealer to provide a buyer of a motor vehicle with a plain language written summary explaining: the vehicle purchase price; each charge, tax and fee pertinent to the agreement; all interest and other financing costs to be paid pursuant to a financing agreement with or facilitated by the dealer; and the total of all costs, including the total cost over the life of a financing agreement with or facilitated by the dealer. If the dealer fails to obtain the buyer's written acknowledgment on the summary, the sales agreement is void and the buyer may recover all of his or her costs from the dealer.

LD 86 An Act To Protect Worker Wages and Benefits INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP ONTP	

Current law provides that an employee whose employment has ceased is entitled to earned wages from the employer, including unused vacation time when paid vacation was included in the terms of employment, upon a reasonable time after that employee makes a demand for such payment from the employer, and that the employee may bring a civil action against an employer that does not comply with this requirement.

This bill eliminates the requirement that the employee make a demand for the earned compensation with the employer. Instead, earned wages must be paid by the employer within a reasonable amount of time after the cessation of employment, regardless of whether the employee has made a demand for the wages.

LD 114 An Act To Increase the Number of Suboxone Prescribers ONTP

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

This bill requires all osteopathic and allopathic physicians and physician assistants whose scope of practice includes prescribing opioid medication to apply to the federal Drug Enforcement Administration for authority to treat opioid dependency using buprenorphine products. The bill also requires the Department of Health and Human Services to increase reimbursement rates under the MaineCare program for buprenorphine-medication-assisted substance abuse

Joint Standing Committee on Labor, Commerce, Research and Economic Development

treatment including prescriptions and accompanying services by 30% no later than January 1, 2018.

LD 130 An Act To Provide Funding for Costs Associated with Requiring the Licensing of Midwives Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A ESPLING E	OTP-AM	S-9

This bill includes Other Special Revenue Funds allocations totaling \$76,365 in fiscal year 2017-18 and \$26,985 in fiscal year 2018-19 to the Department of Professional and Financial Regulation for the costs associated with requiring individuals practicing midwifery in the State to be licensed by January 1, 2020.

This bill also includes corresponding transfers of funds from the General Fund unappropriated surplus to the Licensing and Enforcement, Other Special Revenue Funds account within the Department of Professional and Financial Regulation in fiscal years 2017-18, 2018-19 and 2019-20 to support these costs.

Committee Amendment "A" (S-9)

This amendment eliminates the transfers of funds from the General Fund unappropriated surplus to the Licensing and Enforcement, Other Special Revenue Funds account within the Department of Professional and Financial Regulation in fiscal years 2018-19 and 2019-20 due to anticipated licensing fee revenues from the licensure of individuals practicing midwifery in the State. This amendment also reduces the Other Special Revenue Funds allocations in fiscal years 2017-18 and 2018-19 to the Department of Professional and Financial Regulation based on decreased estimates of the costs of the Board of Complementary Health Care Providers associated with establishing the new licensing requirements.

The revised appropriations and allocations in this amendment are based on an assumption that the Board of Complementary Health Care Providers will be ready to accept and process applications for licensure of individuals practicing midwifery during fiscal year 2017-18 and that 20 individuals will submit applications and fees before June 30, 2018. This amendment also assumes that an additional 16 midwives will apply for licensure in fiscal year 2018-19. The resulting licensing fees will increase dedicated revenues to the Board of Complementary Health Care Providers by an estimated \$13,920 in fiscal year 2017-18 and an estimated \$24,636 in fiscal year 2018-19.

The substance of this bill was included in Part VVVVVV of the Biennial Budget, Public Law 2017, chapter 284 (LD 390).

LD 132 An Act To Authorize Podiatrists To Perform Certain Routine Procedures PUBLIC 14

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

This bill amends the definition of "practice of podiatric medicine" to authorize a podiatrist to take the medical histories of and perform physical examinations of the podiatrist's preoperative patients.

Enacted Law Summary

Public Law 2017, chapter 14 amends the definition of "practice of podiatric medicine" to authorize a podiatrist to take the medical histories of and perform physical examinations of the podiatrist's preoperative patients.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 148 An Act To Allow Overhead Garage Door Installers To Install and Repair ONTP
Dumbwaiters

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R DILL J	ONTP	

This bill allows individuals and companies that install or service overhead garage doors or openers to also install and repair dumbwaiters that are used only for the transportation of inanimate goods without being licensed or registered by the Elevator and Tramway Safety Program.

LD 163 An Act To Strengthen the Enforcement of Maine's Labor Laws ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to strengthen the enforcement of Maine's laws governing labor and employment.

LD 165 An Act To Provide Matching Funds for Federal Community Died Between
Development Block Grants Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN J KEIM L	OTP-AM ONTP	

This bill provides one-time funds to match federal funds that are distributed as grants to local units of government for community projects in areas ranging from infrastructure, housing and downtown revitalization to public facilities and economic development.

Committee Amendment "A" (H-16)

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

LD 285 An Act To Provide Funding for the Maine Coworking Development CARRIED OVER
Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R CYRWAY S	OTP-AM ONTP	H-114

This bill provides one-time funds to the Department of Economic and Community Development to support collaborative workspace businesses.

Committee Amendment "A" (H-114)

Joint Standing Committee on Labor, Commerce, Research and Economic Development

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

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 313 An Act To Amend the Laws Governing Prior Employees of the Workers' Compensation Board PUBLIC 29

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A STEWART H	OTP-AM	S-23

Under current law, an advocate or advocate attorney employed by the Workers' Compensation Board may not represent before the board any insurer, self-insurer or third-party administrator for two years after terminating employment with the board. This bill repeals that prohibition.

Committee Amendment "A" (S-23)

This amendment replaces the bill and changes the period for which a former advocate or advocate attorney with the Workers' Compensation Board must refrain from representing before the board any insurer, self-insurer or third-party administrator from two years to one year. The amendment also eliminates this restriction for any person who has worked for four or more years as an advocate or attorney advocate.

Enacted Law Summary

Public Law 2017, chapter 29 changes the period for which a former advocate or advocate attorney with the Workers' Compensation Board must refrain from representing before the board any insurer, self-insurer or third-party administrator from two years to one year and it eliminates this restriction for any person who has worked for four or more years as an advocate or attorney advocate.

LD 367 An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-493

This bill provides additional clarity, requirements and resources for the Maine Economic Growth Council's efforts to fulfill its current statutory mandate to develop, monitor and maintain a long-range strategic economic improvement plan for the State. It also includes provisions to support the State's achievement of the goals and objectives in that plan by establishing requirements for the Governor, Legislature and agencies with relevant programs and activities to consider the long-range strategic economic improvement plan and provide information to the Maine Economic Growth Council at the request of the council. This bill would increase the annual General Fund appropriation to the Maine Economic Growth Council from its current \$55,000 to \$175,000 and would provide a one-time additional appropriation of \$150,000 for development of the initial plan in order to meet the timelines required in this bill.

Committee Amendment "A" (H-493)

This amendment makes the following changes to the bill.

1. It specifies that membership of the Maine Economic Growth Council must include members with expertise in both large and small business.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

2. It adds educational and science and technology factors to the list of factors that must be addressed by the long-range strategic economic improvement plan.
3. It adds a requirement that the Maine Economic Growth Council must consider the impact of tax policy, energy costs and regulation on competitiveness, the demographic composition of the State's workforce and the optimization of the return on investment in the State when developing the plan.
4. It adds a requirement that the plan include goals and objectives that support economic opportunity for all people in the State and that the plan include actions to accomplish plan benchmarks based upon the best practices in this State, other states and other countries.
5. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to submit to the Legislature any bill it considers necessary to improve the required elements of the strategic plan or the process through which it is developed, maintained or communicated.
6. It directs the Maine Economic Growth Council to develop by January 15, 2018, proposed review criteria suitable for use by the joint standing committees of the Legislature when the committees are considering legislative proposals that may affect the plan developed by the council. The Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 128th Legislature based on the report.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 441 An Act To Require Certification under the United States Environmental Died Between
Protection Agency's Lead Renovation, Repair and Painting Rule Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N PIERCE J	OTP-AM ONTP	

This bill requires the on-site presence of a person certified by the United States Environmental Protection Agency under the federal renovation, repair and painting rule when the following activities are contracted for on a building constructed before 1978: painting, remodeling, maintenance or repair activities. The bill also requires persons performing maintenance on a multi-unit residential building, the owner of which receives public money in the form of a housing subsidy or voucher, to be certified by the United States Environmental Protection Agency.

Committee Amendment "A" (S-38)

This amendment, which is the majority report of the committee, replaces the bill and requires all individuals and business entities that renovate housing constructed prior to 1978 to comply with the United States Environmental Protection Agency's renovation, repair and painting rule, 40 Code of Federal Regulations, Part 745, Subpart E (2016). The amendment also requires the Commissioner of Environmental Protection to prepare guidance materials to explain the renovation, repair and painting rule's requirements.

In addition, the amendment provides a \$100,000 annual appropriation to the Department of Environmental Protection to provide grants to up to 250 individuals and business entities each year to offset the costs associated with obtaining certification from the United States Environmental Protection Agency to engage in renovation of housing constructed prior to 1978. The amendment also adds an appropriations and allocations section to provide funding for the staff necessary to administer the grant program.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment was not adopted.

LD 456 An Act To Increase Access to Vaccinations

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P	ONTP OTP-AM	H-208 S-263 BELLOWS S

This bill allows pharmacists to administer vaccines on the recommended vaccination schedule to a person 11 years of age and older, instead of 18 years of age and older as in current law, if the patient has a valid prescription from an authorized Maine practitioner or the pharmacist has a written standing order from an authorized practitioner in this State.

The bill also authorizes pharmacists to provide vaccines to adults based on a written standing order or treatment protocol that the pharmacist has with a practitioner in this State, even in circumstances where the adult has a preexisting relationship with a primary care physician or nurse practitioner.

Committee Amendment "A" (H-208)

This amendment, which is the minority report of the committee, replaces the bill and reorganizes the law that allows pharmacists to administer vaccines other than the influenza vaccine. Under the amendment, pharmacists may administer booster vaccines listed on the United States Centers for Disease Control and Prevention's recommended immunization schedule to a person 11 years of age or older and under 18 years of age according to a valid prescription from the person's primary care physician or nurse practitioner as long as the pharmacist notifies the prescriber of the administration within three business days.

This amendment also authorizes pharmacists to administer vaccines on the recommended immunization schedule to adults according to a valid prescription, treatment protocol or written standing order from an authorized practitioner in this State. This amendment retains the requirement in current law that a pharmacist may not administer a vaccine that is not on the recommended immunization schedule unless the adult seeking the vaccine has a valid prescription stating that the vaccine is medically necessary.

House Amendment "A" To Committee Amendment "A" (H-335)

This amendment requires that a pharmacist who administers a vaccine to a person who is under 18 years of age report the administration of that vaccine to the Maine Center for Disease Control and Prevention for inclusion in the immunization information system referred to as "ImmPact."

This amendment was not adopted.

Senate Amendment "B" To Committee Amendment "A" (S-263)

This amendment is identical to House Amendment "A" to Committee Amendment "A" except that this amendment also adds an appropriations and allocations section to fund the costs to the Department of Health and Human Services, Maine Center for Disease Control and Prevention of having to collect the information provided to it by pharmacists. This fiscal information was provided to the Office of Fiscal and Program Review after House Amendment "A" was produced.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 466 An Act To Protect Employees from Abusive Work Environments

ONTP

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

This bill provides legal relief for employees who have been harmed psychologically, physically or economically by exposure to abusive work environments. Employees and employers who subject an employee to an abusive work environment are liable, and employers are vicariously liable for the abusive workplace conduct of their employees, in a private civil action brought by the affected employee. The legal remedies made available by this bill do not limit any other legal rights of an individual, except that workers' compensation benefits received under the Maine Revised Statutes, Title 39-A for the same injury or illness must be reimbursed from compensation that is earned through the legal remedies made available by this bill.

LD 487 An Act To Promote Keeping Workers in Maine

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J BELLOWS S	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to regulate the use of so-called noncompete agreements, which are contracts entered into by an employee prohibiting the employee from working in the same or a similar profession within a time certain after leaving employment with the employer and within a specified geographical area. This bill would restrict the use of noncompete agreements by public and private employers by:

1. Prohibiting their use for low-wage employees;
2. Requiring employers to include in any advertisement for a job a statement that the person hired will be required to sign a noncompete agreement;
3. Requiring employers to notify prospective employees of the noncompete requirement and provide a copy of the noncompete agreement before extending a job offer;
4. Requiring employers to provide additional compensation to those employees who agree to sign a noncompete agreement;
5. Restricting the use of noncompete agreements to those situations when they are necessary to protect trade secrets or confidential information held by that employer;
6. Limiting the duration of noncompete agreements so that they would have to be renegotiated and agreed to after a certain period of time; and
7. Allowing an employee harmed by the unlawful use of a noncompete agreement to bring suit against the employer and, if the employee prevails, be awarded damages, attorney's fees and court costs.

Committee Amendment "A" (H-49)

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment is the majority report of the committee. It replaces the bill and prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee earning wages that are at or below 300% of the federal poverty level. A noncompete agreement is defined as a contract or contract provision that prohibits an employee or prospective employee from working in the same or similar profession or in a specified geographic area for a certain period of time following termination of employment. If an employer requires a noncompete agreement for a position of employment, the employer must disclose that requirement in any advertisement for that position, and an employer must provide an employee or prospective employee with a copy of a noncompete agreement at least three business days before requiring that employee or prospective employee to sign the agreement. The terms of a noncompete agreement, except for a noncompete agreement with a physician, are not in effect until after an employee has been employed with the employer for at least one year or a period of six months has passed, whichever is later. An employer that violates this law commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of the law. The amendment also adds an appropriations and allocations.

This amendment was not adopted.

LD 488 An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY J VOLK A	OTP ONTP	

This bill allows a municipality to enact an ordinance allowing grocery stores with up to 10,000 square feet of interior customer selling space to be open on Easter Day, Thanksgiving Day and Christmas Day.

LD 489 An Act To Ensure Firefighters Receive Cancer Treatment Pursuant to the Maine Revised Statutes, Title 39-A ONTP

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

Under current law, there is a rebuttable presumption that if a firefighter meeting certain requirements contracts cancer, the cancer was contracted in the course of that employment and as a result of that employment. This bill amends that provision of law to establish the presumption as conclusive, rather than rebuttable.

LD 490 An Act To Exempt Chiropractic Assistants from Being Required To Hold Licenses as Radiographers, Nuclear Medicine Technologists or Radiation Therapists ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

Under current law, dental hygienists are not required to be licensed under the laws governing radiography to take x-rays. This bill provides the same exemption to chiropractic assistants.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 503 An Act To Continue the Doctors for Maine's Future Scholarship Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HYMANSON P	OTP-AM ONTP	S-31

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make a one-time General Fund appropriation in fiscal year 2018-19 to the Finance Authority of Maine for the establishment of an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

Committee Amendment "A" (S-31)

This amendment is the majority report of the committee. This amendment replaces the bill, which is a concept draft, and provides for a one-time General Fund appropriation of \$16,000,000 to establish an endowment to continue the Doctors for Maine's Future Scholarship Program under the Maine Revised Statutes, Title 20-A, section 12103-A.

The funding requested in this bill was partially provided in Part LLLLLLL of the Biennial Budget, Public Law 2017, chapter 284 (LD 390), which requires the State Controllor to make one payment of \$400,000 by June 30, 2018 and a second payment of \$400,000 by June 30, 2019 from the General Fund unappropriated surplus to the Finance Authority of Maine to be deposited in the Doctors for Maine's Future Scholarship Fund. To offset the funds deposited in the Doctor's For Maine's Future Scholarship Fund, Part LLLLLLL requires that \$320,000 from the Board of Licensure in Medicine's Other Special Revenue Funds account and \$80,000 from the Board of Osteopathic Licensure's Other Special Revenue Funds account be transferred to the General Fund unappropriate surplus by June 30, 2018 and that a second set of identical transfers be made by June 30, 2019.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 538 An Act To Allow Advanced Practice Registered Nurses Who Have Attained Certain Degrees To Use the Title of Doctor

Accepted Majority (ONTP) Report

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

This bill permits an advanced practice registered nurse who has attained a doctor of nursing practice degree to use the prefix "Doctor" or "Dr." as long as the suffix "DNP" follows the person's name and an advanced practice registered nurse who has attained a doctor of philosophy in nursing degree to use the prefix "Doctor" or "Dr." as long as the suffix "Ph.D." follows the person's name.

Committee Amendment "A" (H-50)

This amendment is the minority report of the committee and strikes and replaces the bill. The amendment retains the language of the bill, which allows an advanced practice register nurse to use the prefix "Doctor" or "Dr.," but moves the language to the existing statute that authorizes other licensed professionals to use the prefixes "Doctor" and "Dr."

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment was not adopted.

LD 554 An Act To Require Paid Parental Leave for Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O BELLOWS S	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to require employers to create a parental leave policy to provide certain full-time employees who become parents through child birth or adoption with additional flexibility and time to be with their new children, adjust to new family situations and balance professional obligations. Employees who are eligible under the federal Family and Medical Leave Act would be entitled to paid parental leave, with certain exceptions and restrictions.

LD 563 An Act To Protect Earned Pay

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MAKER J	OTP-AM ONTP	H-72

Under current law, a person who receives or is scheduled to receive remuneration in the form of vacation pay in excess of four weeks' wages or holiday pay is disqualified from receiving unemployment benefits for the week that remuneration is due. This bill removes those disqualifications.

Committee Amendment "A" (H-72)

This amendment is the majority report of the committee. It provides funds to the Department of Labor for the costs associated with updating the employment benefit system to reflect the changes made in the bill. The amendment also adds an appropriations and allocations section.

LD 572 An Act To Amend the Laws Governing the Practice of Pharmacy

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	ONTP OTP-AM	

This bill specifies that a "pharmacist" is a "provider of health care services" and that the "practice of pharmacy" is the "provision of health care services."

Committee Amendment "A" (S-124)

This amendment, which is the minority report of the committee, clarifies that the revisions to the definitions of "pharmacist" and "practice of pharmacy" in the bill are not intended to affect the definition of "health care provider" in other provisions of law, including the Maine Health Security Act.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 593 An Act To Update the Licensure Renewal Provision of the Board of
Licensure in Medicine**

PUBLIC 63

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

This bill eliminates the statutory requirement that the Board of Licensure in Medicine mail three separate written notices to each licensed physician whose license is about to expire or has expired and instead requires only that the board send one notice to each licensee at least 60 days prior to the license expiration date. In addition, the bill extends from 30 days to 90 days the time after license expiration during which an individual may submit to the board an application, renewal fee and late fee seeking reinstatement of the expired license.

Enacted Law Summary

Public Law 2017, chapter 63 eliminates the statutory requirement that the Board of Licensure in Medicine mail three separate written notices to each licensed physician whose license is about to expire or has expired and instead requires only that the board send one notice to each licensee at least 60 days prior to the license expiration date. In addition, Public Law 2017, c. 63 extends from 30 days to 90 days the time after license expiration during which an individual may submit to the board an application, renewal fee and late fee seeking reinstatement of the expired license.

**LD 612 An Act To Improve Vocational Rehabilitation under the Maine Workers'
Compensation Act of 1992**

PUBLIC 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R VOLK A	OTP-AM	H-44

This bill provides that if an employee is actively participating in a rehabilitation plan ordered by the Workers' Compensation Board or entered into voluntarily with the employer, there is a conclusive presumption that work is unavailable to the employee for as long as the employee continues to actively participate in employment rehabilitation, and during the employee's active participation in the rehabilitation plan, benefits must be paid to the employee.

Committee Amendment "A" (H-44)

This amendment replaces the bill. The amendment repeals the presumption in the workers' compensation laws that work is unavailable to an injured employee who is participating in employment rehabilitation. In place of the presumption, the amendment enacts a new provision that provides that an injured employee participating in employment rehabilitation has a right to benefits except under three circumstances in which benefits may be reduced: when the employee has returned to work with or received an increase in pay from the employer; when the employer has reduced benefits based on documented earnings of the employee; and when the employee has reached the durational limit of partial incapacity benefits.

Enacted Law Summary

Public Law 2017, chapter 53 repeals the presumption in the workers' compensation laws that work is unavailable to an injured employee who is participating in employment rehabilitation. In place of the presumption, it enacts a new provision that provides that an injured employee participating in employment rehabilitation has a right to benefits except under three circumstances in which benefits may be reduced: when the employee has returned to work with or received an increase in pay from the employer; when the employer has reduced benefits based on documented

Joint Standing Committee on Labor, Commerce, Research and Economic Development

earnings of the employee; and when the employee has reached the durational limit of partial incapacity benefits.

LD 613 An Act To Protect Job Applicants from Identity Theft Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY C	OTP-AM OTP-AM	H-117

This bill prohibits an employer from requesting a social security number from a prospective employee on an employment application or during the application process for employment. This bill does not apply to the intake of information for substance abuse testing or a preemployment background check or after the employee is hired as required for tax withholding and other necessary purposes.

Committee Amendment "A" (H-116)

This amendment is the majority report of the committee. It replaces the bill with language to clarify the intent to prohibit the request of a social security number from a prospective employee by an employer on an employment application or during the application process. An employer may still request a social security number from a prospective employee for purposes of a substance abuse test or preemployment background check. The amendment further clarifies that an employer is not prohibited from asking for a social security number from an individual for any reason after the individual has been hired.

This amendment was not adopted.

Committee Amendment "B" (H-117)

This amendment is the minority report of the committee. It replaces the bill with language to clarify that the existing law that prohibits a person, corporation or other entity from denying goods or services to a person who refuses to provide a social security number also applies to the denial of benefits, including, but not limited to, employment.

LD 614 An Act To Establish a Presumption of Heart Disease or Hypertension in ONTP
the Line of Duty for Corrections Officers under the Workers'
Compensation Laws

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

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, similar to the provisions presuming that cancer contracted by a firefighter was caused by exposure to carcinogens in the course of the firefighter's firefighting duties.

LD 615 Resolve, To Establish a Work Group To Update the Maine Pharmacy ONTP
Act

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

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill requires the Department of Professional and Financial Regulation, Maine Board of Pharmacy to convene a work group to propose updates to the Maine Pharmacy Act and submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. The joint standing committee may report out a bill concerning the report to the Second Regular Session of the 128th Legislature.

LD 656 An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J TIPPING R	OTP-AM ONTP	S-43

The bill provides a one-time appropriation of \$1,500,000 to the Maine Technology Institute to provide competitive grants for the development, production and marketing of bioplastics.

Committee Amendment "A" (S-43)

This amendment is the majority report of the committee. It specifies that the grants are for the development, production and marketing of biobased products.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 661 An Act Regarding the Chain of Custody in Crematories

PUBLIC 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM	S-60

This bill requires crematories to prepare signed and dated certificates of cremation certifying the identity of the human remains and to present this certificate to the funeral director or other authorized person. The bill further requires crematories to label the container containing human remains with the name of the person who was cremated.

Committee Amendment "A" (S-60)

This amendment:

1. Retains the requirement in the bill that crematories label the container containing cremated remains with the name of the deceased person;
2. Retains the requirement in the bill that crematories prepare a certificate of cremation in order to identify the remains that were cremated but allows crematories to rely on the funeral director or authorized person's identification of the remains prior to cremation; and
3. Requires, whenever cremated remains are buried in a public burying ground, that the person in charge of the public burying ground endorse and provide the date that the cremated remains were buried on the permit for final disposition issued by the State Registrar of Vital Statistics or the clerk of the municipality in which the public burial ground is located.

Enacted Law Summary

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Public Law 2017, chapter 101 requires, whenever cremated remains are buried in a public burying ground, that the person in charge of the public burying ground endorse and provide the date that the cremated remains were buried on the permit for final disposition issued by the State Registrar of Vital Statistics or the clerk of the municipality in which the public burial ground is located.

Public Law 2017, chapter 101 also requires crematories to prepare signed and dated certificates of cremation identifying the remains that were cremated and to label the container containing cremated remains with the name of the deceased person.

LD 669 An Act To Address the Unmet Workforce Needs of Employers and To CARRIED OVER
Improve the Economic Future of Workers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R PIERCE J		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact a comprehensive package of proposals designed to address the unmet workforce needs of employers and to improve the economic future of workers. These proposals may include, but are not limited to, proposals to:

1. Identify workforce needs;
2. Connect businesses with trained workers;
3. Maximize the benefits of educational assessment funding by focusing the funds on the students;
4. Provide incentives for educational institutions receiving state training funds to place graduates into the employment or school of the graduates' choice;
5. Strengthen the ability of the Maine Quality Centers, established in the Maine Revised Statutes, Title 20-A, section 12725, to fulfill their mission of meeting the workforce education and training needs of new and expanding businesses in the State and providing new employment and career advancement opportunities for Maine people;
6. Design diverse programs to meet the needs of Maine employers;
7. Prepare untrained workers to meet immediate and long-term needs;
8. Allow military training to count towards required training for certain certifications and licenses;
9. Establish a clearinghouse to connect workers with employers;
10. Identify educational programs necessary for specific types of employment and create a process to preemploy prospective workers while they are being trained;
11. Provide to people receiving public assistance the opportunity to permanently leave poverty behind by providing skills training that offers academic degrees, certifications or credentials and leads to employment with wages that can sustain families;
12. Establish workforce training programs targeted exclusively at individuals who are on public assistance or whose incomes meet certain criteria and provide transitional benefits including child care, health care, transportation

Joint Standing Committee on Labor, Commerce, Research and Economic Development

supports and educational supports;

13. Align Maine's system of learning results with technical skills for current employment needs, support technical courses in high schools and integrate those courses with the high school curriculum and identify for middle school and secondary school students career paths that include alternatives that do not require college educations;

14. Identify barriers to the reentry by older citizens into the workforce;

15. Establish a program to identify and eliminate unfavorable tax policies with respect to retirement income and pensions and tax policies that discourage older citizens and retirees from returning to the workforce; and

16. Promote education to allow seniors to develop new skills.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 673 An Act To Restore the Tip Credit to Maine's Minimum Wage Law

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HUBBELL B	OTP-AM ONTP	S-209 H-518 FECTEAU R

This bill eliminates the scheduled increases in the minimum wage applicable to service employees and starting January 1, 2018, establishes the tip credit in the minimum wage laws at 50% of the general minimum hourly wage.

Committee Amendment "A" (S-209)

This amendment keeps the provisions in the bill restoring the tip credit in the minimum wage laws, and it makes the following additional changes to current law.

1. It clarifies that for purposes of the tip credit, wages must be measured in the context of the seven-day work week.
2. It clarifies that an employer may not deduct any amount from employee tips charged to a credit card, including, but not limited to, service fees assessed to the employer in connection with the credit card transaction.
3. It adopts the current requirements in federal law, found at 29 Code of Federal Regulations, Section 531.54 and 29 Code of Federal Regulations, Section 531.59(b), requiring an employer to provide notice to employees affected by the employer's use of a tip credit and the employer's use of a tip pooling arrangement.

The amendment also adds an emergency preamble and clause.

House Amendment "A" To Committee Amendment "A" (H-518)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2017, chapter 272 eliminates the scheduled increases in the minimum wage applicable to service employees and starting January 1, 2018, establishes the tip credit in the minimum wage laws at 50% of the general minimum hourly wage.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

It also makes the following additional changes to current law.

1. It clarifies that for purposes of the tip credit, wages must be measured in the context of the seven-day work week.
2. It clarifies that an employer may not deduct any amount from employee tips charged to a credit card, including, but not limited to, service fees assessed to the employer in connection with the credit card transaction.
3. It adopts the current requirements in federal law, found at 29 Code of Federal Regulations, Section 531.54 and 29 Code of Federal Regulations, Section 531.59(b), requiring an employer to provide notice to employees affected by the employer's use of a tip credit and the employer's use of a tip pooling arrangement.

LD 699 An Act To Enact the Toxic Chemicals in the Workplace Act

Died Between
Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B GRATWICK G	OTP-AM ONTP	

This bill enacts the Toxic Chemicals in the Workplace Act to create a statutory and regulatory framework designed to prevent harm to employees by reducing exposure to highly toxic chemicals in the workplace and thereby decrease the rates of cancer and other chronic diseases in the State, improve workplace chemical management and safety and ensure safer workplaces and healthier communities.

This bill specifically:

1. Directs employers to identify highly toxic chemicals and directs the Department of Labor to publish lists of online resources that identify highly toxic chemicals;
2. Requires employers subject to the provisions of the Act to develop and implement a written alternative chemical work plan and designate a transition team to assist in transitioning from highly toxic chemicals in the workplace to safer alternatives;
3. Directs the transition team to inventory all chemicals in the workplace, both toxic and nontoxic, and determine which chemicals have been designated as highly toxic chemicals;
4. Requires the transition team to develop a priority ranking of all identified highly toxic chemicals, based on a number of criteria, to assist in determining which chemicals will be transitioned to safer alternatives;
5. Directs the transition team, as part of developing the priority ranking, to conduct for each highly toxic chemical an alternatives analysis that includes, among other things, a detailed financial analysis of the costs of substituting an alternative;
6. Requires the transition team to decide which alternatives to highly toxic chemicals are safer alternatives and which safer alternatives should be tested and evaluated for permanent transition. After testing and evaluation of selected safer alternatives, the employer, with the transition team, may elect to transition to a safer alternative on a permanent basis;
7. Requires an employer to contact chemical suppliers and manufacturers for possible safer alternatives and to implement a process for permanent transition to the safer alternatives. If the employer elects not to use safer alternatives, the employer must submit a report to the Department of Labor detailing the basis for not proceeding

Joint Standing Committee on Labor, Commerce, Research and Economic Development

with the transition to the safer alternatives;

- 8. Requires employers to complete self-audits for compliance with this Act;
- 9. Stipulates reporting and records retention requirements for the employer, as well as guidelines for access to information by employees and state agencies;
- 10. Requires annual employee training that follows the United States Department of Labor, Occupational Safety and Health Administration's globally harmonized system of classification and labeling of chemicals;
- 11. Requires the Department of Labor to enforce the provisions of the Act and authorizes the department to issue penalties for violations of the Act;
- 12. Requires the Department of Labor to adopt all rules necessary to implement the provisions of the Act;
- 13. Stipulates an effective date for the Act of September 1, 2018; and
- 14. Directs the Department of Labor, by January 1, 2018, to submit for legislative review major substantive rules related to the Act.

Committee Amendment "A" (H-135)

This amendment is the majority report of the committee. It replaces the bill with a resolve directing the Commissioner of Labor to convene a task force to develop procedures and guidelines to assist nonagricultural employers in implementing a program for the substitution of highly toxic and hazardous chemicals in the workplace. The commissioner must submit a report of the task force's findings and recommendations to the committee no later than December 15, 2017.

This amendment was not adopted.

LD 700 An Act To Give Flexibility to Employees and Employers for Temporary Layoffs CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W BELLOWS S		

This bill creates an exemption from the eligibility requirements for unemployment benefits dealing with work search for an individual otherwise eligible for unemployment benefits when that individual has been temporarily laid off with a definite recall date of not more than 12 weeks from the date of the individual's temporary layoff.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 701 An Act To Establish the Maine Paid Family Leave Insurance Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MILLETT R	ONTP	

This bill creates the Maine Paid Family Leave Insurance Program to provide wage-replacement benefits to persons who qualify for family medical leave. The program is funded by employee contributions and provides two-thirds of

Joint Standing Committee on Labor, Commerce, Research and Economic Development

a person's average weekly wage or 100% of the state average weekly wage, whichever is lower, for up to six weeks in any 12-month period. Employee contributions are collected on a sliding scale based on wages.

LD 702 An Act To Restore the Tip Credit to Maine Employees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S LANGLEY B	ONTP	

This bill restores the tip credit in the minimum wage laws.

LD 772 An Act To Ensure Transparency in Public Union Negotiations Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N BRAKEY E	ONTP OTP-AM	

This bill amends the Freedom of Access Act by making collective bargaining meetings between public employers and a collective bargaining unit conducted pursuant to the municipal public employees labor relations laws, the state employees labor relations laws or the judicial employees labor relations laws public proceedings under the Act and therefore subject to the open meeting and notice requirements of the Act.

Committee Amendment "A" (H-306)

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

This amendment was not adopted.

LD 774 An Act To Create a Training Wage ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J CUSHING A	ONTP	

This bill provides a minimum hourly training wage of \$1.00 above the federal minimum wage for a person who is 20 years of age or under and is a student at a secondary or postsecondary school.

LD 775 An Act To Prohibit the Minimum Wage from Exceeding the New England Average ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L KATZ R	ONTP	

This bill provides that the minimum wage may not exceed the average minimum wage paid in the New England states, as determined by the Commissioner of Labor.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 776 An Act To Promote Fairness for Rural Maine Residents by Regulating Fuel Prices ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MAKER J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to prevent large fluctuations based on geographical location in the retail price of gasoline and other motor fuel sold at service stations throughout the State. The bill proposes to prohibit a service station from charging more than a set amount for a gallon of motor fuel. The retail price per gallon would be determined weekly and would be based on the average cost of a gallon of that motor fuel for the State, as determined by the Governor's Energy Office, plus an allowance for transportation and staffing based on the geographical area in which the service station is located.

LD 777 An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease Accepted Majority (ONTP) Report

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

This bill amends the workers' compensation laws by adding a presumption that heart disease or hypertension suffered by a state or county corrections employee was caused in the course of that employment, as long as the employee had successfully passed a physical examination upon entry into or during the course of that employment that failed to reveal any evidence of that condition.

Committee Amendment "A" (H-81)

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

This amendment was not adopted.

LD 778 An Act To Eliminate the Indexing of the Minimum Wage to Inflation Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L DOW D	ONTP OTP-AM	

This bill eliminates the indexing of the minimum wage to inflation, which under current law is scheduled to begin on January 1, 2021.

Committee Amendment "A" (H-356)

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

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 801 An Act To Allow a Physical Therapist To Administer Certain
Coagulation Tests in a Patient's Home**

**PUBLIC 80
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D	OTP-AM	H-136

This bill authorizes a licensed physical therapist to perform finger stick blood testing in a person's home in order to collect a blood sample.

Committee Amendment "A" (H-136)

This amendment adds an emergency preamble and adds to the provisions of the bill by clarifying that a licensed physical therapist must communicate the results of a finger stick blood test to a health care practitioner, who will interpret the test results, determine whether a change is needed in the person's plan of care and make decisions with respect to medication adjustments.

Enacted Law Summary

Public Law 2017, chapter 80 authorizes a licensed physical therapist to perform finger stick blood testing in a person's home in order to collect a blood sample. The physical therapist must communicate the results of the blood test to a health care practitioner, who will interpret the test results, determine whether a change is needed in the person's plan of care and make decisions with respect to medication adjustments.

Public Law 2017, chapter 80 was enacted as an emergency measure effective May 26, 2017.

LD 810 An Act To Allow Funeral Homes To Own and Operate Crematories

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J STEWART H	ONTP	

This bill authorizes funeral establishments to own and operate crematories and exempts these funeral-establishment-owned crematories from the law prohibiting operating a crematory on a for-profit basis. The bill also exempts funeral-establishment-owned crematories from the law requiring crematories to be located within cemeteries and instead requires only that these crematories meet state and municipal zoning and environmental standards.

**LD 811 An Act Regarding Continuing Education for Persons Engaged in the
Practice of Funeral Service**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J STEWART H	ONTP	

This bill allows persons licensed by the Maine State Board of Funeral Service to meet the biennial 12-hour continuing education requirement in whole or in part through approved programs or courses that are conducted online.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 831 An Act To Base the Minimum Wage on a New England State Average
and To Restore the Tip Credit**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D SIROCKI H	ONTP OTP-AM	

This bill provides that starting January 1, 2018 the minimum hourly wage is the average minimum hourly wage in the New England states of New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island on July 1st of the previous year, as determined annually by the Commissioner of Labor. It also restores the tip credit starting January 1, 2018.

Committee Amendment "A" (S-210)

This amendment is the minority report of the committee. It replaces the title and the bill and provides that the minimum wage may not exceed the average minimum wage paid in the New England states, as determined by the Commissioner of Labor.

This amendment was not adopted.

**LD 848 An Act To Support Law Enforcement Officers and First Responders
Diagnosed with Post-traumatic Stress Disorder**

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J VOLK A	OTP-AM	H-448

This bill establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter, corrections officer or emergency medical services worker is diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist as having post-traumatic stress disorder, the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment.

Committee Amendment "A" (H-448)

This amendment changes the rebuttable presumption in the workers' compensation laws created by the bill by requiring that a psychiatrist or psychologist must diagnose the employee as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The amendment also eliminates corrections officers from the classes of employees that are eligible for the presumption. This amendment directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022, analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report. This amendment also repeals the new rebuttable presumption October 1, 2022, and adds a mandate preamble.

Enacted Law Summary

Public Law 2017, chapter 294 establishes a rebuttable presumption under the laws governing workers' compensation that when a law enforcement officer, firefighter or emergency medical services worker is diagnosed by a psychiatrist

Joint Standing Committee on Labor, Commerce, Research and Economic Development

or psychologist as having post-traumatic stress disorder resulting from work stress that was extraordinary and unusual and that the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder. The rebuttable presumption is repealed October 1, 2022.

This law also directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022, analyzing the number of claims brought as a result of the provisions of the bill, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of the bill on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.

LD 872 An Act To Establish Requirements Related to the Practice of Dry Needling ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R LANGLEY B	ONTP	

This bill specifies that licensed physical therapists may use dry needling in accordance with rules adopted by the Board of Examiners in Physical Therapy that require, at a minimum, that these physical therapists: possess a doctoral degree in physical therapy; complete a minimum of 120 classroom hours in dry needling theory and techniques; complete a minimum of 80 hours of clinical instruction in dry needling; complete infection control instruction; and register as biomedical waste generators. The bill also prohibits a licensed physical therapist from professing to practice acupuncture unless the therapist holds an acupuncturist license from the Board of Complementary Health Care Providers.

LD 873 An Act To Adopt Tiny House Standards in the Maine Uniform Building and Energy Code Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D		

This bill requires the Technical Building Codes and Standards Board to ensure that tiny house construction is permissible under the Maine Uniform Building and Energy Code. The bill also requires that the Technical Building Codes and Standards Board adopt standards for tiny house construction consistent with the Tiny House Appendix to the International Residential Code, as approved by the International Code Council in December 2016.

LD 884 An Act To Exempt Small Bottlers from the Bottling Plant Requirements ONTP

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

This bill exempts beverage plants that bottle no more than 10,000 gallons of beverages per year from the law imposing specific sanitation, machinery and equipment requirements on beverage plants that prepare, manufacture

Joint Standing Committee on Labor, Commerce, Research and Economic Development

and bottle non-alcoholic drinks.

LD 911 An Act To Prohibit Certain Gifts to Health Care Practitioners

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S GRATWICK G	OTP-AM	H-481

This bill amends the Maine Pharmacy Act to prohibit a person engaged in the manufacture of prescription drugs or a person who buys prescription drugs for resale and distribution to persons other than consumers from giving a gift to an individual who is licensed, registered or otherwise authorized in the appropriate jurisdiction to prescribe and administer drugs in the course of that individual's professional practice. As defined in the bill, "gift" does not include samples of prescription drugs to be given to patients for free, items with a total value of less than \$50 over a calendar year, payments to sponsors of educational programs, honoraria and payments of expenses incurred at an educational conference or meeting, compensation for genuine research projects, publications or educational materials and salaries or other benefits paid to employees.

Committee Amendment "A" (H-481)

This amendment strikes and replaces the bill. The amendment prohibits a licensed manufacturer or wholesaler of prescription drugs, or an agent of a licensed manufacturer or wholesaler of prescription drugs, from giving or offering to give gifts to an individual who is licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

The amendment contains three exceptions to this prohibition, allowing a licensed manufacturer or wholesaler of prescription drugs to give:

1. Noncash gifts of minimal value that will directly benefit the prescriber's patients;
2. Funding to support the participation of health care students, residents and fellows in professional and educational meetings; and
3. Reasonable honoraria and payment for reasonable expenses of a practitioner at a professional or educational conference or meeting.

Enacted Law Summary

Public Law 2017, chapter 267 prohibits a licensed manufacturer or wholesaler of prescription drugs, or an agent of a licensed manufacturer or wholesaler of prescription drugs, from giving or offering to give gifts to an individual who is licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

Public Law 2017, chapter 267 also contains three exceptions to this prohibition, allowing a licensed manufacturer or wholesaler of prescription drugs to give:

1. Noncash gifts of minimal value that will directly benefit the prescriber's patients;
2. Funding to support the participation of health care students, residents and fellows in professional and educational meetings; and
3. Reasonable honoraria and payment for reasonable expenses of a practitioner at a professional or educational conference or meeting.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 912 An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BRAKEY E		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the current law to establish that practices or treatments that seek to change an individual's sexual orientation or gender identity are prohibited for certain professionals licensed under the Maine Revised Statutes, Title 32 and to establish penalties for that conduct.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 913 An Act Regarding Workers' Compensation Insurance Rates for Small Businesses ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P HAMPER J	ONTP	

This bill charges the Superintendent of Insurance with developing a modification factor to reduce the workers' compensation insurance rates for employers with fewer than 50 employees based on an assessment of the relative risk to the insurer and the relative cost burden of the insurance on such small business employers. The small business employer modification factor applies to workers' compensation insurance policies issued or renewed on or after January 1, 2018.

LD 927 An Act To Establish a Presumption of Impairment of Health in the Line of Duty for Corrections Employees under the Workers' Compensation Laws ONTP

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

This bill amends the workers' compensation laws by adding a presumption that a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of a corrections employee is presumed to have been suffered in the line of duty, unless the contrary is shown by competent evidence.

LD 942 An Act To Prohibit a Prospective Employer from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BREEN C	ONTP	

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill prohibits an employer from inquiring about a prospective employee's prior compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. The bill also prohibits an employer from requiring that a prospective employee's prior compensation history meet certain criteria. An employer that violates this law is subject to a fine of not less than \$100 and not more than \$500 per violation and is also subject to a civil right of action that may be brought by or on behalf of an affected prospective employee by the Department of Labor or the affected employee.

LD 943 An Act Regarding the Cancellation of Subscription Services

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M BELLOWS S	OTP ONTP	

This bill requires a business that makes an automatic renewal subscription offer of an online magazine, journal or periodical, online media player, mobile app, social networking service or Internet game service to present a consumer in this State with an easily accessible disclosure of the methods that consumer may use to cancel the subscription, which must include online cancellation.

The bill only applies to agreements entered into or renewed after January 1, 2018, and does not apply to an entity that provides the host platform on the website of an Internet game service.

LD 944 An Act To Prohibit the State from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DESCHAMBAULT S	ONTP	

This bill prohibits the State, as an employer, from inquiring about a prospective employee's prior compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. The bill also prohibits the State from requiring that a prospective employee's prior compensation history meet certain criteria. A state government entity that violates this law is subject to a fine of not less than \$100 and not more than \$500 per intentional violation.

LD 954 An Act To Make Certain Contraception Available over the Counter

ONTP

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

This bill authorizes pharmacists to prescribe and dispense hormonal contraceptive patches and self-administered oral hormonal contraceptives to a person who has evidence of a previous prescription from a practitioner for a hormonal contraceptive patch or self-administered oral hormonal contraceptive.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 958 An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	REFERRED TO LCED	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to adopt a law that is based on the Uniform Emergency Volunteer Health Practitioners Act, a copy of the text of which may be found here:

<http://legislature.maine.gov/uploads/originals/uniform-emergency-volunteer-health-practitioners-act.pdf>. In addition to any substantive changes to the uniform act that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the law recommended by the National Conference of Commissioners on Uniform State Laws will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

This bill was originally referred to the Health and Human Services Committee, which reported the bill with a recommendation that it be re-referred to the Labor, Commerce Research and Economic Development Committee; the bill was so referred. This bill was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 962 An Act Regarding Unemployment Compensation for Workers Involved in Certain Seasonal Occupations ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HERBIG E	ONTP	

This bill amends the unemployment compensation laws to provide that an individual who works in the construction industry has worked for at least 20 weeks in the 12 months prior to making a claim for benefits and has a date to return to work for a previous employer is not required to engage in work search efforts. It also provides that an individual who works in the logging industry is not required to engage in work search efforts from April 1st to June 1st.

LD 970 An Act To End Homelessness by Expanding Housing Support Services Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DION M	OTP-AM ONTP	H-209 S-330 HAMPER J

This bill establishes the Housing First Assistance Program. The program is established in and administered by the Maine State Housing Authority. The authority is required to work with emergency shelters and other crisis responders in the neediest areas of the State to provide permanent housing and support services for chronically homeless individuals and families and to homeless individuals addicted to opiates. The program must meet the core elements for a "Housing First" program as delineated by the United States Interagency Council on Homelessness, including not disqualifying or evicting a resident due to alcohol or substance abuse, a criminal record, poor financial history or lack of an income. The authority may contract with outside entities to operate the housing units and award grants to those entities under a competitive bid process.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill provides ongoing funding necessary to fund 30 housing units and provide support services at those units for chronically homeless individuals including opiate-addicted homeless individuals.

Committee Amendment "A" (H-209)

This amendment, which is the majority report of the committee, reduces the funding for the Housing First Assistance Program established in the bill from \$675,000 to \$300,000 per fiscal year.

Senate Amendment "A" To Committee Amendment "A" (S-330)

This amendment eliminates the General Fund appropriation of \$300,000 per year beginning in fiscal year 2017-18 to a newly created Housing First Assistance Program within the Maine State Housing Authority.

This amendment provides a one-time Other Special Revenue Funds allocation of \$300,000 in fiscal year 2017-18 to the Housing First Assistance Program, Other Special Revenue Funds account within the Maine State Housing Authority by transferring \$300,000 of revenue in fiscal year 2017-18 from the real estate transfer tax that would otherwise be deposited into the Housing Opportunity for Maine Fund within the Maine State Housing Authority.

LD 971 An Act To Exempt Certain Employees from the Minimum Wage Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H WOODSOME D	ONTP	

This bill exempts from the minimum wage laws an employee who has not attained 18 years of age, is claimed as a dependent on the income tax return of another person or is employed by a seasonal employer.

LD 984 An Act To Separate the Authorities under the Licenses for Property and Casualty Insurance Adjusters and Workers' Compensation Insurance Adjusters PUBLIC 152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R PICCHIOTTI J	OTP-AM	S-149

This bill separates the authorities under the licenses for property and casualty insurance adjusters and workers' compensation insurance adjusters, beginning October 1, 2017.

Committee Amendment "A" (S-149)

This amendment replaces the bill. It separates the authorities under the licenses for property and casualty insurance adjusters and workers' compensation insurance adjusters, beginning January 1, 2018. It removes the five-year experience requirement in the bill for property and casualty insurance adjusters to be deemed workers' compensation insurance adjusters and provides that those individuals licensed as property and casualty insurance adjusters on January 1, 2018, will be granted both property and casualty and workers' compensation authorities. This amendment also extends the exemption in current law applicable to licensure for property and casualty insurance adjusters who are employees of insurers to include workers' compensation insurance adjusters.

Enacted Law Summary

Public Law 2017, chapter 152 separates the authorities under the licenses for property and casualty insurance adjusters and workers' compensation insurance adjusters, beginning January 1, 2018. It removes the five-year

Joint Standing Committee on Labor, Commerce, Research and Economic Development

experience requirement in the bill for property and casualty insurance adjusters to be deemed workers' compensation insurance adjusters and provides that those individuals licensed as property and casualty insurance adjusters on January 1, 2018, will be granted both property and casualty and workers' compensation authorities. It also extends the exemption in current law applicable to licensure for property and casualty insurance adjusters who are employees of insurers to include workers' compensation insurance adjusters.

LD 985 An Act To Promote Medical Care for Visiting Athletic Teams

PUBLIC 119

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C FECTEAU R	OTP-AM	S-71

This bill allows a physician who holds a license to practice allopathic or osteopathic medicine in another state who accompanies an athletic team from that other state to provide medical services to members and supporting personnel of the team without a license from this State but restricts the person from providing medical services in a health care facility in the State.

Committee Amendment "A" (S-71)

This amendment clarifies that the bill applies to a physician accompanying an athletic team while the team is traveling to or from or is participating in a sporting event in this State.

Enacted Law Summary

Public Law 2017, chapter 119 allows a physician who holds a license to practice allopathic or osteopathic medicine in another state who accompanies an athletic team from that other state to provide medical services to members and supporting personnel of the team without a license from this State. This authority applies while the team is traveling to or from or is participating in a sporting event in this State and as long as those medical services are not provided within a health care facility.

LD 991 An Act To Establish a Minimum Wage for Minors

Died Between Houses

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

This bill establishes a minimum hourly wage for minors that is 75% of the general minimum hourly wage.

Committee Amendment "B" (S-249)

This amendment is the minority report of the committee. It changes the amount in the bill that an employer may pay a person who is under 18 years of age to a minimum hourly wage that is 80% of the minimum hourly wage instead of 75% as proposed in the bill.

This amendment was not adopted.

Committee Amendment "A" (S-248)

This amendment is the majority report of the committee. It strikes the bill and makes a number of changes relating to the employment of minors, including the following.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

1. It prohibits all employment for minors under 14, except for agricultural employment in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances. It maintains an exception for employment in a business solely owned by the minor's parents, as long as it is not hazardous employment prohibited under Department of Labor rules or federal law.
2. It adds establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient and recreational marijuana social clubs to the list of employment and occupations not suitable for minors that the Department of Labor must prohibit by rulemaking.
3. It changes the laws relating to minors 14 and 15 years of age to allow them to work in bowling alleys and movie theaters and to clarify their employment in bakeries, hotels and rooming houses.
4. It moves the occupational restrictions for minors 16 and 17 years of age to the section with occupational restrictions for minors 14 and 15 years of age.
5. It clarifies that graduates of vocational, career and technical or cooperative education programs approved by the Department of Education who are under 18 years of age can work in the occupations for which they were trained.
6. It updates a provision regarding work permits for minors by deleting language dealing with triplicate permits and a master permit system, allowing for use of electronic permit submission and approval and changing the approval of the permit form from approval by the Attorney General to approval by the Office of the Attorney General.
7. It grants the Department of Labor, Bureau of Labor Standards authority to revoke a work permit for violations of the laws regarding employment of minors.
8. It directs the Department of Labor to study the potential effects of implementing a lower minimum wage applicable to minors under 18 years of age and to report back to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with the department's findings by January 15, 2018.

This amendment was not adopted.

LD 1004 An Act To Increase Reporting on Wage and Hour Violations

PUBLIC 268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J MIRAMANT D	OTP-AM	H-389

This bill amends the law regarding employment practices by increasing the fine for a violation of certain state wage and benefits laws to \$500 for the first violation and \$2,500 for each subsequent violation and by providing a private right of action for a person aggrieved of such a violation.

Committee Amendment "A" (H-389)

This amendment replaces the bill. It requires the Department of Labor to issue an annual report to the joint standing committee of the Legislature having jurisdiction over labor matters concerning complaints received by the department regarding violations of state wage and hour laws that resulted in final action by the department.

Enacted Law Summary

Public Law 2017, chapter 268 requires the Department of Labor to issue an annual report to the joint standing committee of the Legislature having jurisdiction over labor matters concerning complaints received by the department regarding violations of state wage and hour laws that resulted in final action by the department.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1005 An Act Regarding Minimum Wage Increases

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H VOLK A	ONTP	

This bill eliminates the \$1 per hour increases in the minimum wage scheduled for each of the next three years and eliminates increases in the minimum wage based on the increase in the cost of living starting in 2021. It also restores the tip credit to the minimum wage laws.

LD 1006 An Act Regarding Housing Insecurity of Older Citizens

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-210

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a statewide commission to study housing insecurity in the context of aging in place. The commission created under this bill would be tasked with exploring:

1. The long-term implications associated with the State's aging population;
2. The status of available affordable housing options in the State;
3. The availability of weatherization and repair programs that would allow older individuals to remain in their homes;
4. Various models of affordable and appropriate housing opportunities for older citizens that are in place in other states; and
5. The establishment of a statewide program facilitating the building for older persons of small accessory dwelling units that are located on the same grounds as, or attached to, a primary residence belonging to a family member of the older person.

Committee Amendment "A" (H-210)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft. This amendment establishes the Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly residents of the State as well as the financial burden of home modifications and repairs necessary to enable the State's elderly residents to remain in their homes. The council is directed to make recommendations to the director of the Maine State Housing Authority for the development by January 1, 2023, of a strategic housing plan enabling elderly residents of the State to live in affordable, safe housing as they age. The director is directed to report to the joint standing committee of the Legislature having jurisdiction over housing matters on the development or implementation of the strategic housing plan by March 15th of the first regular session of each Legislature. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1036 Resolve, To Study Repeal of Occupational Licensing Requirements for Certain Occupations ONTP

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

This resolve directs the Department of Professional and Financial Regulation to submit a report with proposed legislation to remove licensing requirements for 24 specific occupations to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2017. The committee is authorized to report out a bill related to the department's recommendations to the Second Regular Session of the 128th Legislature.

LD 1037 An Act To Provide for the 2017 and 2018 Allocations of the State Ceiling on Private Activity Bonds P & S 5 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP-AM	S-44

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2017 and 2018 among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-44)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2017, chapter 5 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2017 and 2018 among the state-level issuers of tax-exempt bonds.

Private and Special Law 2017, chapter 5 was enacted as an emergency measure effective May 12, 2017.

LD 1056 An Act To Protect Homeowners from Workers' Compensation Claims ONTP

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

This bill requires that an insurer that is authorized to provide basic property and casualty insurance in this State provide, in connection with that insurance, workers' compensation insurance that covers any domestic worker of the insured.

LD 1072 An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM	S-129

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill amends the laws regarding dealers in secondhand precious metals by:

1. Including palladium and platinum as precious metals subject to regulation;
2. Allowing a dealer to take one digital photograph of all the items in a transaction, instead of one digital photograph for each item;
3. Eliminating the requirement that a dealer maintain a record of the consideration paid to a seller for an item of precious metals;
4. Reducing from 15 days to five business days the amount of time a dealer must wait before selling or altering an item of precious metals received by the dealer;
5. Removing a reference to an electronic database designed to catalog stolen property; and
6. Requiring a dealer to register as a precious metals dealer with the municipality in which the dealer will conduct business, instead of requiring the dealer to obtain a permit issued by the municipality.

Committee Amendment "A" (S-129)

This amendment, which is the unanimous report of the committee, eliminates the portion of the bill that reduces the amount of time a dealer must wait before selling or altering an item containing precious metals received by the dealer. The amendment also limits the number and type of items containing precious metals that may be grouped together in one digital photograph. The amendment also allows municipalities to continue issuing permits for dealers rather than registering dealers if they choose to do so.

Enacted Law Summary

Public Law 2017, chapter 126 amends the laws regarding dealers in secondhand precious metals by:

1. Including palladium and platinum as precious metals subject to regulation;
2. Allowing a dealer to take digital photographs of groups of up to five substantially similar items in a transaction, instead of one digital photograph for each item;
3. Eliminating the requirement that a dealer maintain a record of the consideration paid to a seller for an item of precious metals; and
4. Requiring a dealer either to register as a precious metals dealer with the municipality in which the dealer will conduct business or, if required by the municipality, to obtain a permit issued by the municipality in which the dealer will conduct business.

**LD 1085 An Act To Amend the Requirements for Licensure as an Independent
Practice Dental Hygienist**

**PUBLIC 139
EMERGENCY**

Sponsor(s)
RYKERSON D

Committee Report
OTP-AM

Amendments Adopted
H-119

This bill removes the time restriction within which an applicant for independent practice dental hygienist authority must have completed his or her 2,000 hours of clinical practice (if applicant possesses an bachelor's degree) or 5,000 hours of clinical practice (if applicant possesses an associate degree). The bill also creates an alternative pathway, allowing a dental hygienist who has engaged in at least five years of full-time or part-time clinical practice

Joint Standing Committee on Labor, Commerce, Research and Economic Development

while under the supervision of a dentist to apply for independent practice dental hygienist authority.

Committee Amendment "A" (H-119)

This amendment adds an emergency preamble and emergency clause to the bill and requires all applicants for independent practice dental hygienist authority to complete 2,000 hours of clinical practice. This amendment also removes the timeframe in which those clinical practice hours must be obtained and removes the distinction in current law between applicants with a bachelor's degree in dental hygiene and applicants with an associate degree in dental hygiene.

Enacted Law Summary

Public Law 2017, chapter 139 requires all applicants for independent practice dental hygienist authority to complete 2,000 hours of clinical practice, regardless of whether the applicant holds a bachelor's degree in dental hygiene or an associate degree in dental hygiene. It also removes the timeframe prior to filing an application in which these 2,000 hours of clinical practice must have been obtained.

Public Law 2017, chapter 139 was enacted as an emergency measure effective June 7, 2017.

LD 1088 An Act To Require That Employees Be Informed of Potential Eligibility for the Earned Income Tax Credit Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E POULIOT M	OTP-AM ONTP	

This bill requires the Department of Labor, Bureau of Labor Standards to provide a poster or notice to employers that states that employees may be eligible for the earned income tax credit. This bill requires employers to post the poster or notice in a place that is accessible to the employer's employees.

Committee Amendment "A" (S-125)

This amendment is the majority report of the committee. It replaces the bill with a requirement that the Department of Labor, Bureau of Labor Standards publish the maximum income eligibility amount for the earned income tax credit under the Maine Revised Statutes, Title 36, section 5219-S for the most current calendar year and provide employers a notice regarding the state and federal earned income tax credit. An employer, in turn, must provide this notice to all employees who may be eligible for the earned income tax credit. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1116 An Act To Improve the Unemployment Compensation System INDEF PP

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

This bill was not referred to committee.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to change the Employment Security Law to make improvements to the unemployment

Joint Standing Committee on Labor, Commerce, Research and Economic Development

compensation system to ensure the accumulation of funds is adequate to pay benefits during periods of unemployment, the highest skills of unemployed workers are used and the serious social consequences of unemployment are limited.

LD 1117 *Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage*

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T PARKER J	OTP-AM ONTP	

This resolve establishes the Commission To Study the Phase-out of the Subminimum Wage for the purpose of determining the effect of the law that requires the minimum cash wage paid to a tipped service employee to be increased by \$1 each year until it reaches the same amount as the minimum wage.

Committee Amendment "A" (S-190)

This amendment is the majority report of the committee. It changes the provision in the resolve regarding staffing for the Commission To Study the Phase-out of Subminimum Wage. Instead of the Legislative Council providing all staffing for the commission, the Legislative Council is only authorized to provide staffing when the Legislature is not in session. The Legislative Council is authorized to contract for necessary staff support when the Legislature is in session. This amendment also provides funds for the operating costs of the commission and for contracted staff support.

This amendment was not adopted.

LD 1140 *An Act To Preserve the Economic Viability of Maine's Historic Properties*

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S LIBBY N	OTP-AM ONTP	

This bill provides that if a historic property occupied by a business is found to be out of compliance with the Maine Uniform Building and Energy Code or the fire safety codes during an inspection, the property must only meet the standards of the version of the relevant code adopted most recently after the business first received its license. The property owner must incrementally improve the property to meet the next subsequent version of the applicable code over each three-year period after the inspection until the property satisfies current code standards. The bill defines "historic property" as a property listed on the National Register of Historic Places or designated as a historic property by a certified municipal historic preservation ordinance.

Committee Amendment "A" (H-345)

This amendment, which is the majority report of the committee, replaces the bill and authorizes the owner of a historic property being operated as a lodging place to appeal the decision of a municipal inspection officer that the property does not meet the standards of the fire and life safety codes adopted by the Commissioner of Public Safety or a provision in locally adopted fire and life safety codes that is identical to a provision in the fire and life safety codes adopted by the commissioner within 30 days. The appeal must be submitted in writing to the Office of the State Fire Marshal. If an informal hearing is requested, it must be conducted within 30 days and may be held at the site of the affected property. The Office of the State Fire Marshal must issue a written decision within 30 days of the appeal or hearing, whichever is later, explaining the reasons for affirming or reversing the municipal

Joint Standing Committee on Labor, Commerce, Research and Economic Development

enforcement decision. The decision of the Office of the State Fire Marshal constitutes final agency action and may be appealed to the Superior Court. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1152 An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O CHENETTE J	ONTP	

This bill requires each board, commission, office and agency under the oversight of or affiliated with the Department of Professional and Financial Regulation to adopt a process allowing a work-authorized immigrant who possesses a professional license in another state or country to obtain a time-limited license by endorsement or a temporary license while participating in an education program designed to meet the qualifications for professional licensure in this State.

LD 1155 An Act To Improve the Lives of Working Families ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to develop and implement methods of improving the lives of income-earning households in the State.

LD 1159 An Act To Support Healthy Workplaces and Healthy Families by Providing Paid Sick Leave to Certain Employees Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R FECTEAU R	OTP-AM ONTP	

This bill creates a right to paid sick leave for employees not covered by a collective bargaining agreement who are employed by an employer that employs 50 or more employees. It also creates a right to unpaid sick leave for employees of an employer that employs fewer than 50 employees. This bill takes effect January 1, 2019.

Committee Amendment "A" (S-126)

This amendment is the majority report of the committee. It amends the bill by allowing an employer to satisfy the requirement to offer paid sick leave or unpaid sick leave by offering leave that may be used by the employee for either sick leave or vacation time, as long as that leave accrues at the same rate. The amendment clarifies that accrued sick leave provided in accordance with this bill is not considered wages that would be due to an employee after leaving employment with the employer. It also changes the type of rules the Department of Labor is authorized to adopt in order to implement and enforce the bill from routine technical to major substantive. The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment was not adopted.

LD 1165 An Act To Amend the Laws Regarding Licensure for Professional Engineers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	ONTP	

This bill makes technical and substantive changes to the laws regarding licensure for professional engineers, including:

1. Amending the definition of the "technology accreditation commission," which accredits education programs, to provide that it is an engineering technology accreditation commission;
2. Replacing provisions that exempt from licensure nonresidents licensed in another state who have applied for a Maine license or who practice no more than 30 days per calendar year in Maine with a provision permitting these individuals to obtain a temporary Maine license;
3. Updating references to codes and standards governing the design of minor construction;
4. Removing the requirement that licensees complete 30 hours of continuing professional education biennially;
5. Requiring the State Board of Licensure for Professional Engineers to post the roster of active licensed professional engineers on its publicly accessible website;
6. Allowing the board to grant licenses to applicants licensed in another state or foreign country with substantially equivalent licensure qualifications; if the applicant has been licensed for at least 10 years and not subject to disciplinary action, other licensure qualifications may be waived by the board; and
7. Removing the requirement for four years of engineering work experience prior to taking the national examination on the principles and practices of engineering as well as the requirement that individuals who fail the exam three times must, before sitting for the examination, reapply and provide proof of further experience or study.

LD 1166 An Act Regarding Anesthesia Care in Rural Maine PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A FECTEAU R	OTP-AM	S-108

This bill permits certified registered nurse anesthetists (CRNAs) in critical access hospitals and hospitals located in rural areas, when authorized by the facility and under rules to be adopted by the State Board of Nursing, to engage in the following activities without being supervised by a licensed physician or dentist:

1. Formulate and implement a patient-specific plan of anesthesia care, including by conducting a preanesthetic assessment; verifying informed consent; and ordering appropriate pre-operative and post-operative lab tests and diagnostic imaging tests; and
2. Order and prescribe post-operative prescription drugs, except that a CRNA may only prescribe drugs on DEA Schedules III, IIIN, IV and V if the CRNA has established a client or patient record at the time of the prescription

Joint Standing Committee on Labor, Commerce, Research and Economic Development

and prescribes no more than a four-day supply of the drug with no refills.

Committee Amendment "A" (S-108)

This amendment allocates to the Maine Revised Statutes the language in the bill granting rulemaking authority to the State Board of Nursing.

Enacted Law Summary

Public Law 2017, chapter 188 permits certified registered nurse anesthetists (CRNAs) in critical access hospitals and hospitals located in rural areas, when authorized by the facility and under rules to be adopted by the State Board of Nursing, to engage in the following activities without being supervised by a licensed physician or dentist:

1. Formulate and implement a patient-specific plan of anesthesia care, including by conducting a preanesthetic assessment; verifying informed consent; and ordering appropriate pre-operative and post-operative lab tests and diagnostic imaging tests; and
2. Order and prescribe post-operative prescription drugs, except that a CRNA may only prescribe drugs on DEA Schedules III, IIIN, IV and V if the CRNA has established a client or patient record at the time of the prescription and prescribes no more than a four-day supply of the drug with no refills.

LD 1200 An Act Relating to the Licensure of Physicians

PUBLIC 189

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-206

This bill specifies that nothing in the chapters of law governing the licensure of osteopathic and allopathic physicians may be construed to require a maintenance of certification as a condition of licensure, reimbursement, employment or admitting privileges at a hospital in Maine. The bill defines "maintenance of certification" as a process, subsequent to initial board certification, that requires periodic recertification examinations to maintain specialty medical board certification.

Committee Amendment "A" (H-206)

This amendment prohibits the Board of Osteopathic Licensure and the Board of Licensure in Medicine from requiring a physician to obtain osteopathic continuous certification or maintenance of certification from a specialty medical board as a condition of initial licensure or license renewal. This amendment removes the provisions of the bill related to physician reimbursement, physician employment and hospital admitting privileges.

Enacted Law Summary

Public Law 2017, chapter 189 prohibits the Board of Osteopathic Licensure and the Board of Licensure in Medicine from requiring a physician to obtain osteopathic continuous certification or maintenance of certification from a specialty medical board as a condition of initial licensure or license renewal.

LD 1217 An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-445

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill was reported by the Government Oversight Committee pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2. It implements a number of changes around the requirements in current law requiring the Department of Economic and Community Development to conduct an independent evaluation of research and development activities and a separate evaluation of economic development incentives that are not covered in the research and development evaluation. This bill combines the statutory provisions related to both these evaluations into a requirement for conducting and funding one independent evaluation that encompasses both. The bill changes the required cycle for evaluation from every two years, with results reported to the Legislature during second regular sessions, to every four years, with results reported to the Legislature during first regular sessions. This bill also establishes the objectives for the evaluation and ties those objectives and any recommendations made to the State's long-term economic plan developed by the Maine Economic Growth Council pursuant to the Maine Revised Statutes, Title 10, section 929-A, subsection 1.

The bill requires the Commissioner of Economic and Community Development to present the results of the evaluation to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, and to report to the committee and the Governor on actions planned by the department and other entities to address the recommendations made in the evaluation with periodic updates on the implantation of the planned actions. It requires a recipient of state funding for research and development activities or economic development incentives, including General Fund appropriations, dedicated revenue, tax expenditures and general obligation bond proceeds for economic development, to collect, maintain and provide data as requested by the Department of Economic and Community Development. Similar to the current payments required of agencies and private entities that receive more than \$250,000 in economic development incentives, the bill also adds a requirement for agencies or private entities that receive General Fund appropriations or general obligation bonds of \$500,000 or more for research and development activities in any fiscal year to contribute an amount not to exceed 0.8% of the General Fund appropriations or general obligation bond proceeds to be applied to the Maine Economic Development Evaluation Fund.

Committee Amendment "A" (H-445)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 264 implements a number of changes around the requirements in current law requiring the Department of Economic and Community Development to conduct an independent evaluation of research and development activities and a separate evaluation of economic development incentives that are not covered in the research and development evaluation. This law combines the statutory provisions related to both these evaluations into a requirement for conducting and funding one independent evaluation that encompasses both. The law changes the required cycle for evaluation from every two years, with results reported to the Legislature during second regular sessions, to every four years, with results reported to the Legislature during first regular sessions. It also establishes the objectives for the evaluation and ties those objectives and any recommendations made to the State's long-term economic plan developed by the Maine Economic Growth Council pursuant to the Maine Revised Statutes, Title 10, section 929-A, subsection 1.

The law requires the Commissioner of Economic and Community Development to present the results of the evaluation to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters, and to report to the committee and the Governor on actions planned by the department and other entities to address the recommendations made in the evaluation with periodic updates on the implantation of the planned actions. It requires a recipient of state funding for research and development activities or economic development incentives, including General Fund appropriations, dedicated revenue, tax expenditures and general obligation bond proceeds for economic development, to collect, maintain and provide data as requested by the Department of Economic and Community Development. Similar to the current payments required of agencies and private entities that receive more than \$250,000 in economic development incentives, this law also adds a requirement for agencies or private entities that receive General Fund appropriations or general obligation

Joint Standing Committee on Labor, Commerce, Research and Economic Development

bonds of \$500,000 or more for research and development activities in any fiscal year to contribute an amount not to exceed 0.8% of the General Fund appropriations or general obligation bond proceeds to be applied to the Maine Economic Development Evaluation Fund.

LD 1222 An Act To Address the Policies Relating to Substance Use in the Workplace

Died Between Houses

Sponsor(s)
CUSHING A
GUERIN S

Committee Report

Amendments Adopted

This bill was not referred to committee.

This bill makes changes to the laws governing employment practices concerning substance abuse testing, including the following.

1. It replaces the phrase "substance abuse test" and "substance abuse testing" with "substance use test" and "substance use testing" to reflect current usage.
2. It repeals a section of law that addresses nuclear power plants since there are no operating nuclear power plants in this State.
3. It authorizes an employer that has employees subject to a federally mandated substance use testing program to extend federal drug testing activities to its entire workforce in order to maintain a single testing program and specifies that the employer must prepare a substance use testing plan for employees who are not federally regulated, provide a copy of the plan to the employees and the Department of Labor before testing, follow federal notification and procedural protocols for such employees and annually report the results of testing to the department.
4. It streamlines the current substance use testing policy approval by requiring the Department of Labor to develop a uniform impairment and substance use testing policy applicable to all employers. Employers must certify their adoption of the policy and be approved by the Department of Labor prior to conducting substance use testing.
5. It removes the "probable cause" standard and replaces it with an "impairment detection" standard required before the employer may conduct substance use testing. For employers authorized to conduct substance use testing, only an employer or employee approved for impairment detection by the Department of Labor or a medical person may make an impairment detection. Among other things, this detection may be based on a single work-related accident, unlike the "probable cause" standard under current law. The employer may immediately remove the employee from the workplace pending resolution of the impairment detection.
6. It adds an "impairment determination" process that may be used as an alternative or in addition to a substance use test. Under this process, an occupational health care provider conducts a medical review in order to confirm the impairment detection, which may include a substance use test that includes testing for prescription drugs. If the impairment is confirmed, the employer may take employment action including firing or disciplining the employee, subject to any limitations under the Maine Human Rights Act and any other state or federal law. If the occupational health care provider finds that the employee was not impaired or that such impairment did not pose a safety risk, the employee is entitled to full reinstatement to the employee's position.
7. It adds a violation of an established drug-free workplace policy as grounds for employment action.
8. It adds a first impairment determination to the requirement, applicable to an initial confirmed positive substance use test, that the employer must provide the employee with an opportunity to participate in a treatment program

Joint Standing Committee on Labor, Commerce, Research and Economic Development

before discharging or disciplining the employee. The time frame for completing the treatment program is reduced from six months to 12 weeks, and an employer with between 20 and 50 full-time employees is no longer required to pay half of the costs of the treatment program. An employer with more than 50 full-time employees must pay half of treatment costs not covered by a group health insurance plan when the treatment program is required of the employee.

9. It modifies the current requirement that, prior to establishing a substance use testing program, an employer with over 20 full-time employees have a functioning employee assistance program, instead requiring the program of employers with over 50 full-time employees.

10. It expands the number of establishments that may undertake company-wide random substance use testing by authorizing such testing for companies with 10 or more employees instead of with 50 employees, as is the current standard.

11. It provides that a confirmed positive substance use test may be reported to the employee only by a medical review officer and allows an employee to provide a legitimate medical explanation for a positive test result for legally obtained medications, preventing the medical review officer from reporting a positive test for that substance to the employer.

12. It allows testing laboratories to use federal testing standards to encourage testing of biological samples beyond urine and blood.

13. It adds a new civil violation for any employer noncompliance with the substance use testing laws, for which a fine of not more than \$500 for the first violation, \$750 for the second violation and \$1,000 for third and subsequent violations may be adjudged.

LD 1243 An Act Regarding the Maine Length of Service Award Program Board of Trustees

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E CYRWAY S	OTP-AM ONTP	

This bill amends the laws governing the Maine Length of Service Award Program Board of Trustees to require the chair of the Maine Fire Protection Services Commission to appoint initial members to the board of trustees if those appointments have not been made within 30 days of the effective date of this legislation. The bill also requires the chair of the Maine Fire Protection Services Commission to make an appointment to fill a vacancy on the board of trustees if the appointment is not made within 60 days of the vacancy.

Committee Amendment "A" (H-428)

This amendment is the majority report of the committee. It changes the bill by designating the Board of Trustees of the Maine Public Employees Retirement System as the alternate appointing authority when the Governor does not make timely appointments to the Maine Length of Service Award Program Board of Trustees.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1244 An Act To Support Small Manufacturers in the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures to support small manufacturers in the State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1259 An Act Regarding Pay Equality

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C TEPLER D	OTP-AM ONTP	S-173

This bill amends the Maine Human Rights Act to provide that evidence of discrimination with respect to compensation includes an employer seeking information about a prospective employee's prior wage history before an offer of employment, including all compensation, to the prospective employee has been made. It provides that this discrimination is also evidenced by an employer requiring that a prospective employee's prior compensation history meet certain criteria. The bill broadens a provision in the current equal pay law to prohibit an employer from preventing employees from discussing or disclosing other employees' wages and makes the practice evidence of discrimination with respect to compensation under the Maine Human Rights Act as well.

Committee Amendment "A" (S-173)

This amendment is the majority report of the committee. It qualifies that the exception in the bill for instances when a prospective employee has voluntarily disclosed wage history information applies only to those instances when a prospective employee voluntarily discloses wage history without any prompting by the employer or employment agency.

LD 1263 Resolve, To Increase the Affordability of Safe Drinking Water for Maine Families

RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J HERBIG E	OTP-AM ONTP	S-109 S-327 HAMPER J

This resolve provides one-time appropriations totaling \$500,000 from the General Fund for treatment of contaminated private drinking water wells. The resolve directs the Maine State Housing Authority to distribute \$300,000 of these funds to organizations and agencies to identify at-risk individuals in homes with contaminated wells and to connect those individuals to appropriate resources and financial assistance; individuals need not meet the eligibility criteria for the home repair program to receive this assistance. The resolve directs the remaining \$200,000 to the authority's home repair program to assist eligible low-income homeowners with the purchase of well water treatment systems.

Committee Amendment "A" (S-109)

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This amendment, which is the majority report of the committee, provides for a one-time appropriation of \$500,000 from the General Fund to the Maine State Housing Authority for treatment of contaminated private drinking water wells for families with household incomes no greater than 120% of the area median income. The amendment limits the portion of the funds that can be used for marketing and outreach to \$50,000 and authorizes the authority to use up to 15% of the total funds for program administration. The amendment strikes from the bill a separate appropriation of funds to the Maine Home Repair Program.

Senate Amendment "A" To Committee Amendment "A" (S-327)

This amendment requires the State Controller to transfer \$500,000 by June 30, 2018 from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund to offset the one-time General Fund appropriation of \$500,000 in this resolve.

Enacted Law Summary

Resolve 2017, chapter 28 provides for a one-time appropriation of \$500,000 from the General Fund to the Maine State Housing Authority for treatment of contaminated private drinking water wells for families with household incomes no greater than 120% of the area median income. Resolve 2017, chapter 28 also requires the State Controller to transfer \$500,000 by June 30, 2018, from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund to offset the one-time General Fund appropriation of \$500,000. The authority may use up to 15% of the total funds for program administration and up to \$50,000 of the funds for targeted marketing and outreach to connect households with contaminated well water to appropriate professional services for assessing and installing well water treatment systems.

LD 1280 An Act To Require Drug Manufacturers To Comply with Federal Law

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-153
GATTINE D	ONTP	S-297 JACKSON T S-309 JACKSON T

This bill amends the Maine Pharmacy Act to require that a drug distributed in this State must be made available for sale in this State to a person seeking to develop an application for the approval of the drug under the Federal Food, Drug, and Cosmetic Act or the licensing of a biological product under the federal Public Health Service Act. It establishes disciplinary actions for noncompliance.

Committee Amendment "A" (S-153)

This amendment, which is the majority report of the committee, clarifies that the bill's requirement that a drug distributed in this State be made available for sale to an eligible product developer applies only to manufacturers and wholesalers of drugs licensed in this State under the Maine Pharmacy Act. The amendment further requires sale of a drug distributed in this State to eligible product developers at a fair market price for purposes of supporting the eligible product developer's application for approval of a drug under the Federal Food, Drug, and Cosmetic Act, Section 505(b) or 505(j) or the licensing of a biological product under the federal Public Health Service Act, Section 351. The licensed manufacturer or wholesaler may not impose any restriction on the sale that would block or delay the eligible product developer's application in a manner inconsistent with Section 505-1(f)(8) of the Federal Food, Drug, and Cosmetic Act, 21 United States Code, Section 355-1(f)(8) (2016).

Senate Amendment "B" To Committee Amendment "A" (S-297)

The bill, as amended by Committee Amendment "A," requires that a drug distributed in this State be made available for sale to an eligible product developer by a manufacturer or wholesaler of drugs licensed in this State under the Maine Pharmacy Act. This amendment provides that a manufacturer or wholesaler is not liable for injuries alleged

Joint Standing Committee on Labor, Commerce, Research and Economic Development

to have been caused by the failure to include adequate safety warnings on a product's label or by a defect in the product's design if that product was not manufactured or sold by that manufacturer or wholesaler.

Senate Amendment "D" To Committee Amendment "A" (S-309)

This amendment requires a drug manufacturer or wholesaler to make a drug available for sale at a price no greater than the wholesale acquisition cost rather than at the fair market price as provided in Committee Amendment "A" and limits the price charged to customers for the drug obtained pursuant to this requirement to no more than the wholesale acquisition cost. This amendment also adds an intent section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1306 An Act To Create a Small Communities Tourism Grant Program Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E BELLOWS S	OTP-AM ONTP	H-227

This bill establishes the Small Communities Tourism Fund in the Department of Economic and Community Development, Office of Tourism to issue grants to small communities to promote tourism and events.

Committee Amendment "A" (H-227)

This amendment, which is the majority report of the committee, replaces the bill. The amendment creates a small communities tourism grant program to issue matching grants to small communities to promote tourism and events. The \$10,000 annual funding for this program derives from the tax revenues received by the Tourism Marketing Promotion Fund.

LD 1307 An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P MAKER J	ONTP OTP-AM	

This bill requires an employer, before employing a person or referring a person for employment, to make a good faith inquiry as to whether that person is a United States citizen or an alien, and, if the inquiry reasonably indicates that the person is an alien, the employer must use the E-Verify program operated by the United States Department of Homeland Security to verify the employment eligibility of that person.

Committee Amendment "A" (H-400)

This amendment is the minority report of the committee. It replaces the bill and requires every public employer and public contractor to register with and use the E-Verify program to determine the work eligibility status of new employees physically performing services within the State.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 1308 Resolve, To Expedite the Processing of Applications for Certification
under the Work Opportunity Tax Credit**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R WOODSOME D	OTP-AM ONTP	H-118

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement programs to facilitate the transition of persons from rehabilitation for drug or alcohol addiction or economic dependency to self-sufficiency by providing employment opportunities while allowing their employers to reduce their tax liability. This bill would create a program, modeled on the federal Work Opportunity Tax Credit program operated by the United States Department of Labor, to encourage employers to hire from certain population segments, such as MaineCare and Medicare recipients, veterans, persons in the Temporary Assistance for Needy Families program or receiving general assistance, persons convicted of a crime who have been released from prison, persons recently out of residential treatment or detoxification for substance use disorder or who recently began medication-assisted treatment and disadvantaged teens. The incentives would consist of tax credits based on the wages paid to qualified persons and financial assistance for training costs.

Committee Amendment "A" (H-118)

This amendment replaces the bill with a resolve that directs the Department of Labor to establish a new permanent position in the Bureau of Employment Services to expedite the processing of employer applications for certification required for the federal work opportunity tax credit under Section 51 of the United States Internal Revenue Code. The amendment also requires the Department of Labor to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development with information concerning applications submitted by employers in 2017, including information on the extent of any backlog in application processing, by February 1, 2018. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 1324 An Act To Support Innovation, Entrepreneurship and Maine's
Economic Future**

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M	OTP-AM	H-207

This bill expands the powers of the Maine Technology Institute by allowing the institute to administer technology centers that support early-stage development of technology-based businesses that are currently administered by the Department of Economic and Community Development; create a program to encourage the establishment of incubators and accelerators to support entrepreneurs through competitive grants and other financial assistance; establish a competitive summer internship program in the entrepreneurial support system with the University of Maine System; establish a program with the Maine Innovation Economy Advisory Board to support technology transfer at postsecondary institutions and nonprofit research institutes in the State; and establish a program of education and assistance on the patenting process with the University of Maine School of Law to support commercialization of innovations. The bill provides that the administrative costs of these new programs and activities are not considered management and related operating costs of the institute subject to the 10% statutory cap in the Maine Revised Statutes, Title 5, section 15305.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Committee Amendment "A" (H-207)

This amendment clarifies that the new powers granted to the Maine Technology Institute through the bill are not exclusive in nature.

Enacted Law Summary

Public Law 2017, chapter 109 expands the powers of the Maine Technology Institute by allowing the institute to administer technology centers that support early-stage development of technology-based businesses that are currently administered by the Department of Economic and Community Development. The law further authorizes the institute to establish and operate programs, including but not limited to, a program to encourage the establishment of incubators and accelerators to support entrepreneurs through competitive grants and other financial assistance; a competitive summer internship program in the entrepreneurial support system with the University of Maine System; a program with the Maine Innovation Economy Advisory Board to support technology transfer at postsecondary institutions and nonprofit research institutes in the State; and a program of education and assistance on the patenting process with the University of Maine School of Law to support commercialization of innovations. The administrative costs of these new programs and activities are not considered management and related operating costs of the institute subject to the 10% statutory cap in the Maine Revised Statutes, Title 5, section 15305.

LD 1327 **An Act To Allow Former Military Medical Personnel To Perform Certain Medical Services** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B THIBODEAU M		

This bill allows a former United States Army medic, United States Air Force medical technician, United States Navy corpsman or United States Coast Guard health services technician to perform medical services that reflect the person's medical training and experience under the supervision of a person licensed by the Board of Osteopathic Licensure, Board of Licensure in Medicine or Board of Licensure of Podiatric Medicine or under the supervision of a health care facility that is itself supervised by a licensee. The medical services must be delegated to the person by the supervising licensee and set forth in a medical practice agreement approved by the relevant board.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1340 **An Act To Amend the Laws Governing the Maine State Housing Authority** **PUBLIC 234**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP-AM OTP-AM	S-243

This bill updates the laws governing the Maine State Housing Authority by:

1. Reducing the number of annual, biennial or one-time reports required by statute, by eliminating the following: the annual report on the allocation of the state ceiling on tax-exempt bonds; the annual report on the low-income energy assistance program; a one-time report due in 2005 on housing for young professionals and young families; reports by municipalities and school districts on land or buildings suitable for construction of affordable housing; biennial reports on the adequacy of data collection regarding Maine's housing stock; automatic annual reports on the Maine Energy, Housing and Economic Recovery Fund; a one-time report due in 1989 on a plan for the use of state-owned land; and a biennial report on the surplus land trust;

Joint Standing Committee on Labor, Commerce, Research and Economic Development

2. Repealing the laws creating several authority programs, including the Natural Disaster Home Assistance Program; the Overboard Discharge Assistance Fund; a program to hold surplus state property in trust for development of housing; a program to award matching grants and loans to municipalities for the development of affordable housing; the Office of Nonprofit Housing; a program for low-interest loans to municipalities to acquire or preserve land for affordable housing; and a program to create demonstration housing opportunity zones;
3. Providing that funds remaining in any revolving fund administered by the authority for more than 10 years lapse to the Housing Opportunities for Maine Program and eliminating the following funds: a nonlapsing revolving loan fund for municipalities; the Maine Affordable Housing Land Trust Fund; and the Municipal Land Acquisition Revolving Fund;
4. Clarifying the jurisdiction of the authority and of municipal housing authorities with respect to the administration of federal housing choice vouchers;
5. Eliminating the requirement that the authority meet with municipalities in anticipation of a proposed housing project and instead requiring the authority to provide municipalities the opportunity to review and discuss proposed housing development projects prior to the approval process;
6. Specifying that the personnel files of authority employees are confidential and not subject to disclosure under the Freedom of Access Act;
7. Granting the authority the power to perform all functions necessary or useful for carrying out any of its powers, duties or purposes;
8. Eliminating the following duties of the authority: to create affirmative housing action plans for consideration by regional planning commissions and local planning boards; to expand access to housing for young professionals and young families; and to develop guidelines for energy improvements that may be made with proceeds of home improvement notes;
9. Permitting the authority to refinance single-family mortgage loans held by the authority in order to lower mortgage payments or make home improvements for persons with low income; exempting the authority from using an escrow agent if the authority finances 60% or more of a construction loan for low-income housing; and extending the right of first refusal time period for the authority or local housing authorities to purchase property containing a low-income housing project;
10. Decreasing from two years to one year the period during which a former employee or commissioner of the authority may not accept employment with or acquire an interest in a project over which that person exercised control, responsibility or decisions during employment or tenure; and
11. Eliminating the requirement that the Governor, the President of the Senate and the Speaker of the House appoint members to the Statewide Homeless Council nominated by regional homeless councils and instead requiring only due consideration of regional homeless council nominations.

Committee Amendment "A" (S-243)

This amendment, which is the majority report of the committee, amends the bill by:

1. Clarifying that only specific items within the personnel files of Maine State Housing Authority employees are confidential;
2. Requiring municipal housing authorities to meet at least annually with the legislative bodies of the municipalities for which they are created;

Joint Standing Committee on Labor, Commerce, Research and Economic Development

3. Authorizing the Maine State Housing Authority to provide an arsenic abatement program to homeowners with private well water that shows evidence of arsenic contamination, including individuals whose homes are located on land owned by an immediate family member; and
4. Eliminating the provisions of the bill that propose to change the process for appointing members of the Statewide Homeless Council.

Committee Amendment "B" (S-244)

This amendment, which is the minority report of the committee, amends the bill by:

1. Clarifying that only specific items within the personnel files of Maine State Housing Authority employees are confidential;
2. Authorizing the Maine State Housing Authority to provide an arsenic abatement program to homeowners with private well water that shows evidence of arsenic contamination, including individuals whose homes are located on land owned by an immediate family member; and
3. Eliminating the provisions of the bill that propose to change the process for appointing members of the Statewide Homeless Council.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 234 updates the laws governing the Maine State Housing Authority by:

1. Reducing the number of annual, biennial or one-time reports required by statute, by eliminating the following: the annual report on the allocation of the state ceiling on tax-exempt bonds; the annual report on the low-income energy assistance program; a one-time report due in 2005 on housing for young professionals and young families; reports by municipalities and school districts on land or buildings suitable for construction of affordable housing; biennial reports on the adequacy of data collection regarding Maine's housing stock; automatic annual reports on the Maine Energy, Housing and Economic Recovery Fund; a one-time report due in 1989 on a plan for the use of state-owned land; and a biennial report on the surplus land trust;
2. Repealing the laws creating several authority programs, including the Natural Disaster Home Assistance Program; the Overboard Discharge Assistance Fund; a program to hold surplus state property in trust for development of housing; a program to award matching grants and loans to municipalities for the development of affordable housing; the Office of Nonprofit Housing; a program for low-interest loans to municipalities to acquire or preserve land for affordable housing; and a program to create demonstration housing opportunity zones;
3. Providing that funds remaining in any revolving fund administered by the authority for more than 10 years lapse to the Housing Opportunities for Maine Program and eliminating the following funds: a nonlapsing revolving loan fund for municipalities; the Maine Affordable Housing Land Trust Fund; and the Municipal Land Acquisition Revolving Fund;
4. Clarifying the jurisdiction of the authority and of municipal housing authorities with respect to the administration of federal housing choice vouchers;
5. Eliminating the requirement that the authority meet with municipalities in anticipation of a proposed housing project and instead requiring the authority to provide municipalities the opportunity to review and discuss proposed housing development projects prior to the approval process;
6. Specifying that specific items within the personnel files of authority employees are confidential and not subject

Joint Standing Committee on Labor, Commerce, Research and Economic Development

to disclosure under the Freedom of Access Act;

7. Granting the authority the power to perform all functions necessary or useful for carrying out any of its powers, duties or purposes;

8. Eliminating the following duties of the authority: to create affirmative housing action plans for consideration by regional planning commissions and local planning boards; to expand access to housing for young professionals and young families; and to develop guidelines for energy improvements that may be made with proceeds of home improvement notes;

9. Permitting the authority to refinance single-family mortgage loans held by the authority in order to lower mortgage payments or make home improvements for persons with low income; exempting the authority from using an escrow agent if the authority finances 60% or more of a construction loan for low-income housing; and extending the right of first refusal time period for the authority or local housing authorities to purchase property containing a low-income housing project;

10. Decreasing from two years to one year the period during which a former employee or commissioner of the authority may not accept employment with or acquire an interest in a project over which that person exercised control, responsibility or decisions during employment or tenure;

11. Authorizing the Maine State Housing Authority to provide an arsenic abatement program to homeowners with private well water that shows evidence of arsenic contamination, including individuals whose homes are located on land owned by an immediate family member; and

12. Requiring municipal housing authorities to meet at least annually with the legislative bodies of the municipalities for which they are created.

LD 1341 An Act To Clarify Eligibility for Unemployment Benefits during Labor Disputes

Died Between Houses

Sponsor(s)
VOLK A
VACHON K

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill removes the provision of law affecting the disqualification for unemployment benefits of employees at an establishment at which there is a labor dispute and at which there would have been a work stoppage but for the employer's maintaining substantially normal operations through the use of other personnel. It also broadens the disqualification from unemployment benefits in current law for unemployment that is due to a stoppage of work caused by a labor dispute by eliminating the requirement that there be a stoppage of work. Instead, unemployment that is due to a labor dispute is sufficient grounds for a denial of benefits. It also updates the language of the exceptions to this disqualification in current law to reflect the elimination of the stoppage of work requirement.

Committee Amendment "A" (S-165)

This amendment incorporates a fiscal note.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 1343 An Act To Promote Downtown Revitalization by Creating the Locating
Businesses Downtown Loan Program**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J FECTEAU R	OTP-AM ONTP	S-152

This bill establishes the Locating Businesses Downtown Loan Program, within the Communities for Maine's Future Program, to provide forgivable loans for businesses seeking to initially locate or to relocate in a downtown area, village area or along a main street within the State. Applications for loans under the program are evaluated by the Department of Economic and Community Development in conjunction with a loan review panel. Successful applicants must execute a loan agreement prepared by the department specifying the terms and conditions of the loan, including the length of time that a business must remain in the downtown area, village area or along a main street within the State for the loan to be forgiven.

Committee Amendment "A" (S-152)

This amendment is the majority report of the committee. It changes the appointing authority for one member of the Locating Businesses Downtown Loan Review Panel established by the bill. Instead of one representative from a statewide organization that advocates for economic development that preserves the quality of life in local communities being jointly appointed by the President of the Senate and the Speaker of the House, this panel member is appointed by the Maine Development Foundation.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

**LD 1348 An Act To Expand the Rights of Public Employees under the Maine
Labor Laws**

**Accepted Majority
(ONTP) Report**

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

This bill allows public employees, including municipal and county employees, state and legislative employees, university, academy and community college employees and judicial employees, to strike pursuant to the official procedures of the employees' employee organization or under a process in which an affirmative vote to strike is held. The bill requires that notice be given to the public employer stating the dates upon which the strike will begin and end. The bill also provides that the employee organization or public employer may call for emergency bargaining within three days of the start of the strike.

Committee Amendment "A" (H-354)

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

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1349 An Act Regarding the Licensure of Appraisal Management Companies

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM	H-467

This bill enacts the Appraisal Management Company Registration Act. Under the bill, appraisal management companies must obtain registration by the Board of Real Estate Appraisers. Appraisal management companies are entities that provide appraisal management services to creditors or secondary mortgage market participants with appraisers who are employees of the entity or part of an appraiser panel made up of independent contractors, that provide services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations and that oversee appraiser panels in one or more states. Appraisal management services provided by appraisal management companies include recruiting, selecting and retaining appraisers; contracting with appraisers to perform appraisal assignments; managing the process of having an appraisal performed; and reviewing and verifying the work of appraisers.

Committee Amendment "A" (H-467)

This amendment, which is the unanimous report of the committee, clarifies that appraisal management companies must be licensed, not registered, by the Board of Real Estate Appraisers. The amendment makes several changes to the bill to comply with the federal Dodd-Frank Wall Street Reform and Consumer Protection Act as well as to provide appropriate cross-references to the laws governing licensing boards within the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation in the Maine Revised Statutes, Title 10, chapter 901.

The amendment adds a provision repealing the requirement for licensure of appraisal management companies on March 15, 2018. The Board of Real Estate Appraisers is required to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 1, 2018, indicating whether the federal Dodd-Frank Wall Street Reform and Consumer Protection Act has been repealed or substantially amended. The committee may report out a bill related to the report.

Enacted Law Summary

Public Law 2017, chapter 270 enacts the Appraisal Management Company Licensing Act. Under the Act, appraisal management companies must be licensed by the Board of Real Estate Appraisers. Appraisal management companies are entities that provide appraisal management services to creditors or secondary mortgage market participants in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction with appraisers who part of an appraiser panel made up of independent contractors. Appraisal management services provided by appraisal management companies include recruiting, selecting and retaining appraisers; contracting with appraisers to perform appraisal assignments; managing the process of having an appraisal performed; and reviewing and verifying the work of appraisers.

Public Law 2017, chapter 270 is repealed on March 15, 2018. The Board of Real Estate Appraisers is required to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 1, 2018, indicating whether the federal Dodd-Frank Wall Street Reform and Consumer Protection Act has been repealed or substantially amended. The committee may report out a bill related to the report.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1353 An Act To Establish the Maine Domestic Trade Center

ONTP

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

This bill establishes the Maine Domestic Trade Center, a private nonprofit corporation with a public purpose. The center is charged with helping Maine businesses, particularly small businesses, to innovate, grow and create new jobs by providing and enhancing services to facilitate the export of goods and services from Maine to other states. The center will have a board of directors and the International Trade Director at the Department of Economic and Community Development shall serve as the president of the center. The center will share staffing support and facilities with the International Trade Center, but may hire its own staff and secure its own facilities upon approval of the board of directors.

LD 1358 An Act To Improve Public Sector Labor Relations

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T SYLVESTER M	OTP-AM ONTP	

This bill amends the labor relations laws governing municipal public employees and University of Maine System employees to provide that determinations by arbitrators with respect to controversies over all subjects, including salaries, pensions and insurance, are final and binding on the parties. It also amends the labor relations laws governing state employees, and the labor relations laws governing judicial employees, to provide that, with respect to controversies over salaries, an arbitrator's determinations are final and binding on the parties.

Committee Amendment "A" (S-232)

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

This amendment was not adopted.

LD 1359 An Act To Adopt the Interstate Medical Licensure Compact

PUBLIC 253

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TUCKER R	OTP-AM	S-208

This bill enacts the Interstate Medical Licensure Compact. The compact provides a mechanism by which a physician licensed in one member state may voluntarily apply for and receive an expedited license in another member state.

Committee Amendment "A" (S-208)

This amendment grants the Board of Osteopathic Licensure and the Board of Licensure in Medicine the authority to request state and national criminal history information, including fingerprint-based criminal history information, for physicians who request expedited licensure under the Interstate Medical Licensure Compact. The State may not participate in the Interstate Medical Licensure Compact unless the boards have the authority to obtain and review

Joint Standing Committee on Labor, Commerce, Research and Economic Development

this information. The results of background checks received by the Board of Osteopathic Licensure or the Board of Licensure in Medicine are for official use only and may not be disseminated outside the boards. An applicant whose license has expired and who has not applied for renewal may request in writing that the State Bureau of Identification remove the applicant's fingerprints from the bureau's fingerprint file. The amendment also makes a technical change to the bill regarding the process for an appeal on the determination of eligibility.

Enacted Law Summary

Public Law 2017, chapter 253 enacts the Interstate Medical Licensure Compact. The compact provides a mechanism by which a physician licensed in one member state may voluntarily apply for and receive an expedited license in another member state. Physicians who choose to request an expedited license through the compact must submit to fingerprint-based state and national criminal history background checks.

LD 1360 An Act To Conform the State Workforce Board and Workforce Development Programs to the Federal Workforce Innovation and Opportunity Act

PUBLIC 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP	

This bill replaces all references to the federal Workforce Investment Act of 1998 with the federal reauthorization of that act, the Workforce Innovation and Opportunity Act, and changes the name of the State Workforce Investment Board to the State Workforce Board. The bill updates the duties and responsibilities of the State Workforce Board to conform to those articulated in the Workforce Innovation and Opportunity Act. It replaces the current workforce development reporting requirements to the Legislature with a reporting requirement that mirrors the information reported to the Federal Government under the Workforce Innovation and Opportunity Act. It replaces the requirement that the Industry Partnership Assistance Collaborative annually create a list of statewide and regional high-priority occupations critical to the success of the targeted industry clusters with a requirement that the Center for Workforce Research and Information publish a list of high-wage priority occupations, by the same process currently used for the Competitive Skills Scholarship Program.

Enacted Law Summary

Public Law 2017, chapter 110 replaces all references to the federal Workforce Investment Act of 1998 with the federal reauthorization of that act, the Workforce Innovation and Opportunity Act, and changes the name of the State Workforce Investment Board to the State Workforce Board. The law updates the duties and responsibilities of the State Workforce Board to conform to those articulated in the Workforce Innovation and Opportunity Act. It replaces the current workforce development reporting requirements to the Legislature with a reporting requirement that mirrors the information reported to the Federal Government under the Workforce Innovation and Opportunity Act. It replaces the requirement that the Industry Partnership Assistance Collaborative annually create a list of statewide and regional high-priority occupations critical to the success of the targeted industry clusters with a requirement that the Center for Workforce Research and Information publish a list of high-wage priority occupations, by the same process currently used for the Competitive Skills Scholarship Program.

LD 1362 An Act To Update the Operations of the Bureau of Rehabilitation Services and To Conform to the Federal Workforce Innovation and Opportunity Act of 2014

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP	

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill amends the definitions and service descriptions of the Department of Labor, Bureau of Rehabilitation Services in order to conform with the reauthorization of the federal Rehabilitation Services Administration through the Workforce Innovation and Opportunity Act of 2014. It eliminates the use of the term "disadvantaged individuals" and repeals provisions of law regarding personal care services because such services are not provided by the bureau.

Enacted Law Summary

Public Law 2017, chapter 111 amends the definitions and service descriptions of the Department of Labor, Bureau of Rehabilitation Services in order to conform with the reauthorization of the federal Rehabilitation Services Administration through the Workforce Innovation and Opportunity Act of 2014. It eliminates the use of the term "disadvantaged individuals" and repeals provisions of law regarding personal care services because such services are not provided by the bureau.

LD 1376 An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT G BELLOWS S	OTP-AM	H-422

This bill directs the Department of Health and Human Services to increase the rates of reimbursement under the MaineCare Benefits Manual, rule Chapter 101: Chapters II and III, Sections 13, 17, 23, 28, 65 and 97 by 20% over the rates in June 2016 by October 1, 2017.

The bill also makes the following changes to the laws and rules regulating alcohol and drug counselors.

1. It requires reimbursement under the MaineCare program for the services of a licensed clinical professional counselor at the same rate as a licensed clinical social worker.
2. It creates a public records exception under the Freedom of Access Act to protect the confidentiality of the home addresses of all individuals licensed or certified by the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors.
3. It changes the qualifications for licensure as a licensed alcohol and drug counselor by reducing from 4,000 to 2,000 the number of supervised practice hours required of a graduate of an approved associate or bachelor's degree program and by reducing from 2,000 to 1,000 the number of supervised practice hours required of a graduate of an approved master's degree program.
4. It requires the board to offer qualifying examinations at least once every month and to issue licenses or certifications within 10 business days of an applicant's receipt of a passing examination score. It further allows individuals to submit applications for both the examination and the license at the same time.
5. It directs the board to reduce continuing education requirements and maximize use of distance learning for licensed and certified alcohol and drug counselors.

Committee Amendment "A" (H-422)

This amendment removes the provisions of the bill directing the Department of Health and Human Services to increase certain MaineCare reimbursement rates and directing the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to change the processes for licensing applications and examinations.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

The amendment also restores the requirements in current law that an applicant for licensure as a licensed alcohol and drug counselor must complete 4,000 hours of practice in alcohol and drug counseling if the applicant possesses an associate or bachelor's degree from an approved program or must complete 2,000 hours of practice in alcohol and drug counseling if the applicant possesses a master's degree from an approved program. The amendment creates exceptions reducing the clinical practice hour requirements for applicants who complete a specified number of credit hours in addiction counseling course work in the course of obtaining a bachelor's degree or master's degree from an approved program.

Enacted Law Summary

Public Law 2017, chapter 265 makes the following changes to the laws and rules regulating alcohol and drug counselors.

1. It requires reimbursement under the MaineCare program for the services of a licensed clinical professional counselor at the same rate as a licensed clinical social worker.
2. It creates a public records exception under the Freedom of Access Act to protect the confidentiality of the home addresses of all individuals licensed or certified by the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors.
3. It retains the requirement in current law that an applicant for licensure as a licensed alcohol and drug counselor complete 4,000 hours of practice in alcohol and drug counseling if the applicant possesses an associate or bachelor's degree or 2,000 hours of practice in alcohol and drug counseling if the applicant possesses a master's degree, but creates exceptions reducing the clinical practice hour requirements for applicants who complete a specified number of credit hours in addiction counseling course work in the course of obtaining the bachelor's degree or master's degree from an approved program.
4. It directs the board to reduce continuing education requirements and maximize use of distance learning for licensed and certified alcohol and drug counselors.

LD 1377 An Act To Prohibit Posing as a Governmental Entity in Commerce

PUBLIC 228

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M WHITTEMORE R	OTP-AM	H-324

This bill makes an untrue representation by a person that the person is an official, agent or representative of a governmental entity in the advertisement, offer, sale or distribution of goods or services or that the goods or services are from or approved, authorized or endorsed by a governmental entity a violation of the Maine Unfair Trade Practices Act. The bill also provides that it is a violation of that Act for a person who is not an official, agent or representative of a governmental entity to simulate a summons, complaint, jury notice, tax form or other judicial or administrative process. The bill also requires a notice be placed on every offer of the sale of a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge informing the consumer and providing the contact information of the governmental entity.

Committee Amendment "A" (H-324)

This amendment replaces the requirement in the bill that a specifically worded notice be displayed on every offer of the sale of a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge with a more general notice requirement.

Enacted Law Summary

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Public Law 2017, chapter 228 makes the following activities by a person who is not an official, agent or representative of a governmental entity a violation of the Maine Unfair Trade Practices Act:

1. Making an untrue representation that the person is an official, agent or representative of a governmental entity in the advertisement, offer, sale or distribution of goods or services;
2. Simulating a summons, complaint, jury notice, tax form or other judicial or administrative process; or
3. Offering to sell a governmental document that can be obtained from the applicable governmental entity for free or at a lesser charge without informing the consumer of that free availability in a manner that is clearly visible to a consumer.

LD 1378 Resolve, Directing the State Workforce Investment Board To Create the Veto Sustained
Maine Family First Employer Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM	H-390

This bill creates the Maine Family First Employer Program under the Department of Labor to award employers that provide family-friendly workplaces that provide, for all full-time employees, advancement and leadership opportunities; the same pay rates for similar work; stipends or assistance for child care; paid leave for child birth or adoption and medical care for the employee or family member; flexible work accommodations for other important family obligations; and health insurance and retirement plan options. The awards are presented by the Governor and come with a logo that a designated employer may use for promotional purposes.

Committee Amendment "A" (H-390)

This amendment strikes the bill and replaces it with a resolve directing the State Workforce Investment Board to create the Maine Family First Employer Program to award businesses whose policies and practices address the unique needs of working families in the State with a Family First Employer designation.

LD 1392 An Act To Allow Municipalities To Opt Not To Enforce the Maine Accepted Majority
Uniform Building and Energy Code (ONTP) Report

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

This bill requires a municipality that has more than 4,000 residents to adopt and enforce one of the following: the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

Committee Amendment "A" (H-211)

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment allows a municipality that has more than 4,000 residents to affirmatively opt out of the Maine Uniform Energy Code by adopting the Maine Uniform Building Code.

This amendment was not adopted.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1393 Resolve, Establishing the Commission To Create a Statewide Economic Development Plan ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D LIBBY N	ONTP	

This resolve establishes the Commission To Develop a Statewide Economic Development Plan, tasked with creating a strategic, regionally focused economic development plan for the State.

LD 1402 An Act Regarding Payroll Deductions ONTP

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

This bill authorizes public employees to authorize payroll deductions for the cost of insurance or an employee benefit offered by the employee's bargaining agent or for a contribution to a political action committee. The bill requires public employers to deduct funds from a public employee's pay as authorized by the employee and transmit those funds to the specified recipient.

LD 1409 An Act To Reduce Regulations for Small Nonalcoholic Beverage Producers PUBLIC 113 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM	S-110

This bill allows small nonalcoholic beverage producers that manufacture or bottle no more than 50,000 gallons of beverages a year to clean and sanitize reusable beverage containers by washing by hand and bottle and carbonate the containers by hand as long as all other statutory cleaning and sanitizing requirements for beverage manufacturing and bottling plants are met.

Committee Amendment "A" (S-110)

This amendment adds an emergency preamble and emergency clause to the bill. Unlike the bill, which applies to producers that manufacture or bottle no more than 50,000 gallons of beverages annually, the amendment gives small nonalcoholic beverage producers that manufacture or bottle no more than 10,000 gallons of beverages annually flexibility in the method by which they clean and sanitize reusable glass beverage containers, as long as they use the required 3% caustic alkali sanitizing solution. The amendment also permits small nonalcoholic beverage producers to bottle and carbonate their products by hand, rather than through the use of machinery, as long as all other statutory sanitary requirements for beverage manufacturing and bottling plants are met.

Enacted Law Summary

Public Law 2017, chapter 113 gives small nonalcoholic beverage producers that manufacture or bottle no more than 10,000 gallons of beverages annually flexibility in the method by which they clean and sanitize reusable glass beverage containers, as long as they use the required 3% caustic alkali sanitizing solution. Public Law 2017, chapter 113 also permits small nonalcoholic beverage producers to bottle and carbonate their products by hand, rather than through the use of machinery, as long as all other statutory sanitary requirements for beverage manufacturing and bottling plants are met.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Public Law 2017, chapter 113 was enacted as an emergency measure effective June 1, 2017.

LD 1410 An Act To Adopt the Nurse Licensure Compact

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A FECTEAU R	OTP-AM	S-215

This bill adopts the model act for the multistate nurse licensure compact endorsed by the National Council of State Boards of Nursing and adds a federal fingerprint background check for new licensees as required by the compact.

Committee Amendment "A" (S-215)

This amendment makes technical changes to the bill to authorize the State Board of Nursing to obtain national and state fingerprint-based criminal history record information for all applicants for initial licensure and licensure by endorsement by the board, including applicants for multistate licensure. The amendment replaces the appropriations and allocations section of the bill.

Enacted Law Summary

Public Law 2017, chapter 258 adopts the model act for the multistate nurse licensure compact endorsed by the National Council of State Boards of Nursing and, as required by the compact, authorizes the State Board of Nursing to obtain national and state fingerprint-based criminal history record information for all applicants for initial licensure and licensure by endorsement, including applicants for multistate licensure.

LD 1420 An Act Regarding Work Permits for Minors under 16 Years of Age

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J CYRWAY S	ONTP	

The purpose of this bill is to clarify the laws governing the employment of minors and to conform the State's laws to federal law, thus expanding work opportunities for minors.

1. It clarifies that minors who are younger than 14 years of age may be employed only in the planting, cultivating or harvesting of field crops, or other agricultural employment that does not place them in direct contact with hazardous machinery or hazardous substances.
2. It conforms to federal law the hours that minors who are 16 and 17 years of age may work, by extending the permissible time until which such a minor may work on a day preceding a school day.
3. It eliminates the prohibition on minors under 16 years of age working more than six consecutive days.
4. It eliminates the prohibition on minors under 18 years of age working more than 50 hours per week when school is not in session.
5. It specifies that the restrictions on the hours of employment of minors does not apply to:
 - A. Agricultural employment that does not require direct contact with hazardous machinery or hazardous

Joint Standing Committee on Labor, Commerce, Research and Economic Development

substances;

B. Employment or training as a theatrical actor or a film actor;

C. The taking or catching of lobsters, fish or other marine organisms, as long as the work does not require direct contact with hazardous machinery or hazardous substances; and

D. At a business that is solely owned by the minor's parent, as long as the work does not require direct contact with hazardous machinery or hazardous substances.

6. It allows the parent or legal guardian of a minor under 16 years of age to sign a work permit for the minor and removes school superintendents from the work permit process. It requires copies of the minor's signed permit and proof of age to be kept at the minor's place of employment. It authorizes the Department of Labor, Bureau of Labor Standards to revoke a work permit.

7. It maintains the authority of the bureau to revoke work permits if state or federal law has been violated.

8. It repeals obsolete language dealing with triplicate permits and a master permit system.

LD 1443 An Act To Update Professional and Occupational Licensing Laws

PUBLIC 210

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-216

This bill makes the following changes to professional and occupational licensing laws.

1. It updates technical terminology in the laws governing warranties applicable to the manufacture and sale of manufactured homes; exempts up to two modular homes built by students annually in each secondary or post-secondary educational program from the jurisdiction of the Manufactured Housing Board; changes the terms “mobile home” and “mobile home park” to the terms “manufactured home” and “manufactured housing community”; clarifies the type of manufactured home that a licensed mechanic may service and a licensed installer may install; clarifies that a license is required to manufacture, broker, distribute, sell, install or service manufactured housing in Maine, regardless of the destination of the housing; and makes other technical changes to the laws governing manufactured housing.

2. It removes a residency requirement for licensed funeral practitioners and other licensees of the Board of Funeral Service and clarifies the requirements for a practitioner trainee to receive credit toward licensure through the Maine Apprenticeship Program.

3. It repeals the provisions for licensure of companies by the Plumbers' Examining Board; creates an exemption from plumbing licensure for pump installers who are licensed by the Department of Health and Human Services, Maine Water Well Commission; clarifies that the board may discipline licensees for violation of rules adopted by the board and a municipality may penalize licensees who violate municipal ordinances; eliminates the requirement that an individual apply for a trainee license within ten business days of commencing work as a trainee plumber; and allows candidates for plumbing licensing examinations to retake the examination without paying a reexamination fee and to take the examination more than once time per year, regardless of the score received on the examination.

4. It repeals a transition provision added to the laws governing licensure of social workers in 1987, which is no longer relevant.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

5. In the laws governing the Real Estate Commission, it authorizes the commission to deny or refuse to renew a license if the applicant had a professional or occupational license suspended or revoked for disciplinary reasons at any time in the past, not just in the past three years as in current law; it requires the designated broker of a brokerage agency to notify the commission when a licensee leaves the agency, but eliminates the requirement that the designated broker to return the license to the commission; clarifies that a designated broker may delegate functions only to an individual affiliated with the agency; authorizes nonresidents to apply for licensure if they hold licenses in any other jurisdiction, not just in their places of legal residence; and removes references to the obsolete term "branch office manager."
6. It removes provisions that require individuals to submit a photograph with an application for licensure as a transient seller as well as the dates of birth and social security numbers of their employees.
7. It makes technical corrections to the laws governing licensure of boiler and pressure vessel operators, including by repealing a reference to an examination committee that no longer exists.
8. It requires that secondary and post-secondary oil burner and solid fuel technician courses be approved by the Maine Fuel Board; allows propane and natural gas technicians to obtain more than one type of specialty authority; requires all applicants for propane and natural gas technician licenses to pass an examination approved by the board; and removes the term "limited" from certain license categories including energy auditors, tank installers and wood pellet technicians.
9. It restores language that was inadvertently omitted from a comprehensive revision of the laws governing dental practice enacted in the Second Regular Session of the 127th Legislature authorizing the Board of Dental Practice to file a complaint in District Court for suspension or revocation of a license.

Committee Amendment "A" (S-216)

In addition to making several technical changes to the language of the bill, this amendment:

1. Expands the exemption from the laws governing the Manufactured Housing Board for student-built modular homes to education programs that build more than two modular homes annually in accordance with board rules;
2. Clarifies that a practitioner trainee licensed by the State Board of Funeral Service must register with the Department of Labor's Maine Apprenticeship Program; and
3. Clarifies that a trainee plumber licensed by the Plumbers' Examining Board may work under the direct supervision of more than one licensed journeyman or master plumber and may be employed by either a master plumber or an entity that also employs at least one licensed master plumber.

Enacted Law Summary

Public Law 2017, chapter 210 makes the following changes to professional and occupational licensing laws.

1. It updates technical terminology in the laws governing warranties applicable to the manufacture and sale of manufactured homes; exempts modular homes built by students in secondary or post-secondary educational programs in accordance with rules adopted by the Manufactured Housing Board from the definition of "manufactured housing"; where appropriate, changes the terms "mobile home" and "mobile home park" to the terms "manufactured home" and "manufactured housing community"; clarifies the type of manufactured home that a licensed mechanic may service and a licensed installer may install; clarifies that a license is required to manufacture, broker, distribute, sell, install or service manufactured housing in Maine, regardless of the destination of the housing; and makes other technical changes to the laws governing manufactured housing.
2. It removes a residency requirement for licensed funeral practitioners and other licensees of the Board of Funeral

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Service and clarifies the requirements for a practitioner trainee to receive credit toward licensure through the Maine Apprenticeship Program.

3. It repeals the provisions for licensure of companies by the Plumbers' Examining Board; clarifies that a trainee plumber licensed by the board may work under the direct supervision of more than one licensed journeyman or master plumber and may be employed by either a master plumber or an entity that also employs at least one licensed master plumber; creates an exemption from plumbing licensure for pump installers who are licensed by the Department of Health and Human Services, Maine Water Well Commission; clarifies that the board may discipline licensees for violation of rules adopted by the board and a municipality may penalize licensees who violate municipal ordinances; eliminates the requirement that an individual apply for a trainee license within ten business days of commencing work as a trainee plumber; and allows candidates for plumbing licensing examinations to retake the examination without paying a reexamination fee and to take the examination more than once time per year, regardless of the score received on the examination.

4. It repeals a transition provision added to the laws governing licensure of social workers in 1987, which is no longer relevant.

5. In the laws governing the Real Estate Commission, it authorizes the commission to deny or refuse to renew a license if the applicant had a professional or occupational license suspended or revoked for disciplinary reasons at any time in the past, not just in the past three years as in current law; it requires the designated broker of a brokerage agency to notify the commission when a licensee leaves the agency, but eliminates the requirement that the designated broker to return the license to the commission; clarifies that a designated broker may delegate functions only to an individual affiliated with the agency; authorizes nonresidents to apply for licensure if they hold licenses in any other jurisdiction, not just in their places of legal residence; and removes references to the obsolete term "branch office manager."

6. It removes provisions that require individuals to submit a photograph with an application for licensure as a transient seller as well as the dates of birth and social security numbers of their employees.

7. It makes technical corrections to the laws governing licensure of boiler and pressure vessel operators, including by repealing a reference to an examination committee that no longer exists.

8. It requires that secondary and post-secondary oil burner and solid fuel technician courses be approved by the Maine Fuel Board; allows propane and natural gas technicians to obtain more than one type of specialty authority; requires all applicants for propane and natural gas technician licenses to pass an examination approved by the board; and removes the term "limited" from certain license categories including energy auditors, tank installers and wood pellet technicians.

9. It restores language that was inadvertently omitted from a comprehensive revision of the laws governing dental practice enacted in the Second Regular Session of the 127th Legislature authorizing the Board of Dental Practice to file a complaint in District Court for suspension or revocation of a license.

LD 1463 An Act To Amend the Laws Relating to Motor Vehicle Dealers

PUBLIC 217

Sponsor(s)
VOLK A
HERBIG E

Committee Report
OTP-AM

Amendments Adopted
S-267

This bill clarifies the standard of review in disputes between motor vehicle dealers and manufacturers regarding succession of motor vehicle dealerships and prohibits franchisors from denying dealer's incentive payment claims due to clerical errors or other technicalities, provided that the dealer corrects the clerical error or technicality. This

Joint Standing Committee on Labor, Commerce, Research and Economic Development

bill also makes the following actions by motor vehicle manufacturers or distributors unfair trade practices:

1. Using unreasonable performance standards, including by failing to consider local market factors, in assessing dealer compliance with franchise agreements; the manufacturer bears the burden to show its performance standards are reasonable by clear and convincing evidence;
2. Prohibiting dealers from selling new motor vehicles subject to a do not sell or drive directive or other manufacturer notice unless a remedy and parts are available to fix the problem; the manufacturer must compensate the dealer at least 1.7% of the dealer invoice price per month for each affected vehicle if the parts required to remediate the vehicle are not available within 15 days of the order;
3. Prohibiting dealers from selling used motor vehicles subject a do not sell or drive directive or other manufacturer notice unless a remedy and parts are available to fix the problem; the manufacturer must compensate the dealer at least 2.5 % of the vehicle's retail value per month for each affected vehicle if the parts required to remediate the vehicle are not available within 15 days of the order;
4. Using sales performance statistics against dealers during the time and 90 days thereafter in which used motor vehicles are subject to a recall, stop sale or do not drive directive if there is no remedy or the remedy exists but the parts are unavailable; dealers may also apply to manufacturers for an adjustment to sales performance standards during a similar period of time affecting new motor vehicles;
5. Preventing a dealer from providing manufacturer-created information to consumers related to conditions that might affect a vehicle's safety, durability, reliability or performance; and
6. Reducing payments to dealers for dealer-performed warranty repairs or required recall repairs, even if the dealer discovered the need for the repairs during the course of a separate repair request by the consumer or directly through a recall notice from the federal government.

Committee Amendment "A" (S-267)

This amendment retains the provisions of the bill that clarify the standard of review in succession planning for motor vehicle dealers and that prevent a manufacturer from denying claims due to clerical errors or technicalities. The amendment also makes it an unfair and deceptive trade practice for a motor vehicle manufacturer:

1. To use unreasonable performance standards in assessing motor vehicle dealer compliance with franchise agreements;
2. To fail to compensate a motor vehicle dealer for all of the reconditioning expenses and for all labor and costs associated with performing a recall repair on a new or used vehicle;
3. To fail to compensate dealers at a rate of 1.5% of the average vehicle trade-in value per month when a used motor vehicle in the dealer's inventory is subject to a do not drive order or a stop sale order based on a safety defect or violation of an emissions standard and no remedy exists or the parts are unavailable to remedy the defect or violation within 30 days;
4. To compete with a motor vehicle dealer by opening a dealership of any line make in the State without first obtaining a determination from the Maine Motor Vehicle Franchise Board that there is no dealer within the relevant market area available to own and operate a dealership of that line make; and
5. To deny a claim for a warranty repair or a recall repair on a vehicle when the need for the repair was discovered by the dealer during the course of a separate repair requested by the customer.

The amendment also enacts a provision that mirrors federal law by requiring a manufacturer to compensate a dealer

Joint Standing Committee on Labor, Commerce, Research and Economic Development

when a new motor vehicle in the dealer's inventory is subject to a do not drive order or a stop sale order based on a safety defect and there is a delay before the necessary remedy and parts are made available to the dealer to repair the vehicle.

Enacted Law Summary

Public Law 2017, chapter 217 clarifies the standard of review in disputes between motor vehicle dealers and manufacturers regarding succession of motor vehicle dealerships and prohibits franchisors from denying dealer's incentive payment claims due to clerical errors or other technicalities, provided that the dealer corrects the clerical error or technicality. Public Law 2017, chapter 2017 also makes it an unfair and deceptive trade practice for a motor vehicle manufacturer:

1. To use unreasonable performance standards in assessing motor vehicle dealer compliance with franchise agreements;
2. To fail to compensate a motor vehicle dealer for all of the reconditioning expenses and for all labor and costs associated with performing a recall repair on a new or used vehicle;
3. To fail to compensate dealers at a rate of 1.5% of the average vehicle trade-in value per month when a used motor vehicle in the dealer's inventory is subject to a do not drive order or a stop sale order based on a safety defect or violation of an emissions standard and no remedy exists or the parts are unavailable to remedy the defect or violation within 30 days;
4. To compete with a motor vehicle dealer by opening a dealership of any line make in the State without first obtaining a determination from the Maine Motor Vehicle Franchise Board that there is no dealer within the relevant market area available to own and operate a dealership of that line make; and
5. To deny a claim for a warranty repair or a recall repair on a vehicle when the need for the repair was discovered by the dealer during the course of a separate repair requested by the customer.

Public Law 2017, chapter 217 also enacts a provision that mirrors federal law by requiring a manufacturer to compensate a dealer when a new motor vehicle in the dealer's inventory is subject to a do not drive order or a stop sale order based on a safety defect and there is a delay before the necessary remedy and parts are made available to the dealer to repair the vehicle.

LD 1464 An Act Regarding Unemployment Compensation for Full-time Seasonal Workers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A WARD K	ONTP	

This bill allows an unemployed individual to receive unemployment benefits without registering for work, seeking employment or receiving required training if the individual has a verifiable guarantee to return to employment from the individual's most recent employer and the individual is available for recall and is receiving full-time yearly benefits but is not receiving vacation pay. An individual receiving unemployment benefits pursuant to this new exemption would lose benefits if the individual either refuses a recall to work from the employer or seeks employment from another employer.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 1467 An Act To Expand Competitive Skills Scholarships and Strengthen
Maine's Workforce Development Programs** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E VACHON K	ONTP	

This bill makes a number of changes to the Competitive Skills Scholarship Program administered by the Department of Labor, including the following.

1. It doubles the current employer contribution rate to the Competitive Skills Scholarship Fund.
2. It allocates an additional \$3,000,000 on an ongoing basis from the Competitive Skills Scholarship Fund for the purpose of doubling the number of participants enrolled from the number of currently enrolled participants.
3. It dedicates 25% of the additional allocated funds per fiscal year for the use of program participants who are also participants in the federal supplemental nutrition assistance program administered by the State pursuant to the Maine Revised Statutes, Title 22, section 3104.
4. It makes changes to the criteria used to determine approved education and training under the Competitive Skills Scholarship Program, including consideration of employer input, changing demographics and traditional industries in the State in which innovations and new technologies are creating a demand for skilled workers.
5. It requires that a participant be given information about and assistance in applying for the family development account program under Title 10, chapter 110, subchapter 4-A.
6. It also adds a requirement that a participant be offered comprehensive career planning services prior to the program's development of an individual career plan with the participant.

**LD 1468 An Act To Expand Application of the Maine State Housing Authority's
Arsenic Abatement Program** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M VACHON K	ONTP	

This bill specifies that the owner of a single-family home that is located on land owned by a member of the owner's immediate family is eligible under the Maine State Housing Authority's arsenic abatement program, which provides loans and grants to low-income single family homeowners with private well water that shows evidence of arsenic contamination.

The substance of this bill was included in Public Law 2017, chapter 234 (see LD 1340).

**LD 1477 An Act To Coordinate and Enforce Existing Workplace Training
Requirements** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AUSTIN S SAVIELLO T	OTP-AM	H-344

Joint Standing Committee on Labor, Commerce, Research and Economic Development

This bill amends the law to specify the roles and responsibilities of the Department of Labor and the Maine Human Rights Commission in the development, execution and enforcement of the existing workplace training requirements for sexual harassment. It requires the commission to provide its sexual harassment poster to employers at no charge and requires the commission to develop and annually update the content of the sexual harassment training. It adds penalties for employers who have not met the posting, notification, education and training requirements. It also provides that department determinations of employer compliance or other completed enforcement actions are considered final and may not be challenged by the commission.

Committee Amendment "A" (H-344)

This amendment makes the following changes to the bill.

1. It provides that the Maine Human Rights Commission may provide its sexual harassment workplace poster at no cost to employers, instead of being required to do so.
2. It replaces the requirement that the Maine Human Rights Commission provide employers with a training guide and instead directs the Department of Labor to develop a compliance checklist and post it on the department's website. Employers must use the checklist to develop their required sexual harassment training program. Employers must keep a record of the training, including a record of employees who have received the required training, must maintain training records for three years and must make such records available to the department for inspection.
3. It removes the provision that would have prevented the Maine Human Rights Commission from challenging a determination or completed enforcement action by the Department of Labor related to the sexual harassment training requirements and provides that such actions do not limit or affect the authority or jurisdiction of the commission.

Enacted Law Summary

Public Law 2017, chapter 162 amends the law to specify the roles and responsibilities of the Department of Labor and the Maine Human Rights Commission in the development, execution and enforcement of the existing workplace training requirements for sexual harassment. It provides that the commission may provide its sexual harassment poster to employers at no charge. This law directs the Department of Labor to develop a compliance checklist for the required sexual harassment training and post it on the department's website. It requires employers to use the checklist to develop their required sexual harassment training program and to keep a record of the training, including a record of employees who have received the required training. Training records must be maintained for three years and employers must make such records available to the department for inspection. This law also adds penalties for employers who have not met the posting, notification, education and training requirements.

LD 1478 An Act To Provide Support for Sustainable Economic Development in Rural Maine

**PUBLIC 174
EMERGENCY**

Sponsor(s)

HERBIG E
DILL J

Committee Report

OTP-AM

Amendments Adopted

H-391

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide funding to the Maine Rural Development Authority in the amount of \$10,000,000.

Committee Amendment "A" (H-391)

This amendment replaces the bill, which is a concept draft, and adds an emergency preamble and an emergency clause. The amendment establishes the Rural Manufacturing and Industrial Site Redevelopment Program within the

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Maine Rural Development Authority to provide technical assistance, planning grants and implementation grants for the redevelopment and marketing of nonproductive industrial or manufacturing sites in rural communities. The authority may use funds from the Commercial Facilities Development Program established in the Maine Revised Statutes, Title 5, section 13120-P to fund the activities of the Rural Manufacturing and Industrial Site Redevelopment Program.

The amendment also requires the authority, in consultation with the Department of Economic and Community Development, Office of Business Development, to conduct an inventory of all nonproductive manufacturing and industrial sites in the State that may be eligible for assistance.

Enacted Law Summary

Public Law 2017, chapter 174 establishes the Rural Manufacturing and Industrial Site Redevelopment Program within the Maine Rural Development Authority to provide technical assistance, planning grants and implementation grants for the redevelopment and marketing of nonproductive industrial or manufacturing sites in rural communities. The authority may use funds from the Commercial Facilities Development Program established in the Maine Revised Statutes, Title 5, section 13120-P to fund the activities of the Rural Manufacturing and Industrial Site Redevelopment Program.

Public Law 2017, chapter 174 also requires the authority, in consultation with the Department of Economic and Community Development, Office of Business Development, to conduct an inventory of all nonproductive manufacturing and industrial sites in the State that may be eligible for assistance.

Public Law 2017, chapter 174 was enacted as an emergency measure effective June 12, 2017.

LD 1500	An Act To Modernize Data Collection and Reporting and Information Access for the Department of Labor	Died Between Houses
----------------	---	----------------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A VACHON K	ONTP OTP	

This bill conforms the laws identifying the responsibilities of the Commissioner of Labor relating to the collection and use of data with the Department of Labor's current practices of collecting and publishing data and allows for this information as well as information on labor laws to be made available in various formats, including in electronic formats. The bill adds the Director of the Bureau of Unemployment Compensation to the list of employees who are appointed by the Commissioner of Labor and who serve at the commissioner's pleasure. The bill repeals sections of law regarding the availability of information to trainees. The bill also repeals the Nontraditional Occupation Act.

LD 1501	An Act To Increase Success and Promote Growth among Maine Small Businesses	ONTP
----------------	---	-------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E PIERCE J	ONTP	

This bill makes the following changes to the laws governing the Maine Microenterprise Initiative Fund.

1. It changes the name of the Maine Microenterprise Initiative Fund to the Maine Small Business Initiative Fund.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

2. It requires that a community-based organization have a demonstrated ability to leverage existing community-based resources and have a plan to promote collaboration and connection among entrepreneurs and community resources in order to be eligible to receive a grant from the fund.
3. It defines "small business" as a business located in the State that produces goods or provides services and has 20 or fewer full-time equivalent employees, including, but not limited to, contractors and independent consultants, particularly those in trades and technology industries; family-owned small businesses whose founders are nearing retirement; small businesses undergoing change of ownership; and small businesses engaged in agriculture, forestry or fishing.
4. It authorizes the Department of Economic and Community Development to award a grant from the fund to a community-based organization to aid that organization in providing training to small businesses that show a high potential for growth, including training to provide them with the network, resources and motivation required to build a sustainable business of size and scale. To be eligible for training, a small business with a high potential for growth must have been established for at least three years and have annual revenue between \$200,000 and \$5,000,000 per year.
5. It requires the department, when making grants from the fund, to give priority to applications that target aid to areas with a higher percentage of small businesses with five or fewer employees and low median household incomes.
6. It requires that an applicant for a grant to provide training to small businesses that show a high potential for growth must demonstrate a proven ability to increase the growth of small business training participants.
7. It requires that technical assistance and training must address issues of regulatory compliance, personnel training and support, including wages, hours, benefits, health and wellness and environmental and safety issues, and other issues that affect performance, management and legal obligations of small business owners.
8. It requires a community-based organization that receives a grant from the fund to provide a 50% match in the form of cash, staff time and overhead expense directly attributable to small business training and technical assistance.

**LD 1503 An Act To Amend Criteria for Issuing a Certificate of Approval for
Certain Projects under the Finance Authority of Maine Act**

**PUBLIC 95
EMERGENCY**

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

This bill amends a provision in the Finance Authority of Maine Act related to bond financing for energy projects to require as part of the Finance Authority of Maine's approval criteria that a borrower demonstrate a strong likelihood instead of a reasonable likelihood of the borrower's ability to repay the bonds through project revenues or other revenues and collateral, to match other authority moral obligation bond program requirements.

Enacted Law Summary

Public Law 2017, chapter 95 amends a provision in the Finance Authority of Maine Act related to bond financing for energy projects to require as part of the Finance Authority of Maine's approval criteria that a borrower demonstrate a strong likelihood instead of a reasonable likelihood of the borrower's ability to repay the bonds through project revenues or other revenues and collateral, to match other authority moral obligation bond program requirements.

Public Law 2017, chapter 95 was enacted as an emergency measure effective May 26, 2017.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1518 An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information

Died Between Houses

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

This bill establishes in statute the Maine Educational and Attainment Research Navigation System, a longitudinal data series of education and training outcomes, within the Department of Labor and creates the Maine Educational and Attainment Research Navigation System Executive Council to provide oversight. It repeals the provisions establishing the State Education and Employment Outcomes Task Force, which currently develops procedures for the data series.

Committee Amendment "A" (H-346)

This amendment is the minority report of the committee. It reduces funding no longer needed as the result of eliminating the State Education and Employment Outcomes Task Force.

This amendment was not adopted.

LD 1529 An Act To Protect Consumers during Residential Construction

PUBLIC 166

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-166

This bill amends the laws governing home construction contracts in the following ways.

1. It increases the threshold upon which a written home construction contract is required from \$3,000 to \$5,000.
2. It repeals the provision in current law that allows homeowners or lessees and home construction contractors to exempt themselves from the home construction contract requirements by mutual consent.
3. It requires a home construction contractor to deposit funds received from a home construction contract into a business account that is separate from any account used for personal use by the contractor. A home construction contractor who violates this requirement commits a misapplication of home construction funds, a new Class E crime established by the bill, which also subjects the contractor to the escrow requirements established by the bill and a fine of not less than \$100 nor more than \$1,000.
4. If a home construction contractor has been convicted of misapplication of home construction funds or home repair fraud in the State, or any similar crime in another jurisdiction, the bill requires the contractor to put funds received in an escrow account or obtain an indemnity contract or surety bond. A person who violates these requirements is subject to a civil violation that carries a fine of not less than \$100 nor more than \$1,000. A person who violates these requirements and causes a homeowner or lessee to suffer a financial loss that is more than \$1,000 but not more than \$10,000 commits a Class D crime and commits a Class C crime when that financial loss is more than \$10,000.

Committee Amendment "A" (S-166)

This amendment strikes and replaces the bill. The amendment expands the crime of home repair fraud in Maine

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Revised Statutes Title 17-A, section 908 to include fraud that occurs in connection with initial construction of a residence.

Enacted Law Summary

Public Law 2017, chapter 166 expands the crime of home repair fraud in Maine Revised Statutes Title 17-A, section 908 to include fraud that occurs in connection with initial construction of a residence.

LD 1530 An Act To Amend the Laws Governing Unemployment Compensation

PUBLIC 117

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

The purpose of this bill is to bring consistency to Maine's employment security law and bring it into compliance with changes in federal law. The bill:

1. Repeals outdated provisions;
2. Provides that nominal fees or stipends paid to a volunteer are excluded from the definition of wages and specifies that a volunteer does not meet the definition of "employee";
3. Clarifies the status of workers with specific disabilities who are not eligible for unemployment in order to be consistent with changes to state and federal wage and hour laws;
4. Reflects changes to a program name in the federal law;
5. Specifies that unemployment benefits will not be awarded to an employee during a mutually agreed-upon leave or sabbatical leave from the employee's employer;
6. Provides that a reduction in hours initiated by the employee and agreed upon by the employee and employer does not qualify the employee for unemployment benefits;
7. Amends the requalification amount specified under the provision governing absence from work due to incarceration so as to align with the requalification amount specified in provisions governing discharge from work due to misconduct;
8. Amends the definition of "intermittent employment" to specify that employees who have the same reduction in hours of work each year due to the cyclical nature of their employers' business are not eligible for work-sharing benefits; and
9. Specifies that an employer's experience rating may not be charged when an employee has requested an unpaid, voluntary reduction in hours.

Enacted Law Summary

Public Law 2017, chapter 117 makes the following changes to Maine's employment security law:

1. It repeals outdated provisions;
2. It provides that nominal fees or stipends paid to a volunteer are excluded from the definition of wages and specifies that a volunteer does not meet the definition of "employee";

Joint Standing Committee on Labor, Commerce, Research and Economic Development

3. It clarifies the status of workers with specific disabilities who are not eligible for unemployment in order to be consistent with changes to state and federal wage and hour laws;
4. It reflects changes to a program name in the federal law;
5. It specifies that unemployment benefits will not be awarded to an employee during a mutually agreed-upon leave or sabbatical leave from the employee's employer;
6. It provides that a reduction in hours initiated by the employee and agreed upon by the employee and employer does not qualify the employee for unemployment benefits;
7. It amends the requalification amount specified under the provision governing absence from work due to incarceration so as to align with the requalification amount specified in provisions governing discharge from work due to misconduct;
8. It amends the definition of "intermittent employment" to specify that employees who have the same reduction in hours of work each year due to the cyclical nature of their employers' business are not eligible for work-sharing benefits; and
9. It specifies that an employer's experience rating may not be charged when an employee has requested an unpaid, voluntary reduction in hours.

LD 1542 An Act To Support Lead Abatement in Older Residential Properties

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N		

This bill establishes a residential housing lead abatement program, administered by the Maine State Housing Authority. The purpose of the program is to provide grants to municipalities that have administered a lead abatement program and to housing units and housing projects that meet specified eligibility standards. Priority for lead abatement projects funded by the program is given to residences occupied by children who have tested positive for lead poisoning. The program is funded by a real estate transfer tax surtax of \$0.30 per \$500 of the value of property transferred by deed or property in which a controlling interest is transferred.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1553 An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A WARD K	ONTP OTP-AM	

This bill makes the following changes to the municipal public employees labor relations laws, the state employees labor relations laws and the judicial employees labor relations laws.

1. It adds a new requirement for recertification elections, which must start within three years of the effective date of the provision and must be held every even-numbered year after that, to ensure that a majority of the employees in the collective bargaining unit support their current collective bargaining agent. If the bargaining agent does not

Joint Standing Committee on Labor, Commerce, Research and Economic Development

receive votes from a majority of the employees in the bargaining unit, the bargaining agent is decertified and will no longer represent the bargaining unit.

2. It permits employees who have decertified a bargaining agent pursuant to the new recertification election process to certify a new bargaining agent at any time, regardless of whether a collective bargaining agreement is still in effect.

3. It permits an employee to cast a ballot for a period of seven days from the commencement of a collective bargaining election.

4. It adds a requirement that the Maine Labor Relations Board adopt rules to preserve the integrity of collective bargaining recertification elections and the secrecy of the ballot, including a determination of acceptable methods for submitting a ballot. These rules may also establish a fee schedule applicable to an organization under consideration for bargaining agent in a recertification election for the purpose of funding such elections.

Committee Amendment "A" (S-233)

This amendment is the minority report of the committee. It provides funds for the rule-making process required by the bill.

This amendment was not adopted.

LD 1564 An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors

**PUBLIC 286
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B FREDETTE K	ONTP OTP-AM	S-251 S-279 VOLK A

This bill amends laws relating to minors 14 and 15 years of age to allow them to work in bowling alleys and movie theaters and to clarify their employment in bakeries, hotels and rooming houses. It updates a provision regarding work permits for minors by deleting language dealing with triplicate permits and a master permit system and allowing for use of electronic permit submission and approval. It moves the occupational restrictions for minors 16 and 17 years of age to the section with occupational restrictions for minors 14 and 15 years of age. It also clarifies that graduates of vocational programs who are under 18 years of age can work in the occupations for which they were trained.

Committee Amendment "A" (S-251)

This amendment is the minority report of the committee. It makes the following changes to the bill.

1. It adds establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient and recreational marijuana social clubs to the list of employment and occupations not suitable for minors that the Department of Labor must prohibit by rule.

2. It retains the provision in current law that prohibits employment of a minor 14 years of age or older and under 16 years of age when the distance between the workplace and the home of the minor, or any other factor, necessitates the minor's remaining away from home overnight.

3. It replaces the term "a minor 14 years of age or older and under 16" with the phrase "a minor under 16" for greater consistency with the age category for which the occupational restrictions apply in current law.

4. It adds "recreational areas" to the areas of a hotel or rooming house approved for employment of minors 14 and

Joint Standing Committee on Labor, Commerce, Research and Economic Development

15 years of age, and it adds "housekeeping" to the list of tasks explicitly prohibited for minors under 16 years of age.

5. It strikes a provision in the bill that allows an exception to the work hour restrictions for minors 16 and 17 years of age when the minor is employed in a business solely owned by the minor's parents.
6. It specifies that the exception to occupational restrictions applicable to a minor who has graduated from a vocational cooperative education program applies to a vocational, career and technical or cooperative education program approved by the Department of Education.
7. It strikes a section of the bill that replaces the term "a minor under 16 years of age" with "a minor 14 years of age or older and under 16 years of age" for greater consistency with the age category for which the work hour restrictions apply in current law.
8. It adds violations of the laws regarding employment of minors under 14 years of age and hazardous employment of minors under 18 years of age to the new provision in the bill providing the authority for the Department of Labor, Bureau of Labor Standards to revoke a work permit.
9. It restores a provision in current law stricken in the bill that requires approval by the Attorney General of the form used by the Department of Labor for work permits for minors, but amends it to refer to the Office of the Attorney General.

Senate Amendment "A" (S-279)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2017, chapter 286 makes a number of changes to the laws governing the employment of minors, including the following.

1. It prohibits all employment for minors under 14, except for agricultural employment in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances. It maintains an exception for employment in a business solely owned by the minor's parents, as long as it is not hazardous employment prohibited under Department of Labor rules or federal law.
2. It adds establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient and recreational marijuana social clubs to the list of employment and occupations not suitable for minors that the Department of Labor must prohibit by rulemaking.
3. It changes the laws relating to minors 14 and 15 years of age to allow them to work in bowling alleys and movie theaters and to clarify their employment in bakeries, hotels and rooming houses.
4. It moves the occupational restrictions for minors 16 and 17 years of age to the section with occupational restrictions for minors 14 and 15 years of age.
5. It clarifies that graduates of vocational, career and technical or cooperative education programs approved by the Department of Education who are under 18 years of age can work in the occupations for which they were trained.
6. It updates a provision regarding work permits for minors by deleting language dealing with triplicate permits and a master permit system, allowing for use of electronic permit submission and approval and changing the approval of the permit form from approval by the Attorney General to approval by the Office of the Attorney General.
7. It grants the Department of Labor, Bureau of Labor Standards authority to revoke a work permit for violations of

Joint Standing Committee on Labor, Commerce, Research and Economic Development

the laws regarding employment of minors.

Public Law 2017, chapter 286 was enacted as an emergency measure effective July 9, 2017.

LD 1566 An Act To Enact the Maine Fair Chance Employment Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R VOLK A		

This bill enacts the Maine Fair Chance Employment Act and adds restrictions to the use of criminal history information in the context of employment decisions by private employers and the State and its political subdivisions and of licensing decisions by licensing agencies.

It prohibits an employer from asking an applicant for employment to disclose information concerning the applicant's criminal history, or considering such information, until after the applicant has received a conditional offer of employment. It restricts the way a private employer, or the State and its political subdivisions, may use criminal history information in the course of making employment decisions and adds similar restrictions to the existing restrictions applicable to licensing agencies' consideration of criminal history information. It also makes certain criminal history information in the possession of the State and its political subdivisions confidential and makes all criminal background check information obtained by the State in connection with an employment decision confidential.

The Maine Human Rights Commission is charged with enforcement of the Maine Fair Chance Employment Act and may seek civil penalties against a private employer for a violation of \$1,000 for the first violation and \$2,000 for each subsequent violation.

The bill also creates a private right of action that may be brought by an affected individual against a private employer that has violated the Maine Fair Chance Employment Act and, upon prevailing, the affected individual is entitled to such legal or equitable relief as the court may determine appropriate and reasonable attorney's fees and costs.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1575 An Act To Update the Statutes Governing the Bureau of Labor Standards To Promote Clarity for Workers and Employers

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A STETKIS J	OTP-AM	S-252

This bill makes the following changes to the labor laws.

1. It removes a reference to the Director of Labor Standards as the "state factory inspector" to recognize that the workplaces governed by these statutes are not restricted to factories.
2. It requires posters regarding video display terminal safety and minimum wage and overtime requirements to be posted in the same location as other posters required by the Department of Labor, Bureau of Labor Standards and establishes a penalty structure for violations of the posting requirements within the section of law requiring posting.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

3. It removes the requirement that a willful violation of the requirement to cooperate and comply with an investigation by the bureau is punishable as a criminal conviction because the statute does not provide a means to obtain a conviction and instead provides for a civil penalty of up to \$10,000 for a willful violation.
4. It brings the law prohibiting discrimination against tobacco use by employees into compliance with federal law by allowing an employer to discriminate against an employee who uses tobacco when determining health and life insurance premiums and other employee benefit plans but exempts from discrimination an employee's tobacco use that is part of a voluntary wellness program for the cessation of tobacco use.
5. It amends the law regarding the possession of firearms by employees to reflect the repeal of the requirement to obtain a concealed carry permit and clarifies that it does not authorize an employee to carry or possess a firearm where carrying or possessing a firearm is prohibited, including on worksites that are not owned by that employee's employer.
6. It amends the law regarding rest breaks to clarify the differences between paid rest breaks and unpaid lunch breaks.
7. It amends the exemption from rest breaks for those employees who have frequent rest breaks during the work day to specify that the exemption only applies if the rest breaks are paid rest breaks and of shorter duration than the 30 minutes otherwise required.
8. It amends the law regarding the exemption from mandatory overtime pay for salaried workers to specify that the exemption applies to a salaried employee who works in a bona fide executive, administrative or professional capacity who meets the test for a white collar exemption, including a minimum salary level, as established in the final rules adopted by the United States Department of Labor pursuant to the federal Fair Labor Standards Act and allows such employees to be paid on a monthly basis, instead of every 16 days, as for other employees.
9. It amends the law regarding timing of payment of wages to specify that the payment must include all wages earned for the prior pay period, instead of those earned within eight days of the payment date, and allows such payments to be made on the next business day when the payment date occurs on a day when the business is closed. The bill prohibits an employer from increasing any pay interval without providing notice to its employees.
10. Current law requires an employer to keep a record showing the date and amount paid to each employee and a daily record of time worked by an employee. This bill specifies that those records must be maintained by the employer for three years.
11. Current law requires an employee leaving employment to be paid within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid. Whenever the terms of employment include provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. This bill removes the "reasonable time" requirement and instead specifies that when an employee leaves employment, that employee must be paid on the next established payday. The bill also specifies that payment of vacation is payable only in accordance with the employer's established policy or practice.
12. It repeals the exemption from the minimum wage and overtime laws for an individual employed as a switchboard operator in a public telephone exchange that has less than 750 stations.
13. It amends the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer" to reflect provisions in federal law.
14. It changes the definition of "tip" and provisions regarding service charges to conform to the federal Fair Labor Standards Act, or FLSA. Current Maine law creates a wage violation under the FLSA by allowing a charge added to a customer's bill to be treated as a tip, whereas the FLSA treats it as a service charge, which is the employer's

Joint Standing Committee on Labor, Commerce, Research and Economic Development

property not the service worker's.

15. It clarifies the intent of the Legislature, to conform with federal law, that the distribution of certain products is exempt from the provisions governing overtime pay. It amends the 1995 law by reordering the series of exempt tasks for the purpose of eliminating any perceived ambiguity.

16. It adds the exemption adopted by the United States Department of Labor in 2015 for a domestic service worker employed to provide companionship services. The provision of care provided in conjunction with the provision of fellowship and protection cannot exceed 20% of the total hours worked per person and per workweek to qualify for exemption.

17. It repeals the definition of "hotel" for purposes of the subchapter on minimum wage since the term is not used in that subchapter.

18. It repeals and reallocates the provisions of the Maine Revised Statutes, Title 26, chapter 7, subchapter 4, article 1 regarding the application of the subchapter, record of work hours of minors and penalties.

19. It requires the bureau to conduct a survey every three years to determine the prevailing hourly wage and benefits rate in the construction industry. Current law requires the bureau to determine that wage and benefits rate annually.

20. It repeals the provisions of law regarding placement restrictions for a person required to work as a condition of receiving public assistance.

21. It updates the safety standard for inspection of firefighters' breathing apparatus to require that the inspection procedure follow the procedure specified in the manufacturer's operation manual. The document referred to in current law was never finalized for adoption.

Committee Amendment "A" (S-252)

This amendment makes a number of changes to the bill, including the following:

1. It restores the fine of up to \$20,000 for repeated violations of occupational safety requirements. It also removes the requirement for a conviction and instead provides that the fine is collectible upon a determination of a violation by the Department of Labor;
2. It allows an employer to offer a voluntary wellness program that offers incentives to employees for the cessation of use of tobacco products in compliance with federal regulations;
3. It eliminates the portion of the bill regarding possession of firearms by employees;
4. It amends the portion of the bill regarding rest breaks to specify that the 30-minute rest break may be used by the employee as unpaid mealtime only if the employee is completely relieved of duty, and limits the exception that allows small businesses with fewer than three employees on duty at any one time when the employee has frequent paid breaks of shorter duration to be exempted from the 30-minute rest break requirement only if the employees are completely relieved of duty during the frequent paid breaks;
5. It eliminates the portions of the bill regarding exemptions to mandatory overtime pay for certain salaried employees and automobile mechanics, automobile parts clerks and automobile service writers;
6. It eliminates the provision in the bill that allows a salaried employee to be paid on a monthly basis;
7. It eliminates the requirement in the bill that an employer preserve wage records for three years;

Joint Standing Committee on Labor, Commerce, Research and Economic Development

8. It changes the provision in the bill that specifies that when the terms of employment or the employer's established practice includes provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned;
9. It eliminates the exemption from minimum wage and overtime pay requirements in the bill for domestic service workers employed to provide companionship services;
10. It eliminates the provisions in the bill relating to the definition of "tip" and that make a mandatory service charge the property of the employer and not the service employee; and
11. It eliminates the provision in the bill that requires the Department of Labor, Bureau of Labor Standards to conduct a survey every three years to determine the prevailing hourly wage and benefits rate in the construction industry, instead of annually under current law.

This amendment also makes changes to the bill to provide further clarity regarding the current exemption from overtime contained in the Maine Revised Statutes, Title 26, section 664, subsection 3, paragraph F relating to work in the distribution of agricultural produce, meat and fish products and perishable foods. The bill and the current amendment are specifically intended to correct a perceived ambiguity identified by the United States Court of Appeals for the First Circuit in *O'Connor v. Oakhurst Dairy*, 851 F.3d 69 (2017). The amendment attempts to clarify current law by using semicolons to separate the applicable categories of work to which the exemption applies, and by changing the term "distribution" to "distributing" to conform to the grammatical convention of parallel usage by matching the gerund form of the other activities listed in the exemption, with the intent that work done in the distribution of, or distributing of, agricultural produce, meat and fish products and perishable foods is exempt from the overtime requirements of Title 26, section 664. The amendment also adds a retroactivity clause, applying the changes made to Title 26, section 664, subsection 3, paragraph F retroactively to September 29, 1995. This retroactivity applies to pending cases except, in deference to the authority of the judiciary to redress disputes, for cases pending on March 12, 2017. The Legislature does not intend any retroactive change to the overtime requirements for egg processing facilities enacted by Public Law 2011, chapter 681.

Enacted Law Summary

Public Law 2017, chapter 219 makes a number of changes to the labor laws, including the following:

1. It removes imprisonment as a penalty for an employer who willfully or repeatedly violates any standard, rule or order relating to occupational safety. It also removes the requirement for a conviction in order to enforce fines for such a violation and instead provides that a fine is collectible upon a determination of a violation by the Department of Labor;
2. It allows an employer to offer a voluntary wellness program that offers incentives to employees for the cessation of use of tobacco products in compliance with federal regulations;
3. It amends the law regarding mandatory rest breaks to specify that the 30-minute rest break may be used by the employee as unpaid mealtime, but only if the employee is completely relieved of duty. It also clarifies that the exception that applies to businesses with fewer than three employees on duty at any one time only applies if the employee is paid during the employee's frequent breaks of shorter duration;
4. It provides that when the terms of employment or the employer's established practice includes provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned; and
5. It clarifies that the exemption in the overtime wage laws regarding work involving agricultural produce, meat and fish products and perishable foods applies to work distributing such products and applies this change retroactively to pending cases, except for cases pending on March 12, 2017.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

LD 1583 An Act To Amend the Electricians' Examining Board Licensing Laws

**PUBLIC 198
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-211

This bill amends and updates technical terminology, removes outdated provisions and ambiguity and reorganizes existing provisions of the laws governing the Electricians' Examining Board in the Maine Revised Statutes Title 32, chapter 17.

The bill adds a definition of "dwelling unit" and amends the definition of "electrical installation" to include updated terminology. The bill repeals the definition of "supervision" and the existing provision of law outlining the qualifications and scope of practice of specific license types, replacing these provisions with a new section of law comprehensively outlining the qualifications, scope of practice and supervisory authority of all licenses issued by the board.

The bill clarifies existing provisions applicable to permitting, inspection and certification of electrical installations in non-residential and residential buildings. The bill moves provisions applicable to state electrical inspectors to a more appropriate section.

The bill clarifies that the Electricians' Examining Board is composed of five master electricians and two public members and reduces from ten years to five years the required years of licensed experience prior to board appointment. It expands the board's authority to license an applicant who holds a license from another state with different licensure qualifications, as long as the applicant can demonstrate comparable work experience, education, training or a combination thereof that is acceptable to the board.

The bill amends the reciprocity laws to reduce the minimum number of work hours that an electrician licensed in a reciprocal state must show to obtain a journeyman electrician or master electrician license in Maine.

Committee Amendment "A" (S-211)

This amendment adds provisions that allow a limited electrician to supervise licensed helper and apprentice electricians to the same extent as under current law and that allow applicants for a master electrician license to count hours worked as an apprentice electrician toward the 12,000-hour experience requirement, as is permitted in current law.

This amendment also makes technical changes to the bill and adds an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2017, chapter 198 amends and updates technical terminology, removes outdated provisions and ambiguity and reorganizes existing provisions of the laws governing the Electricians' Examining Board in the Maine Revised Statutes Title 32, chapter 17.

Public Law 2017, chapter 198 amends the definition of "electrical installation" to include updated terminology. It repeals the definition of "supervision" and the existing provision of law outlining the qualifications and scope of practice of specific license types, replacing these provisions with a new section of law comprehensively outlining the qualifications, scope of practice and supervisory authority of all licenses issued by the board.

Public Law 2017, chapter 198 clarifies existing provisions applicable to permitting, inspection and certification of electrical installations in non-residential and residential buildings and moves provisions applicable to state electrical inspectors to a more appropriate section.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Public Law 2017, chapter 198 also clarifies that the Electricians' Examining Board is composed of five master electricians and two public members and reduces from ten years to five years the required years of licensed experience prior to board appointment. It expands the board's authority to license an applicant who holds a license from another state with different licensure qualifications, as long as the applicant can demonstrate comparable work experience, education, training or a combination thereof that is acceptable to the board.

Public Law 2017, chapter 198 amends the reciprocity laws to reduce the minimum number of work hours that an electrician licensed in a reciprocal state must document to obtain a journeyman electrician or master electrician license in Maine.

Public Law 2017, chapter 198 was enacted as an emergency measure effective June 14, 2017.

LD 1587 An Act To Provide Economic Security to Maine Families through the CARRIED OVER
Creation of a Paid Family Medical Leave System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A		

This bill creates a paid family medical leave program, patterned after the unpaid family medical leave program existing in current law but requiring a contribution from an eligible employee, or a self-employed person on a voluntary basis, of no more than 0.5% of the employee's or self-employed person's wages or earnings. The program requires employers to deduct the contributions from employee paychecks and for the employers and self-employed persons to submit contributions to the Department of Labor, Bureau of Unemployment Compensation, which is charged with administering the program. The program pays benefits of up to 66% of an employee's wages or self-employed person's earnings capped at the same maximum amount as unemployment benefits for leave taken by the employee or self-employed person for various family-related medical issues. This bill makes participation optional for employers that employ fewer than 15 employees. This bill also directs the Department of Labor to develop an implementation plan dealing with staffing, technology, start-up expense, rulemaking and scheduling to begin the program on its effective date of October 1, 2019.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1592 An Act To Remove Barriers to Professional Licensing for Veterans PUBLIC 173

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J	OTP-AM	H-307

This bill grants the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation the authority to modify licensing requirements of professional licensing boards administered by the Office of Professional and Occupational Regulation on a case-by-case basis for applicants for licensure who are military veterans.

Committee Amendment "A" (H-307)

This amendment clarifies that examination fees, not examinations, may be waived for applicants for licensure who are military veterans.

Enacted Law Summary

Joint Standing Committee on Labor, Commerce, Research and Economic Development

Public Law 2017, chapter 173 grants the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation the authority to modify licensing requirements of professional licensing boards administered by the Office of Professional and Occupational Regulation on a case-by-case basis, including by waiving examination fees, for applicants for licensure who are military veterans.

LD 1594 An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists

**PUBLIC 249
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K MASON G	OTP-AM ONTP	H-355

This bill provides that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose or to a person in a position to assist such an individual. Current law provides that a pharmacist may only dispense naloxone hydrochloride to such an individual or person. The bill also provides that the rules adopted by the Maine Board of Pharmacy authorizing pharmacists to prescribe and dispense naloxone hydrochloride must establish adequate training requirements and protocols for prescribing and dispensing naloxone hydrochloride when there is no prescription drug order, standing order or collaborative practice agreement authorizing naloxone hydrochloride to be dispensed to the intended recipient.

Committee Amendment "A" (H-355)

This amendment, which is the majority report of the committee, adds an emergency preamble and emergency clause and provides for the authority of a pharmacist to prescribe naloxone hydrochloride in accordance with rules adopted by the Maine Board of Pharmacy. This authority expires on July 1, 2019.

Enacted Law Summary

Public Law 2017, chapter 249 provides that a pharmacist may prescribe and dispense naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose or to a person in a position to assist such an individual in accordance with rules adopted by the Maine Board of Pharmacy. The rules adopted by the Board must establish adequate training requirements and protocols for prescribing and dispensing naloxone hydrochloride when there is no prescription drug order, standing order or collaborative practice agreement authorizing naloxone hydrochloride to be dispensed to the intended recipient. A pharmacist's authority to prescribe naloxone hydrochloride expires on July 1, 2019.

Public Law 2017, chapter 249 was enacted as an emergency measure effective June 24, 2017.

LD 1609 An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers

**Died Between
Houses**

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

This bill reduces increases to the minimum wage and provides a minimum wage of \$11 per hour starting January 1, 2021. The bill eliminates the annual cost-of-living adjustment to the minimum wage and reinstates the tip credit at 50% of the state minimum wage. The bill allows employers to pay a training or youth wage subject to certain conditions including that the training or youth wage meets or exceeds the federal minimum wage established under the federal Fair Labor Standards Act. The bill changes the description of certain salaried employees who are exempt from the limits on mandatory overtime. The bill changes the description of certain salaried employees who are exempt from the laws governing minimum wages. The bill changes the definitions of "automobile mechanic,"

Joint Standing Committee on Labor, Commerce, Research and Economic Development

"automobile parts clerk," "automobile service writer" and "tip" in the laws governing minimum wages. The bill amends the laws governing service charges in the minimum wage laws by making a compulsory service charge the property of the employer and not a tip that is the property of the service employee. Current law allows this practice only in a banquet or private club setting.

Committee Amendment "A" (S-246)

This amendment is the minority report of the committee. It strikes most of the provisions of the bill but retains the reduction in the scheduled increases to the minimum wage to 50 cents an hour per year until January 1, 2021, when the minimum wage will be \$11 per hour. It also keeps the elimination of the annual cost-of-living adjustment to the minimum wage in the bill and the \$1 an hour cap on the automatic increase in the state minimum wage when it is exceeded by the federal minimum wage. The amendment keeps the provision in the bill that makes a compulsory service charge the property of the employer and not a tip that is the property of the service employee.

This amendment was not adopted.

LD 1621 An Act To Retain Jobs in Maine

**Leave to Withdraw
Pursuant to Joint
Rule**

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

This bill requires that a person proposing to permanently shut down an industrial or commercial facility make an offer of sale, at fair market value, of the facility and equipment to an interested employee organization or to a privately owned business entity, government-owned business entity or jointly owned business entity.

**LD 1643 An Act To Provide Funding to the Loring Development Authority of
Maine for Implementation Grants**

**PUBLIC 298
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H JACKSON T		

This bill was not referred to committee.

This bill:

1. Lapses \$750,000 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2017-18 and 2018-19; and
2. Provides \$750,000 in each fiscal year of the biennium for implementation grants to the Loring Development Authority of Maine upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Governor.

Enacted Law Summary

Public Law 2017, chapter 298 does the following:

1. It lapses \$750,000 in each fiscal year of the biennium to the unappropriated surplus of the General Fund that is not anticipated to be needed by the Maine Technology Institute in fiscal years 2017-18 and 2018-19; and

Joint Standing Committee on Labor, Commerce, Research and Economic Development

2. It provides \$750,000 in each fiscal year of the biennium for implementation grants to the Loring Development Authority of Maine upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Governor.

Public Law 2017, chapter 298 was enacted as an emergency measure effective August 2, 2017.

***Joint Standing Committee on Labor, Commerce, Research and
Economic Development***

SUBJECT INDEX

Building Codes

Not Enacted

LD 873	An Act To Adopt Tiny House Standards in the Maine Uniform Building and Energy Code	Leave to Withdraw Pursuant to Joint Rule 310
LD 1140	An Act To Preserve the Economic Viability of Maine's Historic Properties	Died Between Houses
LD 1392	An Act To Allow Municipalities To Opt Not To Enforce the Maine Uniform Building and Energy Code	Majority (ONTP) Report

Business Regulation

Enacted

LD 1377	An Act To Prohibit Posing as a Governmental Entity in Commerce	PUBLIC 228
LD 1409	An Act To Reduce Regulations for Small Nonalcoholic Beverage Producers	PUBLIC 113 EMERGENCY
LD 1463	An Act To Amend the Laws Relating to Motor Vehicle Dealers	PUBLIC 217
LD 1529	An Act To Protect Consumers during Residential Construction	PUBLIC 166

Not Enacted

LD 776	An Act To Promote Fairness for Rural Maine Residents by Regulating Fuel Prices	ONTP
LD 810	An Act To Allow Funeral Homes To Own and Operate Crematories	ONTP
LD 884	An Act To Exempt Small Bottlers from the Bottling Plant Requirements	ONTP
LD 943	An Act Regarding the Cancellation of Subscription Services	Veto Sustained

Child Labor

Enacted

LD 1564	An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors	PUBLIC 286 EMERGENCY
---------	---	-------------------------

Not Enacted

LD 1420	An Act Regarding Work Permits for Minors under 16 Years of Age	ONTP
---------	--	------

Consumer Protection

Enacted

LD 661 An Act Regarding the Chain of Custody in Crematories PUBLIC 101

Not Enacted

LD 84 An Act To Clarify the Contracts Used for Automobile Sales ONTP

Economic Development

Enacted

LD 1037 An Act To Provide for the 2017 and 2018 Allocations of the State Ceiling on Private Activity Bonds P & S 5
EMERGENCY

LD 1217 An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development PUBLIC 264

LD 1478 An Act To Provide Support for Sustainable Economic Development in Rural Maine PUBLIC 174
EMERGENCY

LD 1503 An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act PUBLIC 95
EMERGENCY

LD 1643 An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants PUBLIC 298
EMERGENCY

Not Enacted

LD 165 An Act To Provide Matching Funds for Federal Community Development Block Grants Died Between
Houses

LD 285 An Act To Provide Funding for the Maine Coworking Development Fund CARRIED
OVER

LD 367 An Act To Implement the Recommendations of the Government Oversight Committee To Develop a Long-range Strategic Plan for Economic Improvement in the State CARRIED
OVER

LD 1343 An Act To Promote Downtown Revitalization by Creating the Locating Businesses Downtown Loan Program CARRIED
OVER

LD 1393 Resolve, Establishing the Commission To Create a Statewide Economic Development Plan ONTP

LD 1501 An Act To Increase Success and Promote Growth among Maine Small Businesses ONTP

Economic Development-Agencies

Enacted

LD 1324 An Act To Support Innovation, Entrepreneurship and Maine's Economic Future PUBLIC 109

Not Enacted

LD 1353 An Act To Establish the Maine Domestic Trade Center ONTP

Economic Development-Programs

Not Enacted

LD 1244 An Act To Support Small Manufacturers in the State CARRIED
OVER
LD 1306 An Act To Create a Small Communities Tourism Grant Program Veto Sustained

Employee Benefits

Not Enacted

LD 554 An Act To Require Paid Parental Leave for Employees ONTP
LD 701 An Act To Establish the Maine Paid Family Leave Insurance Program ONTP
LD 1159 An Act To Support Healthy Workplaces and Healthy Families by
Providing Paid Sick Leave to Certain Employees Died Between
Houses
LD 1587 An Act To Provide Economic Security to Maine Families through the
Creation of a Paid Family Medical Leave System CARRIED
OVER

Employment Practices

Enacted

LD 1004 An Act To Increase Reporting on Wage and Hour Violations PUBLIC 268
LD 1575 An Act To Update the Statutes Governing the Bureau of Labor Standards
To Promote Clarity for Workers and Employers PUBLIC 219

Not Enacted

LD 163 An Act To Strengthen the Enforcement of Maine's Labor Laws ONTP
LD 466 An Act To Protect Employees from Abusive Work Environments ONTP
LD 487 An Act To Promote Keeping Workers in Maine Died Between
Houses
LD 613 An Act To Protect Job Applicants from Identity Theft Veto Sustained
LD 699 An Act To Enact the Toxic Chemicals in the Workplace Act Died Between
Houses
LD 942 An Act To Prohibit a Prospective Employer from Asking a Prospective
Hire about the Person's Compensation History until after a Job Offer Is
Made ONTP
LD 944 An Act To Prohibit the State from Asking a Prospective Hire about the
Person's Compensation History until after a Job Offer Is Made ONTP
LD 1088 An Act To Require That Employees Be Informed of Potential Eligibility
for the Earned Income Tax Credit Died Between
Houses
LD 1222 An Act To Address the Policies Relating to Substance Use in the
Workplace Died Between
Houses

LD 1259	An Act Regarding Pay Equality	Veto Sustained
LD 1307	An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents	Died Between Houses
LD 1378	Resolve, Directing the State Workforce Investment Board To Create the Maine Family First Employer Program	Veto Sustained
LD 1402	An Act Regarding Payroll Deductions	ONTP
LD 1566	An Act To Enact the Maine Fair Chance Employment Act	CARRIED OVER
LD 1621	An Act To Retain Jobs in Maine	Leave to Withdraw Pursuant to Joint Rule 310

Housing

Enacted

LD 1340	An Act To Amend the Laws Governing the Maine State Housing Authority	PUBLIC 234
---------	--	------------

Not Enacted

LD 970	An Act To End Homelessness by Expanding Housing Support Services	Veto Sustained
LD 1006	An Act Regarding Housing Insecurity of Older Citizens	CARRIED OVER

Housing Safety

Enacted

LD 1263	Resolve, To Increase the Affordability of Safe Drinking Water for Maine Families	RESOLVE 28
---------	--	------------

Not Enacted

LD 441	An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule	Died Between Houses
LD 1468	An Act To Expand Application of the Maine State Housing Authority's Arsenic Abatement Program	ONTP
LD 1542	An Act To Support Lead Abatement in Older Residential Properties	CARRIED OVER

Labor Department

Enacted

LD 1477	An Act To Coordinate and Enforce Existing Workplace Training Requirements	PUBLIC 162
---------	---	------------

Not Enacted

LD 1500	An Act To Modernize Data Collection and Reporting and Information Access for the Department of Labor	Died Between Houses
---------	--	---------------------

LD 1518	An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information	Died Between Houses
---------	---	---------------------

Labor Relations

Not Enacted

LD 65	An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment	Majority (ONTP) Report
LD 66	An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions	Majority (ONTP) Report
LD 772	An Act To Ensure Transparency in Public Union Negotiations	Majority (ONTP) Report
LD 1348	An Act To Expand the Rights of Public Employees under the Maine Labor Laws	Majority (ONTP) Report
LD 1358	An Act To Improve Public Sector Labor Relations	Died Between Houses
LD 1553	An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent	Majority (ONTP) Report

Miscellaneous

Not Enacted

LD 958	An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act	CARRIED OVER
LD 1155	An Act To Improve the Lives of Working Families	ONTP
LD 1308	Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit	CARRIED OVER

Municipal Business Regulation

Enacted

LD 22	An Act To Repeal the Requirement That Municipalities License Roller-skating Rinks	PUBLIC 12
LD 1072	An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals	PUBLIC 126

Not Enacted

LD 488	An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas	Veto Sustained
--------	---	----------------

Occupational and Professional Regulation

Enacted

LD 37	An Act To Provide a Career and Technical Education Training Option for Plumbers	PUBLIC 4
LD 132	An Act To Authorize Podiatrists To Perform Certain Routine Procedures	PUBLIC 14
LD 593	An Act To Update the Licensure Renewal Provision of the Board of Licensure in Medicine	PUBLIC 63
LD 801	An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home	PUBLIC 80 EMERGENCY
LD 911	An Act To Prohibit Certain Gifts to Health Care Practitioners	PUBLIC 267
LD 985	An Act To Promote Medical Care for Visiting Athletic Teams	PUBLIC 119
LD 1085	An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist	PUBLIC 139 EMERGENCY
LD 1166	An Act Regarding Anesthesia Care in Rural Maine	PUBLIC 188
LD 1200	An Act Relating to the Licensure of Physicians	PUBLIC 189
LD 1349	An Act Regarding the Licensure of Appraisal Management Companies	PUBLIC 270
LD 1359	An Act To Adopt the Interstate Medical Licensure Compact	PUBLIC 253
LD 1376	An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling	PUBLIC 265
LD 1410	An Act To Adopt the Nurse Licensure Compact	PUBLIC 258
LD 1443	An Act To Update Professional and Occupational Licensing Laws	PUBLIC 210
LD 1583	An Act To Amend the Electricians' Examining Board Licensing Laws	PUBLIC 198 EMERGENCY
LD 1592	An Act To Remove Barriers to Professional Licensing for Veterans	PUBLIC 173
LD 1594	An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists	PUBLIC 249 EMERGENCY

Not Enacted

LD 13	An Act To Require Certain Licensing Boards To Report Cases of Sexual Abuse of a Patient or Client by a Licensee to a Law Enforcement Agency or the Department of Health and Human Services	ONTP
LD 114	An Act To Increase the Number of Suboxone Prescribers	ONTP
LD 130	An Act To Provide Funding for Costs Associated with Requiring the Licensing of Midwives	Died On Adjournment
LD 148	An Act To Allow Overhead Garage Door Installers To Install and Repair Dumbwaiters	ONTP
LD 456	An Act To Increase Access to Vaccinations	Died On

LD 490	An Act To Exempt Chiropractic Assistants from Being Required To Hold Licenses as Radiographers, Nuclear Medicine Technologists or Radiation Therapists	Adjournment ONTP
LD 538	An Act To Allow Advanced Practice Registered Nurses Who Have Attained Certain Degrees To Use the Title of Doctor	Majority (ONTP) Report
LD 572	An Act To Amend the Laws Governing the Practice of Pharmacy	Died Between Houses
LD 615	Resolve, To Establish a Work Group To Update the Maine Pharmacy Act	ONTP
LD 811	An Act Regarding Continuing Education for Persons Engaged in the Practice of Funeral Service	ONTP
LD 872	An Act To Establish Requirements Related to the Practice of Dry Needling	ONTP
LD 912	An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy	CARRIED OVER
LD 954	An Act To Make Certain Contraception Available over the Counter	ONTP
LD 1036	Resolve, To Study Repeal of Occupational Licensing Requirements for Certain Occupations	ONTP
LD 1152	An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification	ONTP
LD 1165	An Act To Amend the Laws Regarding Licensure for Professional Engineers	ONTP
LD 1280	An Act To Require Drug Manufacturers To Comply with Federal Law	CARRIED OVER
LD 1327	An Act To Allow Former Military Medical Personnel To Perform Certain Medical Services	CARRIED OVER

Research and Development

Not Enacted

LD 656	An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products	CARRIED OVER
--------	--	-----------------

Retirement

Not Enacted

LD 1243	An Act Regarding the Maine Length of Service Award Program Board of Trustees	Died On Adjournment
---------	--	------------------------

Unemployment Compensation

Enacted

LD 1530 An Act To Amend the Laws Governing Unemployment Compensation PUBLIC 117

Not Enacted

LD 563 An Act To Protect Earned Pay Died On
Adjournment

LD 700 An Act To Give Flexibility to Employees and Employers for Temporary Layoffs CARRIED
OVER

LD 962 An Act Regarding Unemployment Compensation for Workers Involved in Certain Seasonal Occupations ONTP

LD 1116 An Act To Improve the Unemployment Compensation System INDEF PP

LD 1341 An Act To Clarify Eligibility for Unemployment Benefits during Labor Disputes Died Between
Houses

LD 1464 An Act Regarding Unemployment Compensation for Full-time Seasonal Workers ONTP

Wages

Enacted

LD 673 An Act To Restore the Tip Credit to Maine's Minimum Wage Law PUBLIC 272

Not Enacted

LD 86 An Act To Protect Worker Wages and Benefits INDEF PP

LD 702 An Act To Restore the Tip Credit to Maine Employees ONTP

LD 774 An Act To Create a Training Wage ONTP

LD 775 An Act To Prohibit the Minimum Wage from Exceeding the New England Average ONTP

LD 778 An Act To Eliminate the Indexing of the Minimum Wage to Inflation Died Between
Houses

LD 831 An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit Died Between
Houses

LD 971 An Act To Exempt Certain Employees from the Minimum Wage Laws ONTP

LD 991 An Act To Establish a Minimum Wage for Minors Died Between
Houses

LD 1005 An Act Regarding Minimum Wage Increases ONTP

LD 1117 Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage Died Between
Houses

LD 1609 An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers Died Between
Houses

Workers' Compensation

Enacted

LD 313	An Act To Amend the Laws Governing Prior Employees of the Workers' Compensation Board	PUBLIC 29
LD 612	An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992	PUBLIC 53
LD 848	An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder	PUBLIC 294
LD 984	An Act To Separate the Authorities under the Licenses for Property and Casualty Insurance Adjusters and Workers' Compensation Insurance Adjusters	PUBLIC 152

Not Enacted

LD 67	An Act To Improve Insurance Coverage for First Responders Answering a Call to Duty	Minority (ONTP) Report
LD 489	An Act To Ensure Firefighters Receive Cancer Treatment Pursuant to the Maine Revised Statutes, Title 39-A	ONTP
LD 614	An Act To Establish a Presumption of Heart Disease or Hypertension in the Line of Duty for Corrections Officers under the Workers' Compensation Laws	ONTP
LD 777	An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease	Majority (ONTP) Report
LD 913	An Act Regarding Workers' Compensation Insurance Rates for Small Businesses	ONTP
LD 927	An Act To Establish a Presumption of Impairment of Health in the Line of Duty for Corrections Employees under the Workers' Compensation Laws	ONTP
LD 1056	An Act To Protect Homeowners from Workers' Compensation Claims	ONTP

Workforce Development

Enacted

LD 1360	An Act To Conform the State Workforce Board and Workforce Development Programs to the Federal Workforce Innovation and Opportunity Act	PUBLIC 110
LD 1362	An Act To Update the Operations of the Bureau of Rehabilitation Services and To Conform to the Federal Workforce Innovation and Opportunity Act of 2014	PUBLIC 111

Not Enacted

LD 669	An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers	CARRIED OVER
--------	--	--------------

LD 1467 An Act To Expand Competitive Skills Scholarships and Strengthen
Maine's Workforce Development Programs ONTP

Workforce Investment

Not Enacted

LD 503 An Act To Continue the Doctors for Maine's Future Scholarship Program CARRIED
OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2017

MEMBERS:

SEN. JOYCE A. MAKER, CHAIR
SEN. ERIC L. BRAKEY
SEN. ELOISE A. VITELLI

REP. WALTER A. KUMIEGA III, CHAIR
REP. MICHAEL G. DEVIN
REP. ROBERT W. ALLEY, SR.
REP. LYDIA C. BLUME
REP. STEPHANIE HAWKE
REP. KEVIN J. BATTLE
REP. WILLIAM R. TUELL
REP. DAVID G. HAGGAN
REP. ABDEN S. SIMMONS
REP. PAULA G. SUTTON

STAFF:

CRAIG NALE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

Joint Standing Committee on Marine Resources

LD 14 An Act To Extend the Legal Hours for Harvesting Lobster

**PUBLIC 32
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP-AM	H-35

This bill extends the legal hours to harvest lobsters by allowing hauling lobster traps beginning at 5 a.m. during the period from October 1st to October 31st.

Committee Amendment "A" (H-35)

This amendment extends the legal hours to harvest lobsters by allowing hauling lobster traps beginning at 4 a.m. during the period from October 1st to October 31st. This amendment adds an emergency preamble and emergency clause and incorporates a fiscal note.

Enacted Law Summary

Public Law 2017, chapter 32, extends the legal hours to harvest lobsters by allowing hauling lobster traps beginning at 4 a.m. during the period from October 1st to October 31st.

Public Law 2017, chapter 32 was enacted as an emergency measure effective April 28, 2017.

**LD 68 An Act To Implement an Owner-Operator Requirement in the Scallop
and Sea Urchin Fisheries**

PUBLIC 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L LANGLEY B	OTP-AM	H-323

This bill implements an owner-operator requirement in the scallop dragging and sea urchin dragging fisheries.

The bill provides that a boat may not be used to drag for scallops unless the boat is owned by a scallop dragging license holder and the owner or a family member is on board. The bill implements the same ownership requirement for sea urchin dragging boats and license holders. The bill provides certain exceptions to the boat ownership requirement for illness or disability, for temporary inoperability of the owner's boat and for sale of the boat named on the license and to allow a license holder who meets certain requirements but who does not own a boat to continue fishing in the future. The bill allows a person who cannot meet the boat ownership requirements to hold a license to maintain eligibility for a future license in the limited entry scallop dragging fishery and in the limited entry sea urchin dragging fishery. The bill also provides that the holder of a scallop dragging license or a sea urchin dragging license may operate only the boat named on the license to drag for scallops or sea urchins. The bill provides certain exceptions to the boat operation requirement for illness or disability, for temporary inoperability of the boat and for sale of the boat named on the license. The bill requires the Commissioner of Marine Resources to provisionally adopt rules establishing a limited entry system in the scallop fishery no later than January 12, 2018.

Committee Amendment "A" (H-323)

This amendment replaces the bill. The amendment retains the provisions of the bill that create an owner-operator requirement in the scallop dragging and sea urchin dragging fisheries, but allows a person who fished with a family member in the 2017 fishing season on a boat the person does not own to continue fishing from that boat until the boat is no longer owned by that family member. The amendment also allows a person who does not meet the boat ownership requirements but who dragged for scallops or sea urchins and recorded landings in the 2017 fishing season on a boat the person does not own to continue fishing from that boat until January 1, 2020.

Joint Standing Committee on Marine Resources

The amendment specifies that the prohibition against fishing for or taking scallops from April 16th to November 30th applies only to scallop dragging.

The amendment allows the holder of a sea urchin dragging license to possess gear used for scallop dragging on the boat identified on the sea urchin dragging license if that boat is also listed on any scallop dragging license and there are no scallops on that boat.

Enacted Law Summary

Public Law 2017, chapter 222 creates an owner-operator requirement in the scallop dragging and sea urchin dragging fisheries, but allows a person who fished with a family member in the 2017 fishing season on a boat the person does not own to continue fishing from that boat until the boat is no longer owned by that family member. The amendment also allows a person who does not meet the boat ownership requirements but who dragged for scallops or sea urchins and recorded landings in the 2017 fishing season on a boat the person does not own to continue fishing from that boat until January 1, 2020.

Public Law 2017, chapter 222 specifies that the prohibition against fishing for or taking scallops from April 16th to November 30th applies only to scallop dragging.

Public Law 2017, chapter 222 allows the holder of a sea urchin dragging license to possess gear used for scallop dragging on the boat identified on the sea urchin dragging license if that boat is also listed on any scallop dragging license and there are no scallops on that boat.

LD 113 An Act To Stabilize Lobster Bait Prices

ONTP

Sponsor(s)

ALLEY R
MAKER J

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to stabilize the price of lobster bait. These measures may include, but are not limited to:

1. Authorizing an increase in the number of people that may fish for bait;
2. Amending the limits on specific species of bait; and
3. Amending restrictions on the types of species that may be used as bait.

LD 115 An Act To Protect the Marine Worm Industry

ONTP

Sponsor(s)

ALLEY R
MAKER J

Committee Report

ONTP

Amendments Adopted

This bill prohibits dragging for mussels in any river in Washington County. The bill also establishes a closed season for marine worms from December 1st through March 31st.

Joint Standing Committee on Marine Resources

LD 149 An Act To Provide Additional Management for Limited-entry Lobster Zones

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to consider amending the provisions of the Maine Revised Statutes, Title 12, section 6448 to include additional management policies to properly manage fishing effort and equity of access in limited-entry lobster management zones, including:

1. Prohibiting a person holding a Class I, Class II or Class III lobster and crab fishing license who was not holding a Class I, Class II or Class III lobster and crab fishing license before the bill's effective date from fishing lobster traps in a limited-entry zone that is not the license holder's declared lobster zone;
2. Prohibiting a person holding a Class I, Class II or Class III lobster and crab fishing license from fishing more than 25% of the license holder's lobster traps in a limited-entry zone that is not the license holder's declared lobster zone;
3. Prohibiting a person holding a Class I, Class II or Class III lobster and crab fishing license from fishing more than 25% of the license holder's lobster traps in a limited-entry zone that is not the license holder's declared zone and that does not have trap limits and exit ratios consistent with the license holder's declared zone;
4. If a person holding a Class I, Class II or Class III lobster and crab fishing license fishes lobster traps in a limited-entry zone other than the license holder's declared zone, subjecting the license holder to the most restrictive management measures of both zones; and
5. Requiring the Commissioner of Marine Resources to review annually rules regarding the relative number of second-zone tags that have been fished in each limited-entry zone and allowing the commissioner to propose rule changes to the Department of Marine Resources lobster trap tag system rules to ensure parity of zone access and stability of zone effort related to double tagging.

LD 199 An Act To Implement Decibel Limits for Mechanical Rockweed Harvesters

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	ONTP	

This bill prohibits harvesting rockweed with a mechanical rockweed harvester that emits sound louder than the decibel limits established by rules adopted by the Commissioner of Marine Resources. The rules may establish different decibel limits depending upon the distance from shore and the time of day the harvester is being used. The bill defines "rockweed" as the species of seaweed *Ascophyllum nodosum*.

Joint Standing Committee on Marine Resources

LD 200 An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance **Accepted Majority (ONTP) Report**

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

This bill allows a municipal shellfish conservation warden who has completed the training required to make arrests to seize and sell any marine organism taken in connection with an alleged violation of a shellfish conservation ordinance. The proceeds of the sale must be held pending disposition of the proceedings against the alleged violator, at which time the proceeds must either be returned to the person or retained by the municipality to use in connection with its shellfish conservation program.

Committee Amendment "A" (H-172)

This amendment is the minority report of the committee. This amendment replaces the bill. The amendment expands upon the provisions of the bill and provides that a municipal shellfish conservation warden may seize and sell shellfish under certain circumstances pursuant to a libel proceeding.

This amendment was not adopted.

LD 201 An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags **Accepted Majority (ONTP) Report**

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

This bill adds an exception to the lobster and crab fishing trap tag limits, allowing a holder of a Class I, Class II or Class III lobster and crab fishing license to purchase up to the maximum number of trap tags the license holder purchased under that license in any previous year.

Committee Amendment "A" (H-105)

This amendment is the minority report of the committee. This amendment allocates \$50,000 to cover a one-time cost of programming and development changes necessary to implement the provisions of the bill, which allows lobster license holders to vary the number of lobster trap tags they purchase each year.

This amendment was not adopted.

LD 202 An Act To Abolish Municipal Shellfish Ordinances **Leave to Withdraw Pursuant to Joint Rule**

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

Joint Standing Committee on Marine Resources

This bill eliminates the authority of a municipality to adopt a shellfish conservation program and ordinance and prohibits a municipality from adopting or enforcing an ordinance that regulates shellfish, provides protection from shellfish predators or authorizes municipal officials to open and close flats.

LD 233 An Act To Establish a Statewide Scallop Harvesting Limit and Extend the Scallop Season ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	ONTP	

This bill creates a 90-pound per day, per person harvesting limit on scallops and adds a calendar week to the scallop season.

LD 286 An Act To Promote and Encourage the Sustainability of the Elver Fishery PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A MAKER J	OTP-AM	H-426

This bill sets at 425 the number of elver fishing licenses issued each year, not including licenses issued to federally recognized Indian tribes. The bill requires the Commissioner of Marine Resources to hold a lottery for elver fishing licenses through which a person who did not possess an elver fishing license in the previous year may become eligible to obtain one. The bill establishes a minimum allocation of elver quota to each elver fishing license holder of four pounds, unless that amount causes the State to exceed its overall annual quota set by the Atlantic States Marine Fisheries Commission. The bill requires the commissioner to adopt rules that provide a method for redistributing quotas allocated to deceased elver fishing license holders or license holders who for another reason will not fish those quotas.

Committee Amendment "A" (H-426)

This amendment allows the Department of Marine Resources to charge the holder of an elver fishing license an annual fee not to exceed \$35 for an elver transaction card. The amendment allows an applicant to the elver fishing license lottery to submit up to five applications per lottery year. The amendment removes the requirement in the bill that the Commissioner of Marine Resources hold an elver fishing license lottery each year. The amendment removes the provision of the bill that allocates at least four pounds of elver fishing quota to each license holder. The amendment increases the fees for all elver fishing licenses. The amendment removes the provision in the bill that requires rules regarding elver fishing quotas to provide a method for redistributing quota that will not be fished; that authority exists in current law. The amendment defines "bulk pile" for the purposes of the law on the seizure of illegally harvested elvers as all elvers in the possession of a harvester or dealer who fished for, took, bought or possesses elvers in violation of any law or rule regulating elvers. The amendment removes the requirement in the bill that the commissioner issue 425 elver fishing licenses each year and instead allows the commissioner to issue up to 425 licenses. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 250, requires the Commissioner of Marine Resources to hold a lottery for elver fishing licenses through which a person who did not possess an elver fishing license in the previous year may become eligible to obtain one. although it does not require the commissioner to hold the lottery every year. Public Law 2017, chapter 250 allows an applicant to the elver fishing license lottery to submit up to five applications per lottery year. Public Law 2017, chapter 250 allows the commissioner to issue up to 425 licenses each year, allows the

Joint Standing Committee on Marine Resources

commissioner to charge the holder of an elver fishing license an annual fee not to exceed \$35 for an elver transaction card, and increases the fees for all elver fishing licenses. Public Law 2017, chapter 250 defines "bulk pile" for the purposes of the law on the seizure of illegally harvested elvers as all elvers in the possession of a harvester or dealer who fished for, took, bought or possesses elvers in violation of any law or rule regulating elvers.

LD 287 Resolve, Prohibiting the Commissioner of Marine Resources from Adopting or Enforcing Certain Rules Limiting the Quantity of Smelts a Person May Take from the Coastal Waters of the State until after Completion of a Study ONTP

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

This resolve prohibits the Commissioner of Marine Resources from adopting or enforcing a limit on the quantity of smelts a person may take from the coastal waters before the Department of Marine Resources conducts a study of the smelt population in the State's coastal waters and presents its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

LD 369 An Act To Establish the Seaweed Fisheries Advisory Council and To Enhance the Management of the Seaweed Fishery PUBLIC 52

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-34

This bill establishes the Seaweed Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to the State's seaweed industry.

Committee Amendment "A" (H-34)

This amendment is the majority report of the committee. The amendment renames the Seaweed Advisory Council, as it is named in the bill, the Seaweed Fisheries Advisory Council. It also adds a member who harvests seaweed and a member of the public to the council. The amendment removes the requirement that the council make recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters and removes the provision in the bill that allows the chair of the council to call meetings of the council.

Enacted Law Summary

Public Law 2017, chapter 52 establishes the Seaweed Fisheries Advisory Council to advise the Commissioner of Marine Resources on matters of interest to the State's seaweed industry.

LD 370 An Act To Improve Productivity in Authorized Municipal Shellfish Conservation Areas with Predation Protection Measures in Place Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DOW D	ONTP OTP-AM	

This bill allows a municipality to designate in its municipal shellfish conservation ordinance conservation areas that surround protective netting, fencing, traps or other gear placed by the municipality in the intertidal zone where

Joint Standing Committee on Marine Resources

harvesting any marine organism is prohibited. The designated conservation area must be clearly marked with signs that identify the municipality that designated the area and indicate the purpose of the designated area. Current law imposes certain fines upon municipal shellfish license holders who harvest shellfish from an area closed for conservation purposes. This bill amends that provision to impose certain fines on municipal shellfish license holders and nonlicense holders who harvest any marine organism from an area closed pursuant to a municipal shellfish conservation ordinance.

LD 373 An Act To Create Pathways To Enter Alternative Marine Industries ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow a person who has completed a lobster and crab fishing apprenticeship to enter a lottery to be allowed to engage in scallop harvesting in the lobstering off-season.

LD 392 An Act Regarding Legal Lobster Haul Times outside of the 3-mile Line ONTP

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

This bill allows a person who holds a State-issued lobster and crab fishing license who has declared the easternmost lobster management zone as that person's declared lobster zone and who holds a federal permit to fish for lobster to raise or haul a lobster trap during any time of day and on any day of the year seaward of the State's territorial waters.

LD 431 An Act To Ensure Participation and Equity in the Shellfish Depuration Certification and Compensation Process for Municipalities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DOW D	ONTP	

This bill amends the laws concerning the shellfish depuration harvesting process to clarify communication between the Department of Marine Resources, municipalities, depuration certificate applicants and holders and licensed commercial shellfish harvesters during the certification process. It also raises the rate of reimbursement paid to the municipality by the depuration certificate holder from 50¢ for each bushel of soft-shelled clams to 25% of the current market value for each bushel. The bill establishes a penalty for noncompliance with any provision of the law regulating the soft-shelled clam depuration harvesting process; a depuration certificate holder found by the department to be in noncompliance is prohibited from engaging in depuration activities under this subsection for a period of one year from the date of the department's finding.

Joint Standing Committee on Marine Resources

LD 539 An Act To Allow Municipalities To Establish Shellfish Conservation Areas

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D	ONTP	

This bill allows municipalities or regional shellfish management committees to designate conservation areas where harvesting any marine organism is prohibited. In aggregate the conservation areas may not exceed 10% of the total harvestable area in the intertidal zone. A designated conservation area must be clearly marked with signs that identify the municipality or regional shellfish management committee that designated the area and indicate the purpose of the area.

LD 575 An Act To Improve the Enforcement of Maine's Lobster Laws

**PUBLIC 197
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B TUELL W	OTP-AM OTP-AM	S-200

This bill is a concept draft pursuant to Joint Rule 208.

This bill would enact measures to improve the enforcement of the State's lobster conservation laws and ensure the long-term sustainability of the lobster resource. These measures may include:

1. Establishing minimum penalties such as license suspension to deter violations, including scrubbing lobsters, fishing over the trap limit, fishing sunken trawls or untagged gear and molesting lobster traps;
2. Establishing minimum monetary fines to deter violations, including keeping short, over-sized, v-notched or egg-bearing female lobsters, and higher minimum penalties for repeat offenders;
3. Allowing the Commissioner of Marine Resources to revoke the marine resources licenses of those found guilty of sinking, burning or otherwise destroying another fisherman's vessel;
4. Requiring lobster fishing license holders found guilty of violating marine conservation laws to pay restitution equal to the cost incurred by the State to conduct the investigation for offenses, including scrubbing lobsters; fishing over the trap limit; fishing sunken trawls or untagged gear; keeping short, over-sized, v-notched or egg-bearing female lobsters; molesting lobster traps; or sinking, burning or otherwise destroying another fisherman's vessel; and
5. Requiring a lobster fishing license holder convicted of a marine resources violation resulting in a license suspension who reenters the lobster fishery to reenter as a new entrant limited to 300 traps and to have a vessel monitoring system aboard the license holder's vessel. Such a lobster fishing license holder would be allowed to build up the number of traps at a rate of 100 traps per year up to the lobster zone limit.

Committee Amendment "A" (S-200)

This amendment is the majority report of the committee. The amendment replaces the bill.

The amendment adds to the list of convictions or adjudications that are the basis for suspending a marine resources license a conviction for committing arson or aggravated criminal mischief. The amendment makes molesting lobster gear, which is currently a civil offense, a Class D crime. The amendment provides that fishing 25 or fewer

Joint Standing Committee on Marine Resources

untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

The amendment expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

The amendment provides for minimum and maximum lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit or fishing a sunken trap or trawl and provides for minimum lengths for suspension for scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

The amendment allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

The amendment provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

The amendment allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

Committee Amendment "B" (S-201)

This amendment is the minority report of the committee. The amendment replaces the bill.

The amendment adds to the list of convictions or adjudications that are the basis for suspending a marine resources license a conviction for committing arson or aggravated criminal mischief. The amendment makes molesting lobster gear, which is currently a civil offense, a Class D crime. The amendment provides that fishing 25 or fewer untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

The amendment expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

The amendment provides for specific lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit, fishing a sunken trap or trawl, scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

The amendment allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

The amendment provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

The amendment allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the

Joint Standing Committee on Marine Resources

reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 197 adds to the list of convictions or adjudications that are the basis for suspending a marine resources license a conviction for committing arson or aggravated criminal mischief. Public Law 2017, chapter 197 makes molesting lobster gear, which is currently a civil offense, a Class D crime. Public Law 2017, chapter 197 provides that fishing 25 or fewer untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

Public Law 2017, chapter 197 expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

Public Law 2017, chapter 197 provides for minimum and maximum lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit or fishing a sunken trap or trawl and provides for minimum lengths for suspension for scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

Public Law 2017, chapter 197 allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

Public Law 2017, chapter 197 provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

Public Law 2017, chapter 197 allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

Public Law 2017, chapter 197 was enacted as an emergency measure effective June 14, 2017.

LD 616 An Act To Ensure Consistent Access to Limited-entry Lobster Zones

ONTP

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

This bill prohibits a person holding a Class I, Class II or Class III lobster and crab fishing license who did not hold a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation from fishing traps in a limited-entry zone that is not the license holder's declared lobster zone.

Joint Standing Committee on Marine Resources

LD 617 An Act To Allow the Sale of Saltwater Smelt for Bait

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	ONTP OTP	

This bill allows the holder of a smelt wholesaler's license to possess and sell at the licensee's business facility smelts taken from the State's coastal waters.

LD 622 An Act To Ensure Appropriate Training for Harbor Masters

PUBLIC 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATTLE K CUSHING A	OTP-AM ONTP	H-33

This bill clarifies that the Maine Harbormaster's Association or its successor organization is the entity that provides the required training for harbor masters and deputy harbor masters appointed or reappointed by a municipality.

Committee Amendment "A" (H-33)

This amendment is the majority report of the committee. The amendment specifies that the training course that harbor masters and deputy harbor masters must complete must be offered by a statewide harbor masters association that represents Maine harbor masters.

Enacted Law Summary

Public Law 2017, chapter 54 provides that the training course that harbor masters and deputy harbor masters must complete must be offered by a statewide harbor masters association that represents Maine harbor masters.

LD 646 An Act Regarding Municipal and Regional Shellfish Management Programs

ONTP

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

This bill limits the authority of a shellfish conservation ordinance to the intertidal zone within a municipality. It also allows the Commissioner of Marine Resources to grant regional shellfish management programs additional powers beyond those powers granted to municipal shellfish management programs.

LD 647 An Act Regarding Certain Shellfish Certificates and Permits Issued by the Department of Marine Resources

PUBLIC 224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A	OTP-AM	H-334

Joint Standing Committee on Marine Resources

This bill establishes a fee of \$100 for a shellfish sanitation certificate and a fee of \$50 for each additional activity that is authorized for the holder of a shellfish sanitation certificate. The fees collected are deposited into the Shellfish Fund.

Committee Amendment "A" (H-334)

This amendment replaces the bill. The bill establishes a fee of \$50 for a shellfish sanitation certificate and establishes additional permits for authorized activities under a shellfish sanitation certificate. The permits established are a recirculating wet storage permit, a flow-through wet storage permit, a bulk tagging permit and a shellfish buying station permit. A recirculating wet storage permit is \$200, unless the holder provides weekly test results showing compliance with federal sanitation standards, in which case the fee is \$100; a flow-through wet storage permit is \$100; a bulk tagging permit is \$50; and a shellfish buying station permit is \$100. The amendment increases the fee for a retail seafood license from \$28 to \$100. The amendment establishes a fee of \$200 for a depuration certificate. Like the bill, the amendment requires the fees collected to be deposited in the Shellfish Fund. The amendment provides specified dates on which the Department of Marine Resources may begin assessing fees established in the amendment.

Enacted Law Summary

Public Law 2017, chapter 224 establishes a fee of \$50 for a shellfish sanitation certificate and establishes additional permits for authorized activities under a shellfish sanitation certificate. The permits established are a recirculating wet storage permit, a flow-through wet storage permit, a bulk tagging permit and a shellfish buying station permit. A recirculating wet storage permit is \$200, unless the holder provides weekly test results showing compliance with federal sanitation standards, in which case the fee is \$100; a flow-through wet storage permit is \$100; a bulk tagging permit is \$50; and a shellfish buying station permit is \$100. Public Law 2017, chapter 224 increases the fee for a retail seafood license from \$28 to \$100. Public Law 2017, chapter 224 establishes a fee of \$200 for a depuration certificate. Public Law 2017, chapter 224 requires the fees collected to be deposited in the Shellfish Fund. Public Law 2017, chapter 224 provides specified dates on which the Department of Marine Resources may begin assessing fees established in the amendment.

LD 703 An Act To Address Marine Debris Resulting from Commercial Activities

CARRIED OVER

Sponsor(s)

DEVIN M
VITELLI E

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to address the problem of marine debris resulting from commercial activities such as commercial fishing and aquaculture. The bill proposes to use current knowledge, information and data generated by previous meetings and conferences and scientific publications along with accepted fishing and aquaculture practices to advance an approach to address marine debris while recognizing that healthy commercial fishing and aquaculture industries are paramount for the economic health of this State.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Marine Resources

LD 704 An Act To Give the Department of Marine Resources Flexibility with ONTP
Licensing in the Atlantic Herring Fishery

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W MAKER J	ONTP	

This bill allows the Commissioner of Marine Resources to adopt rules that establish different landings limits for commercial pelagic and anadromous fishing license holders who recorded landings of Atlantic herring in this State prior to January 1, 2017 and who did not record landings of Atlantic herring in this State prior to January 1, 2017.

**LD 705 An Act To Prevent Marine Debris Accepted Minority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	OTP-AM ONTP	

This bill prohibits a person on a vessel fishing for lobster or crab from having in that person's possession materials used to package lobster or crab bait for sale, including the plastic wrapping and cardboard cartons in which bait is sold. It also prohibits a person from discarding or abandoning into any waters the materials used for packaging lobster and crab bait for sale. Violation of this provision is a civil violation, with a fine of \$250.

Committee Amendment "A" (H-350)

This amendment is the majority report of the committee. The amendment prohibits a person engaged in commercial or recreational fishing in the coastal waters of the State from possessing on a vessel any plastic wrapping, cardboard cartons or plastic strapping used to package bait for sale. The amendment prohibits a person from discarding into any coastal waters any materials used to package bait. The amendment provides that a person who possesses plastic wrapping, cardboard cartons or plastic strapping or who discards bait packaging into any coastal waters commits a civil violation with a fine of \$250. The bill contains similar provisions but applies only to lobster or crab bait packaging.

This amendment was not adopted.

LD 706 An Act To Increase the Quota for Smelts for Commercial Pelagic and ONTP
Anadromous Fishing License Holders

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A MAKER J	ONTP	

This bill establishes in law that the holder of a commercial pelagic and anadromous fishing license may take up to 16 quarts per day of smelts from July 1st to March 14th in the coastal waters of the State from the New Hampshire border to Naskeag Point in Brooklin, including Deer Isle and Stonington.

Joint Standing Committee on Marine Resources

LD 730 An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	ONTP	

This bill amends the laws regarding the size limit of soft-shelled clams. It decreases the minimum size from two inches to one and a half inches and sets a maximum size of four inches.

LD 922 An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J VITELLI E		

This bill directs the Commissioner of Marine Resources to open and keep operational from April 15th to June 30th annually the fishway on the Sheepscot River located at the outlet of Sheepscot Pond in the Town of Palermo and to investigate the conditions of the pond for the purpose of developing a management plan for anadromous fish species.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1067 An Act To Limit the Size of Scallop Drags ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R VITELLI E	ONTP	

This bill limits the size of scallop drags allowed in the territorial waters of the State to a maximum measurement of five and a half feet across when used within the island zone as defined by the Department of Marine Resources and ten feet across when used outside the island zone. This bill also establishes penalties for exceeding the drag width limit.

**LD 1207 An Act To Make Technical Changes to Maine's Marine Resources Laws PUBLIC 146
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	OTP-AM	H-347

This bill makes technical changes to Maine's marine resources laws. It clarifies that license revocation for a conviction of scrubbing egged lobsters may be permanent. It prohibits the sale of offal for use as bait to fish for or take lobsters or crabs. It creates a residency requirement for a commercial pelagic and anadromous fishing license, but allows for licensure of a nonresident if an applicant documents that the applicant's state of residence allows Maine residents to purchase a license and fish for pelagic and anadromous species in that state. Finally, it exempts

Joint Standing Committee on Marine Resources

the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

Committee Amendment "A" (H-347)

This amendment retains the provisions of the bill that prohibit the sale of offal for use as bait to fish for or take lobsters or crabs and that exempt the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

The amendment removes the provision of the bill that specifies that license revocation for a conviction of scrubbing egged lobsters may be permanent.

The amendment removes the provision of the bill limiting the commercial pelagic and anadromous fishing license to residents unless a nonresident's state allows residents of Maine to fish for those species in that state.

The amendment provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches.

The amendment provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. The amendment requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Enacted Law Summary

Public Law 2017, chapter 146 makes technical changes to Maine's marine resources laws. Public Law 2017, chapter 146 prohibits the sale of offal for use as bait to fish for or take lobsters or crabs. Public Law 2017, chapter 146 provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches. Public Law 2017, chapter 146 exempts the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer and provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. Public Law 2017, chapter 146 requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Public Law 2017, chapter 146 was enacted as an emergency measure effective June 8, 2017.

LD 1316 An Act To Provide for an Elver Dealer's License for the Houlton Band of Maliseet Indians INDEF PP

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

This bill requires the Department of Marine Resources to issue an elver dealer's license to the Houlton Band of Maliseet Indians at no cost annually.

Joint Standing Committee on Marine Resources

House Amendment "A" (H-423)

This amendment removes the emergency preamble and clause and the provision that requires the department to issue an elver dealer's license to the Houlton Band of Maliseet Indians for the 2017 elver fishing season.

This amendment was not adopted.

LD 1379 An Act Regarding Enforcement of Marine Resources Laws and ONTP
Suspensions of Marine Resources Licenses

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

This bill amends the marine resources licensing consent to inspection provision to allow marine patrol to place covert electronic surveillance equipment on lobster vessels for the purpose of determining if a license holder is violating any laws or rules regarding the hauling of lobster gear. It also creates a process under which the covert electronic surveillance equipment may be used, including the requirement for probable cause. It expands the violations for which a marine resources license may be administratively suspended to include the Maine Revised Statutes, Title 17-A, chapter 15, theft, chapter 31, offenses against public administration, and criminal offense against a marine patrol officer. These are already included in the list of violations for which a license may be suspended following conviction. Violations of Title 17-A, chapter 33, arson and other property destruction, are added to both license suspension provisions, administrative suspension and following conviction.

LD 1380 An Act To Implement an Owner-Operator Requirement in the Scallop ONTP
and Sea Urchin Fisheries

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

This bill creates an owner-operator requirement for a scallop dragging license and sea urchin dragging license. It changes from major substantive rules to routine technical rules the rules to allow entry in the scallop fishery. It specifies that the prohibition against fishing for or taking scallops from April 16th to November 30th applies only to scallop dragging. It also allows the Commissioner of Marine Resources to amend by rule the boundaries of sea urchin Zone 1 and Zone 2.

LD 1438 An Act To Improve the Aquaculture Leasing and Licensing Laws PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-287

This bill amends the aquaculture leasing and licensing laws. It removes the prohibition on the provision by the Department of Marine Resources of promotional and marketing assistance to the aquaculture industry. It extends the potential term of an aquaculture lease from 10 to 20 years. It changes the order of preference for lease applications to include in the second position an individual who currently holds a limited-purpose aquaculture license for the area. It provides a process by which a holder of a standard lease could seek an expansion of the lease area by up to 10% once during the duration of the lease without having to apply for a new lease. It places the licensed activities and criteria for limited-purpose aquaculture licenses in separate statutory provisions. It requires a

Joint Standing Committee on Marine Resources

limited-purpose aquaculture license holder to specify if the license is for commercial or personal use and to identify the growing area and current classification of the area. It adds consideration of any risk to public health to the criteria used in determining whether to grant a limited-purpose aquaculture license. It adds to the eligibility criteria for a limited-purpose aquaculture license the completion of any educational courses that may be required by the Commissioner of Marine Resources.

Committee Amendment "A" (H-287)

This amendment increases the amount by which the contiguous area of a research or aquaculture lease may expand during the duration of the lease term from 10%, as provided in the bill, to 25%, except that the expansion may not be greater than four acres. The amendment clarifies that a person may submit comments to the Commissioner of Marine Resources regarding an application to expand a research or aquaculture lease for at least 30 days following the publication by the commissioner of the application summary. The amendment removes the provisions of the bill that require the commissioner to deny a lease expansion if comments are received opposing the expansion and instead requires the commissioner to consider all comments but to make the decision of whether to approve the expansion based upon the same criteria as would apply to a new lease application. The amendment prohibits the transport of organisms grown under a limited-purpose aquaculture license that is designated for personal use to an area that is the subject of a limited-purpose aquaculture license that is designated for commercial use.

Enacted Law Summary

Public Law 2017, chapter 159 amends the aquaculture leasing and licensing laws. It removes the prohibition on the provision by the Department of Marine Resources of promotional and marketing assistance to the aquaculture industry. It extends the potential term of an aquaculture lease from 10 to 20 years. It changes the order of preference for lease applications to include in the second position an individual who currently holds a limited-purpose aquaculture license for the area. It provides a process by which a holder of a standard lease could seek an expansion of the lease area by up to 25% once during the duration of the lease without having to apply for a new lease, except that the expansion may not be greater than four acres. It places the licensed activities and criteria for limited-purpose aquaculture licenses in separate statutory provisions. It requires a limited-purpose aquaculture license holder to specify if the license is for commercial or personal use and to identify the growing area and current classification of the area. It adds consideration of any risk to public health to the criteria used in determining whether to grant a limited-purpose aquaculture license. It adds to the eligibility criteria for a limited-purpose aquaculture license the completion of any educational courses that may be required by the Commissioner of Marine Resources. Public Law 2017, chapter 159 prohibits the transport of organisms grown under a limited-purpose aquaculture license that is designated for personal use to an area that is the subject of a limited-purpose aquaculture license that is designated for commercial use.

LD 1454 An Act To Extend the Time for an Appeal of Limited Entry Fishing License Denial for Members of the Military

PUBLIC 161

Sponsor(s)

BATTLE K

Committee Report

OTP-AM

Amendments Adopted

H-348

This bill eliminates the time limitation after which a military waiver of license denial is no longer available for a limited entry fishing license. It also requires that if a person who is denied a Class I, II or III lobster and crab fishing license because that person does not meet the eligibility requirements due to service in the military successfully appeals that denial, that person must submit landings data for the first two years in which that person holds a license. The person must demonstrate a minimum of 50 landings days and sales of lobster to a wholesale seafood dealer or the person ceases to be eligible to obtain that fishing license.

Committee Amendment "A" (H-348)

This amendment adds language that provides for notice and the opportunity for a hearing to a person whose limited

Joint Standing Committee on Marine Resources

entry fishing license is revoked because the person did not provide the required landings data following a successful appeal of a denial of the license because of service in the United States Armed Forces or the United States Coast Guard.

Enacted Law Summary

Public Law 2017, chapter 161 eliminates the time limitation after which a military waiver of license denial is no longer available for a limited entry fishing license. It also requires that if a person who is denied a Class I, II or III lobster and crab fishing license because that person does not meet the eligibility requirements due to service in the military successfully appeals that denial, that person must submit landings data for the first two years in which that person holds a license. The person must demonstrate a minimum of 50 landings days and sales of lobster to a wholesale seafood dealer or the person ceases to be eligible to obtain that fishing license. Public Law 2017, chapter 161 provides for notice and the opportunity for a hearing to a person whose limited entry fishing license is revoked because the person did not provide the required landings data following a successful appeal of a denial of the license because of service in the military.

LD 1455 An Act To Fund Research on and Management and Enforcement of the ONTP
Eel and Elver Fisheries

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

This bill increases the fee for an elver fishing license by \$100. The revenue from the increase is deposited in the Eel and Elver Management Fund. The bill also reinstates a lottery for elver licenses based on the number of pieces of gear that are retired in the prior calendar year. It allows the Department of Marine Resources to charge an annual fee of up to \$25 for the elver transaction card used by harvesters for electronic reporting. It also authorizes the department to sell at auction a portion of the individual quota allocations that are associated with retired licenses to existing license holders, with the revenues of the sale to be deposited in the Eel and Elver Management Fund.

LD 1502 An Act To Transfer Responsibility for Licensing of Land-based PUBLIC 94
Aquaculture from the Department of Marine Resources to the
Department of Agriculture, Conservation and Forestry

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

This bill transfers authority for the licensing of land-based aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry.

Enacted Law Summary

Public Law 2017, chapter 94 transfers authority for the licensing of land-based aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry.

LD 1519 An Act To Define the Intertidal Zone for the Management and CARRIED OVER
Enforcement of Shellfish Conservation Ordinances

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	OTP ONTP	

Joint Standing Committee on Marine Resources

This bill amends the law regarding municipal shellfish conservation programs to clarify that the intertidal zone extends from the high-water mark to the extreme low-water mark and that the shellfish conservation ordinances apply only within the intertidal zones of municipalities.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1520 An Act To Create an Aquaculture License

PUBLIC 296

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-288 S-324 HAMPER J

This bill creates an aquaculture license that exempts the holder from certain requirements in law to hold a separate license for the removal, possession, transport or sale of cultured marine organisms and authorizes the holder to remove, possess, transport or sell cultured marine organisms.

Committee Amendment "A" (H-288)

This amendment provides that the aquaculture license established in the bill expires on April 30th of each year. The amendment provides an exemption to the requirement to hold an aquaculture license for a holder of a limited-purpose aquaculture license who does not sell the organisms cultured under that license. The amendment establishes that an aquaculture license is not required in order to undertake aquaculture activities until May 1, 2018, before which date other licenses are required for those activities.

Senate Amendment "A" To Committee Amendment "A" (S-324)

This amendment reduces the amount of the fee for an aquaculture license that is deposited in the Aquaculture Management Fund from \$133 to \$74.75.

Enacted Law Summary

Public Law 2017, chapter 296 creates an aquaculture license that exempts the holder from certain requirements in law to hold a separate license for the removal, possession, transport or sale of cultured marine organisms and authorizes the holder to remove, possess, transport or sell cultured marine organisms. The aquaculture license expires on April 30th of each year and is not required in order to undertake aquaculture activities until May 1, 2018, before which date other licenses are required for those activities. Public Law 2017, chapter 296 provides an exemption to the requirement to hold an aquaculture license for a holder of a limited-purpose aquaculture license who does not sell the organisms cultured under that license. The amount of the fee for an aquaculture license that is deposited in the Aquaculture Management Fund is \$74.75.

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture, Shellfish, Scallops and Marine Worms

Enacted

LD 68	An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries	PUBLIC 222
LD 647	An Act Regarding Certain Shellfish Certificates and Permits Issued by the Department of Marine Resources	PUBLIC 224
LD 1438	An Act To Improve the Aquaculture Leasing and Licensing Laws	PUBLIC 159
LD 1502	An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry	PUBLIC 94
LD 1520	An Act To Create an Aquaculture License	PUBLIC 296

Not Enacted

LD 115	An Act To Protect the Marine Worm Industry	ONTP
LD 200	An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance	Majority (ONTP) Report
LD 233	An Act To Establish a Statewide Scallop Harvesting Limit and Extend the Scallop Season	ONTP
LD 370	An Act To Improve Productivity in Authorized Municipal Shellfish Conservation Areas with Predation Protection Measures in Place	Majority (ONTP) Report
LD 373	An Act To Create Pathways To Enter Alternative Marine Industries	ONTP
LD 431	An Act To Ensure Participation and Equity in the Shellfish Depuration Certification and Compensation Process for Municipalities	ONTP
LD 539	An Act To Allow Municipalities To Establish Shellfish Conservation Areas	ONTP
LD 646	An Act Regarding Municipal and Regional Shellfish Management Programs	ONTP
LD 730	An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams	ONTP
LD 1067	An Act To Limit the Size of Scallop Drags	ONTP

LD 1380	An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries	ONTP
LD 1519	An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances	CARRIED OVER

Finfish, Elvers and Herring

Enacted

LD 286	An Act To Promote and Encourage the Sustainability of the Elver Fishery	PUBLIC 250
--------	---	------------

Not Enacted

LD 287	Resolve, Prohibiting the Commissioner of Marine Resources from Adopting or Enforcing Certain Rules Limiting the Quantity of Smelts a Person May Take from the Coastal Waters of the State until after Completion of a Study	ONTP
LD 617	An Act To Allow the Sale of Saltwater Smelt for Bait	Majority (ONTP) Report
LD 704	An Act To Give the Department of Marine Resources Flexibility with Licensing in the Atlantic Herring Fishery	ONTP
LD 706	An Act To Increase the Quota for Smelts for Commercial Pelagic and Anadromous Fishing License Holders	ONTP
LD 1316	An Act To Provide for an Elver Dealer's License for the Houlton Band of Maliseet Indians	INDEF PP
LD 1455	An Act To Fund Research on and Management and Enforcement of the Eel and Elver Fisheries	ONTP

Fisheries Management

Enacted

LD 622	An Act To Ensure Appropriate Training for Harbor Masters	PUBLIC 54
--------	--	-----------

Not Enacted

LD 922	An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species	CARRIED OVER
--------	--	--------------

Lobsters and Crabs

Enacted

LD 14	An Act To Extend the Legal Hours for Harvesting Lobster	PUBLIC 32 EMERGENCY
LD 575	An Act To Improve the Enforcement of Maine's Lobster Laws	PUBLIC 197 EMERGENCY

Not Enacted

LD 113	An Act To Stabilize Lobster Bait Prices	ONTP
LD 149	An Act To Provide Additional Management for Limited-entry Lobster Zones	ONTP
LD 201	An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags	Majority (ONTP) Report
LD 392	An Act Regarding Legal Lobster Haul Times outside of the 3-mile Line	ONTP
LD 616	An Act To Ensure Consistent Access to Limited-entry Lobster Zones	ONTP
LD 1379	An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses	ONTP

Marine Environment

Not Enacted

LD 703	An Act To Address Marine Debris Resulting from Commercial Activities	CARRIED OVER
LD 705	An Act To Prevent Marine Debris	Minority (ONTP) Report

Seaweed

Enacted

LD 369	An Act To Establish the Seaweed Fisheries Advisory Council and To Enhance the Management of the Seaweed Fishery	PUBLIC 52
--------	---	-----------

Not Enacted

LD 199	An Act To Implement Decibel Limits for Mechanical Rockweed Harvesters	ONTP
--------	---	------

Technical Changes

Enacted

LD 1207	An Act To Make Technical Changes to Maine's Marine Resources Laws	PUBLIC 146 EMERGENCY
LD 1454	An Act To Extend the Time for an Appeal of Limited Entry Fishing License Denial for Members of the Military	PUBLIC 161

Tribal Fishing

Not Enacted

LD 202	An Act To Abolish Municipal Shellfish Ordinances	Leave to Withdraw Pursuant to Joint Rule 310
--------	--	--

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON STATE AND
LOCAL GOVERNMENT**

August 2017

STAFF:

LUCIA NIXON, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. PAUL T. DAVIS, SR., CHAIR
SEN. LISA KEIM
SEN. SUSAN A. DESCHAMBAULT

REP. ROLAND DANNY MARTIN, CHAIR
REP. MARK E. BRYANT
REP. PINNY BEEBE-CENTER
REP. GEORGE W. HOGAN
REP. JOHN E. MADIGAN, JR.
REP. JOHN ALDEN SPEAR
REP. RICHARD A. PICKETT
REP. MATTHEW A. HARRINGTON
REP. LESTER S. ORDWAY
REP. CHAD WAYNE GRIGNON

Joint Standing Committee on State and Local Government

LD 3 An Act To Grant Plantations the Power To Control Consumer Fireworks

**PUBLIC 3
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DILL J	OTP	

This bill grants to plantations the power to control the sale and use of consumer fireworks in the same manner that municipalities may control consumer fireworks.

Enacted Law Summary

Public Law 2017, chapter 3 grants to plantations the power to control the sale and use of consumer fireworks in the same manner that municipalities may control consumer fireworks.

Public Law 2017, chapter 3 was enacted as an emergency measure effective March 24, 2017.

LD 15 An Act Concerning the Property Tax Levy Limit

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J DAVIS P	OTP ONTP	

This bill eliminates the requirement to conduct a vote by a written ballot on a separate article on the warrant to exceed or increase the property tax levy limit in a municipality where the budget is approved by a town meeting or a referendum.

LD 23 An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act

Veto Sustained

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

This bill repeals the provision of law that exempts from legislative review major substantive rules that must be adopted to comply with federal law or to qualify for federal funds.

LD 24 An Act To Change the Name of Township 17, Range 4, WELS, in the Unorganized Territory to Sinclair

**P & S 2
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM	H-5

This bill authorizes the Aroostook County Board of Commissioners to seek approval from the residents of Township 17, Range 4, WELS, to rename the township to Sinclair.

Committee Amendment "A" (H-5)

Joint Standing Committee on State and Local Government

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Private and Special Law 2017, chapter 2 authorizes the Aroostook County Board of Commissioners to seek approval from the residents of Township 17, Range 4, WELS, to rename the township to Sinclair.

Private and Special Law, chapter 2 was enacted as an emergency measure effective April 9, 2017.

**LD 25 An Act To Remove the Legislative Council from the Capitol Area Died Between
Development Approval Process Houses**

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

This bill eliminates the requirement that construction projects located within the Capitol Area receive approval of the Legislative Council.

**LD 45 Resolve, Concerning the Ownership of a Causeway on Long Lake near Veto Sustained
St. Agatha**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM	S-88

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to clarify ownership of a causeway linking Pelletier Island on Long Lake near St. Agatha and Sinclair to Beaulieu Road.

Committee Amendment "A" (S-88)

This amendment replaces the bill, which is a concept draft, with a resolve. The amendment directs the Commissioner of Environmental Protection, the Commissioner of Agriculture, Conservation and Forestry and the Commissioner of Transportation to convene a working group, including local stakeholders, to study the ownership of the causeway connecting Pelletier Island located on Long Lake near St. Agatha to the mainland. The resolve requires the group to examine options and develop recommendations to resolve the ownership of the causeway and to submit a report to the Joint Standing Committee on State and Local Government no later than November 30, 2017. It authorizes the committee to report out a bill related to the report to the Second Regular Session of the 128th Legislature.

LD 69 An Act To Increase the Salary of the Governor ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B WHITTEMORE R	ONTP	

This bill increases the Governor's salary from \$70,000 per year to \$150,000 per year beginning January 2019.

Joint Standing Committee on State and Local Government

LD 71 Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K BRAKEY E	ONTP	

This resolve directs the Secretary of State to request that the United States Secretary of Transportation place Maine in the Atlantic Standard Time zone. This resolve is subject to approval by the voters at referendum.

LD 93 An Act To Reduce Fuel Costs to State and Local Government ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D COOPER J	ONTP	

This bill amends the law regarding state government purchases of cars and light duty trucks with respect to fuel efficiency requirements. The bill removes the current exception from the fuel efficiency requirement for vehicles purchased for law enforcement and other special use purposes. The bill also establishes fuel efficiency requirements, at the same level as the state requirements, for county and municipal government purchases of cars and light duty trucks.

LD 105 An Act To Create a Centralized Authority To Combat Opiate Addiction in Maine CARRIED OVER

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

This bill establishes an office within the Department of Health and Human Services to coordinate efforts in the State to combat addiction to opiates.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 150 An Act Regarding the Funding of Volunteer Fire Departments PUBLIC 33

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T MAKER J	OTP-AM	H-46

This bill repeals statutory language that authorizes a municipality to make appropriations to an incorporated volunteer fire department without itemizing the purposes for which the appropriation will be spent when the amount appropriated is \$1,000 or less.

Committee Amendment "A" (H-46)

This amendment clarifies that municipal appropriations, in any amount, to volunteer fire departments must be

Joint Standing Committee on State and Local Government

itemized.

Enacted Law Summary

Public Law 2017, chapter 33 removes the authority for municipalities to appropriate amounts of \$1,000 or less to volunteer fire departments without itemizing the purpose of the appropriation and clarifies that municipal appropriations, in any amount, to volunteer fire departments must be itemized.

LD 152 An Act To Strengthen Intragovernment Communication

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM ONTP	H-180

This bill requires the commissioner or director of a state agency, which includes executive branch departments and quasi-independent agencies, to appear before a joint standing committee of the Legislature or a study commission or work group formed by legislative action and to participate in a hearing or work session of that committee, commission or work group. The bill requires that the request to appear must be made in writing and provide the date and time of the hearing or work session.

Committee Amendment "A" (H-180)

This amendment is the majority report of the committee. The amendment adds a provision to the bill to require the commissioner or director of a state agency, or the commissioner's or director's designee, to respond in a cooperative and timely manner when contacted by a member of the Legislature regarding a legislative or constituent matter.

LD 203 An Act To Opt Out of Federal Daylight Saving Time and To Ask the United States Secretary of Transportation To Place the State in the Atlantic Time Zone

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM OTP-AM	H-76

This bill creates an exemption to federal provisions regarding the observation of so-called Eastern Daylight Saving Time in the State and requires the Secretary of State to request that the United States Secretary of Transportation place the State in the Atlantic Standard Time Zone.

Committee Amendment "A" (H-76)

This amendment, which is the majority report of the committee, replaces the bill. It does the following.

1. It adds a provision that requires the Secretary of State to monitor legislative activity in Massachusetts and New Hampshire regarding placement of those states in the Atlantic Standard Time Zone.
2. It provides that if the Atlantic Standard Time Zone is adopted by Massachusetts and New Hampshire, the Secretary of State must submit to the voters of the State a referendum question asking voters to choose if the State should seek placement in the Atlantic Standard Time Zone and opt out of observing daylight saving time.
3. It provides that if the referendum question is approved, the Secretary of State is required to request that the United States Secretary of Transportation place the State in the Atlantic Standard Time Zone.

Joint Standing Committee on State and Local Government

4. The bill exempts the State from daylight saving time. The amendment provides that if the State is placed by the United States Secretary of Transportation in the Atlantic Standard Time Zone, the State no longer observes daylight saving time and Atlantic Standard Time is the standard time throughout the year without advancement during any period.

5. The bill, contingent on a time zone change, changes the law governing periods of closure for hauling lobster traps. The amendment does not retain that provision.

Committee Amendment "B" (H-77)

This amendment, which is the minority report of the committee, replaces the bill. The amendment does the following.

1. It requires the Secretary of State to monitor legislative activity in Massachusetts and New Hampshire regarding placement of those states in the Atlantic Standard Time Zone.

2. It makes the State's request to the United States Secretary of Transportation to place the State in the Atlantic Standard Time Zone contingent on the adoption of the Atlantic Standard Time Zone by Massachusetts and New Hampshire and requires the Secretary of State to notify the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over state and local government matters when the United States Secretary of Transportation has approved placement of the State in the Atlantic Standard Time Zone.

3. The bill exempts the State from daylight saving time. The amendment provides that if the State is placed by the United States Secretary of Transportation in the Atlantic Standard Time Zone, the State no longer observes daylight saving time and Atlantic Standard Time is the standard time throughout the year without advancement during any period.

4. The bill, contingent on a time zone change, changes the law governing periods of closure for hauling lobster traps. The amendment does not retain that provision.

This amendment was not adopted.

LD 234	An Act To Clarify the Status of a Certain Section of the Pelletier Road in the Town of Frenchville as a Town Way	Leave to Withdraw Pursuant to Joint Rule
---------------	---	---

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to clarify the status of a certain section of the Pelletier Road in the Town of Frenchville as a town way.

LD 288	An Act To Limit Questions Regarding Criminal History on State Employment Applications	CARRIED OVER
---------------	--	---------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B MIRAMANT D	OTP-AM	H-242

Joint Standing Committee on State and Local Government

This bill prohibits any application form for employment for any position in State Government from including questions about an applicant's criminal history.

Committee Amendment "A" (H-242)

The amendment replaces the bill. Like the bill, the amendment prohibits the State from including questions about criminal history on its employment application forms. The amendment provides an exception to that prohibition when, due to the nature and requirements of the position, a person who has a criminal history record may be disqualified from eligibility, such as for a law enforcement officer, corrections officer, child protective and adult protective services caseworker or child development services worker. The amendment applies to state employment positions in the legislative, executive or judicial branches of State Government and positions with quasi-independent state entities or public instrumentalities of the State; it does not apply to positions in school administrative units, municipalities, counties or other political subdivisions of the State. This amendment also provides funding to the Department of Administrative and Financial Services for computer modifications made necessary by the amendment.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 303 An Act To Change the Name of Captain Ambrose Bear Stream INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M SHERMAN R		

This bill was not referred to committee.

This bill requires the Aroostook County Commissioners to rename Captain Ambrose Bear Stream in and near the Town of Houlton in Aroostook County to B Stream. The bill also requires the county commissioners to notify the appropriate authorities and agencies of the name change. It requires the Department of Transportation to change any existing road signs designating Captain Ambrose Bear Stream to refer to B Stream. The bill also requires the Department of Inland Fisheries and Wildlife to amend its rules to change the name of Captain Ambrose Bear Stream to B Stream, and it changes the name where it appears in statute.

LD 328 An Act To Encourage Regional Planning and Reorganization CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT G BELLOWS S	OTP-AM	H-150

The bill provides \$25,000,000 in fiscal year 2017-18 and \$0 in fiscal year 2018-19 to the Fund for the Efficient Delivery of Local and Regional Services to encourage regional planning and reorganization for towns and municipalities to decrease the duplication of services.

Committee Amendment "A" (H-150)

The bill provides \$25,000,000 in fiscal year 2017-18 and \$0 in fiscal year 2018-19 to the Fund for the Efficient Delivery of Local and Regional Services. This amendment instead provides \$5,000,000 in fiscal year 2017-18 and \$5,000,000 in fiscal year 2018-19 to the Fund for the Efficient Delivery of Local and Regional Services and shifts responsibility for the administration of the fund from the Department of Administrative and Financial Services to

Joint Standing Committee on State and Local Government

the Department of Economic and Community Development. The amendment also adds capital grants as a third type of grant available from the fund; current law provides for planning grants and cooperative services grants.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 329 An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository for Legal Notices PUBLIC 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP	

This bill removes the provision in law that repeals on January 1, 2018 the law governing the electronic posting of legal notices. That law requires the posting of a legal notice appearing in a newspaper on a publicly accessible website maintained by the newspaper and requires a statewide association representing newspapers to maintain a publicly accessible electronic repository of legal notices.

Enacted Law Summary

Public Law 2017, chapter 19 removes the provision in law that repeals on January 1, 2018 the law governing the electronic posting of legal notices. That law requires the posting of a legal notice appearing in a newspaper on a publicly accessible website maintained by the newspaper and requires a statewide association representing newspapers to maintain a publicly accessible electronic repository of legal notices.

LD 379 An Act To Provide Stability and Continuity in the Department of Education Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD T	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide stability and continuity in the Department of Education by enacting measures designed to ensure the timely nomination of the Commissioner of Education and to discourage repeated appointments of acting commissioners.

Committee Amendment "A" (S-170)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft. The amendment requires the Governor to nominate a candidate for commissioner of an executive branch department, other than the Department of Education, within 90 days of a vacancy in the position of commissioner and, in the event a candidate nominated to fill a vacancy is not confirmed by the Legislature, requires the Governor to post a nomination of an alternative candidate within 90 days of the Senate confirmation vote. For a vacancy in the office of the Commissioner of Education, the amendment provides 120 days for the nomination to allow for the required review by the State Board of Education prior to posting the nomination of a candidate. In the event the candidate is not confirmed by the Legislature, the amendment provides an additional 120 days for the Governor to post the nomination of an alternative candidate.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 402 An Act To Establish Maine Buy Local Month

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S BELLOWS S	OTP-AM ONTP	

This bill designates November as Maine Buy Local Month and directs the Department of Economic and Community Development to encourage buying from local businesses and to increase awareness of the economic effect of buying from local businesses.

Committee Amendment "A" (H-31)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 432 An Act To Designate a Maine Community Litter Cleanup Day

PUBLIC 41

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	OTP	

This bill establishes the first Saturday in May as Maine Community Litter Cleanup Day.

Enacted Law Summary

Public Law 2017, chapter 41 establishes the first Saturday in May as Maine Community Litter Cleanup Day.

LD 473 An Act To Quantitatively Evaluate State Contracts

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a process to quantitatively evaluate competitive bids for state contracts in terms of the total economic value to the State. The process established by this bill would apply to state service contracts expected to exceed \$100,000 in total value and would include scoring criteria that evaluate the economic impact of the proposer's bid on the state economy and state revenues. In evaluating economic impact, the process would use economic multipliers to measure the impact of the use of raw materials from in-state sources, the employment of state residents and the use of in-state vendors, consultants and subcontractors. The process established by the bill will be consistent with the terms of Executive Order 2012-004, An Order Directing Certain Evaluation Criteria in Competitive Bidding.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on State and Local Government

LD 491 An Act To Extend the Allowed Time for the Interchange of Educators between School Administrative Units and the Department of Education

PUBLIC 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B BRAKEY E	OTP-AM	H-65

This bill amends the law governing the interchange of employees between government departments, agencies and instrumentalities. It increases the maximum period of an interchange assignment from 12 to 24 months.

Committee Amendment "A" (H-65)

This amendment changes the title and replaces the bill. The amendment provides for a maximum period of an employee interchange assignment of 24 months in any 36-month period for an educator participating in an interchange program between the educator's school administrative unit and the Department of Education. The amendment creates an exception to the provision of law governing interchange programs, which establishes a maximum period of 12 months in any 36-month period.

Enacted Law Summary

Public Law 2017, chapter 279 provides for a maximum period of an employee interchange assignment of 24 months in any 36-month period for an educator participating in an interchange program between the educator's school administrative unit and the Department of Education. The law creates an exception to the provision of law governing interchange programs, which establishes a maximum period of 12 months in any 36-month period.

LD 497 An Act To Require That Candidates for the Office of County Sheriff Who Meet the Basic Corrections Training Standards Have Corrections Supervisory Experience

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M CYRWAY S	OTP ONTP	

Current law requires a candidate for county sheriff to submit written certification from the Maine Criminal Justice Academy that the person has met the basic law enforcement training standards under the Maine Revised Statutes, Title 25, section 2804-C or the basic corrections training standards under Title 25, section 2804-D and to swear to or affirm that the candidate has at least five years of supervisory experience. This bill requires that a candidate who meets the training requirements by meeting the basic corrections training standards must also swear to or affirm that the candidate has at least five years of supervisory employment experience in the field of corrections. This bill exempts from this requirement a person serving in the office of sheriff on January 1, 2018 or who served prior to that date. The bill includes an effective date of January 1, 2018.

LD 540 An Act To Help Municipalities Prepare for Sea Level Rise

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L MIRAMANT D	OTP-AM	H-28

Joint Standing Committee on State and Local Government

This bill amends the State's growth planning and land use laws to reflect that addressing the effects of sea level rise is a state planning and regulatory goal. The bill amends the laws regarding the State's coastal management policies to direct state, local and certain federal agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities affecting the coastal area consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level. The bill provides that if a coastal municipality or multimunicipal region that includes a coastal municipality adopts a growth management program under the State's growth planning and land use laws, it may include in its comprehensive plan projections regarding sea level changes and the potential effects of the rise in sea level and may develop a coordinated plan for addressing the effects of the rise in sea level. The bill also provides that "coastal municipality" means a municipality or township in the coastal zone as identified by the Department of Agriculture, Conservation and Forestry, Maine Coastal Program.

Committee Amendment "A" (H-28)

This amendment removes from the bill the provision that directs government agencies responsible for regulating, planning, developing or managing coastal resources to conduct their activities consistent with the policy of encouraging the assessment of and planning for the effects of the rise in sea level.

LD 618 Resolve, Authorizing the Mount Hunger Area of the Town of Gray To Proceed with the Secession Process **Accepted Majority (ONTP) Report**

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

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to authorize the Mount Hunger area of the Town of Gray to proceed with the secession process.

Committee Amendment "A" (H-70)

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft. The amendment authorizes the Mount Hunger area of the Town of Gray to proceed with the secession process in accordance with the Maine Revised Statutes, Title 30-A, chapter 113, subchapter 2.

This amendment was not adopted.

LD 619 Resolve, Authorizing the Area of the West Side of Little Sebago Lake of the Town of Gray To Proceed with the Secession Process **Accepted Majority (ONTP) Report**

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

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to authorize the area of the west side of Little Sebago Lake of the Town of Gray to proceed with the secession process.

Committee Amendment "A" (H-71)

Joint Standing Committee on State and Local Government

This amendment is the minority report of the committee. The amendment replaces the resolve, which is a concept draft. The amendment authorizes the west side of Little Sebago Lake in the Town of Gray to proceed with the secession process in accordance with the Maine Revised Statutes, Title 30-A, chapter 113, subchapter 2.

This amendment was not adopted.

LD 635 An Act To Incentivize Legislative Carpooling

Accepted Majority (ONTP) Report

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

This bill provides for an increased mileage reimbursement rate for Legislators who transport other Legislators in a car pool to or from legislative meetings and sessions. The bill provides for a 25% increase in the rate paid per mile for each additional passenger and specifies that the passenger is not eligible for mileage reimbursement.

Committee Amendment "A" (H-32)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 648 An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State

PUBLIC 310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRANT G BELLOWS S	OTP	

This bill amends the law regarding sales of government surplus property to expand the types of nonprofit organizations that must be given an opportunity to purchase government surplus property through private sales to include any nonprofit organization that has been determined to be exempt from taxation under the federal tax code.

Enacted Law Summary

Public Law 2017, chapter 301 amends the law regarding sales of government surplus property to expand the types of nonprofit organizations that must be given an opportunity to purchase government surplus property through private sales to include any nonprofit organization that has been determined to be exempt from taxation under the federal tax code.

LD 725 An Act To Recognize Local Control Regarding Food Systems

PUBLIC 215

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HICKMAN C	OTP-AM ONTP	S-74 S-136 JACKSON T

This bill authorizes municipal governments to regulate local food systems and the transport of water for commercial purposes by ordinance and requires the State to recognize such ordinances.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (S-74)

This amendment is the majority report of the committee. This amendment strikes the language in the bill authorizing municipal governments to regulate by ordinance the transport of water for commercial purposes.

Senate Amendment "A" (S-136)

This amendment requires an ordinance adopted by a municipality to apply only to food or food products grown or processed in the municipality by individuals who sell directly to consumers. This amendment also requires any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality to comply with state and federal laws, rules and regulations.

Enacted Law Summary

Public Law 2017, chapter 215 authorizes municipal governments to regulate local food systems by ordinance and requires the State to recognize such ordinances. The law requires an ordinance to regulate local food systems adopted by a municipality to apply only to food or food products grown or processed in the municipality by individuals who sell directly to consumers. It also requires any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality to comply with state and federal laws, rules and regulations.

LD 740 An Act To Promote Efficiency and Accountability to Taxpayers in Personal Services Contracting Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D JACKSON T	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws regarding personal services contracting by the State to ensure that personal services contracting is done only when authorized and necessary and to provide transparency in the personal services contracting process.

Committee Amendment "A" (H-199)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft. The amendment requires a department or agency of the State to submit a proposed contract to the Attorney General for review and approval when the department or agency determines the contract may expose the State to substantial risk in the event of nonperformance or is expected to incur costs to the State in excess of \$3,000,000.

This amendment was not adopted.

LD 780 An Act Authorizing the Deorganization of Cary Plantation CARRIED OVER

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

This bill provides for the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.

Joint Standing Committee on State and Local Government

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 823 An Act To Promote Transparency with Respect to Surveillance Technology CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MOONEN M		

This bill requires a state entity to hold a public hearing and obtain legislative approval prior to engaging in certain activities relating to the acquisition and use of surveillance technology.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 830 An Act To Authorize Portions of the City of Caribou to Secede and Form the Town of Lyndon ONTP

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

This bill authorizes the incorporation of certain portions of the City of Caribou into the Town of Lyndon if the legal residents of those parts approve, by referendum, separation from the City of Caribou and incorporation as a separate town. The bill clarifies the binding arbitration process and specifies the liability and rights of the City of Caribou and the Town of Lyndon. The meets and bounds describing the proposed Town of Lyndon have not been verified by a licensed professional land surveyor.

LD 849 An Act To Require the State To Maintain an Interest-bearing Account of Privately Donated Funds for Saxl Park in the City of Bangor P & S 8

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A	OTP-AM	H-178

This bill allows the State to deposit privately donated funds received for the purpose of upkeep of property managed by the State into an interest-bearing account. The bill requires that any interest earned on the donated funds be also used for the upkeep of the property.

Committee Amendment "A" (H-178)

This amendment replaces the bill. The amendment requires the State to deposit into an interest-bearing account privately donated funds received by the State to expend on behalf of the Saxl Park Advisory Committee for the purpose of maintaining, operating and improving Saxl Park in the City of Bangor. The requirement applies to the unexpended balance of funds previously received by the State for this purpose and requires interest earned to be used for the same purpose. The amendment repeals Resolve 2007, chapter 201, section 10, subsection 2, which pertains to private donations to benefit Saxl Park.

Enacted Law Summary

Private and Special Law 2017, chapter 8 requires the State to deposit into an interest-bearing account privately donated funds received by the State to expend on behalf of the Saxl Park Advisory Committee for the purpose of maintaining, operating and improving Saxl Park in the City of Bangor. The requirement applies to the unexpended balance of funds previously received by the State for this purpose and requires interest earned to be used for the

Joint Standing Committee on State and Local Government

same purpose. This law also repeals Resolve 2007, chapter 201, section 10, subsection 2, which pertains to private donations to benefit Saxl Park.

LD 850 An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H BRAKEY E	ONTP OTP-AM OTP-AM	H-182

This bill prohibits a person such as a lobbyist, state employee, executive branch official or member of the public from purposely providing, either in person or through another means, false testimony, either orally, in writing or by other means, to a legislative committee or purposely omitting or concealing a material fact related to testimony provided to a legislative committee. This bill allows any member of a legislative committee to require the chair of that committee to place a person testifying before that committee under oath. A person who purposely provides false testimony to a legislative committee or who omits or conceals a material fact commits a Class E crime. If the person was under oath at the time, the person commits a Class D crime. If the person is a lobbyist or lobbyist associate, the person may be suspended from lobbying before the Legislature for up to two years.

Committee Amendment "A" (H-181)

This amendment is a minority report of the committee. The amendment adds members of the Legislature to the definition of "person," making Legislators subject to the provisions of the bill.

This amendment was not adopted.

Committee Amendment "B" (H-182)

This amendment is a minority report of the committee. The amendment removes the provision of the bill that allows a member of a legislative committee to place a person providing testimony under oath.

LD 876 Resolve, To Increase Pedestrian Crosswalk Safety ONTP

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

This resolve requires a municipality with a residential population of 20,000 or greater to undertake a study to determine the busiest pedestrian crosswalks and vehicular traffic areas in that municipality and to adopt a 10-year plan to address the enhancement of pedestrian crosswalk safety in that municipality through changing physical and lighting conditions.

LD 882 An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G GUERIN S	ONTP OTP-AM	

Joint Standing Committee on State and Local Government

This bill prohibits any public entity, including the State and any of its agencies or subdivisions, from boycotting the State of Israel or contracting with or giving a grant to a person that is boycotting the State of Israel and requires all contracts and grants by a state agency or subdivision to certify that the person awarded the contract or grant will not boycott the State of Israel for the duration of the contract or grant. This bill does not apply to a contract if the person supplies the services, supplies or information technology for at least 20% less than the lowest eligible competitor or to a contract or grant with a total potential value of less than \$1,000.

Committee Amendment "A" (S-69)

This amendment is the minority report of the committee. The amendment changes the allocation of the new section to avoid a numbering conflict and incorporates a fiscal note.

This amendment was not adopted.

**LD 890 An Act To Include a Representative of the Aroostook Band of Micmacs CARRIED OVER
in the House of Representatives**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M STEWART H		

This bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 129th Legislature. It requires the Tribal Clerk of the Aroostook Band of Micmacs to furnish the outgoing Clerk of the House of Representatives with a certification of the name and residence of the Representative-elect of the Aroostook Band of Micmacs to the Legislature. It also authorizes the Representative of the Aroostook Band of Micmacs to be compensated in the same manner as other members of the House of Representatives. It also provides that the changes do not take effect unless the Aroostook Band of Micmacs approves them and provides certification of that approval to the Secretary of State within 90 days of the adjournment of the First Regular Session of the 128th Legislature.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 895 An Act To Help Maine Manufacturing Accepted Majority
(ONTP) Report**

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

This bill establishes the Maine Buy America Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract to the contract must be manufactured in the United States. This requirement does not apply to counties, municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Joint Standing Committee on State and Local Government

Under the Act, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by more than 25%. The Department of Administrative and Financial Services is directed to develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

Committee Amendment "A" (S-143)

This amendment is the minority report. The amendment adds an appropriations and allocations section.

This amendment was not adopted.

LD 899 Resolve, To Establish the Commission To Study the Salaries of the Governor, Legislators and Executive and Legislative Staff ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A HARVELL L	ONTP	

This resolve establishes the Commission To Study the Salaries of the Governor, Legislators and Executive and Legislative Staff. The commission is charged with studying the salaries of the Governor, Legislators and executive and legislative staff members and making recommendations for any necessary changes. The commission is required to submit a report containing its findings and recommendations to the Second Regular Session of the 128th Legislature by December 6, 2017.

LD 914 An Act To Establish Indigenous People's Day Accepted Majority (ONTP) Report

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

This bill establishes the second Monday in October as Indigenous People's Day and changes references in the Maine Revised Statutes to the federally named Columbus Day to Indigenous People's Day for use in the State.

Committee Amendment "A" (H-66)

This amendment is the minority report of the committee. The amendment changes a reference to Indigenous People's Day in the bill so that it is not listed as a national holiday but is still not considered a business day.

Joint Standing Committee on State and Local Government

This amendment was not adopted.

LD 956 An Act To Establish the Maine Buy America and Build Maine Act

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM OTP-AM	S-171 S-291 SAVIELLO T H-545 SPEAR J

This bill establishes the Maine Buy America and Build Maine Act and requires that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that the manufactured goods, including iron and steel, used or supplied in the performance of the contract or any subcontract to the contract must be manufactured in the United States. This requirement does not apply to counties, municipalities or school administrative units.

The bill requires that, in the case of a manufactured good other than an iron or steel product, all of the manufacturing processes take place in the United States and the origin of the manufactured good's components or subcomponents meet a minimum level of domestic content as established by rule.

Under the Act, a public agency may apply to the Governor or the Governor's designee for a waiver of the requirement if the executive head of the public agency finds that the application of the requirement would be inconsistent with the public interest, that the necessary manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or that inclusion of manufactured goods made in the United States will increase the cost of the overall project contract by an unreasonable amount. The Department of Administrative and Financial Services is directed to develop rules regarding the Act, including rules to guide the waiver process and the process for public review and comment regarding requests for a waiver.

The bill requires that if the Department of Administrative and Financial Services has reason to believe that any person, business or other entity has intentionally made fraudulent representations about the domestic content of a manufactured good or has intentionally violated any provision of the Act, the department must, after a hearing, debar that person, business or other entity from contracts or subcontracts with the State for two years.

The bill provides that the provisions of this legislation must be applied in a manner consistent with the State's obligations under any applicable international agreements pertaining to government procurement.

The bill also requires that, in the award of a bid for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work or for services to be provided to or on behalf of the State, if two or more bids are submitted that are substantially similar, preference must be given to the bid submitted by an in-state contractor. If the bid submitted by an in-state contractor is higher than the lowest bid submitted by a contractor that is not an in-state contractor, the in-state contractor must be given the opportunity to match the lowest bid submitted.

Committee Amendment "A" (S-171)

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

Committee Amendment "B" (S-172)

This amendment is the minority report of the committee. The amendment strikes the bill and instead requires the use of scoring criteria to evaluate a bid's economic impact on Maine's economy and state revenues for competitively

Joint Standing Committee on State and Local Government

bid service contracts expected to exceed \$100,000 in total value and competitively bid printing service contracts expected to exceed \$5,000 in total value. The amendment also provides funding to the Department of Administrative and Financial Services for costs associated with the amendment.

This amendment was not adopted.

Senate Amendment "A" (S-291)

This amendment adds a third way a business can qualify to be an in-state contractor for purposes of the Maine Buy America and Build Maine Act by including a business in which at least 60% of the employees are Maine residents.

House Amendment "A" (H-545)

This amendment includes cement used in the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work as a good that must be manufactured in the United States.

LD 972 An Act To Modify the Lincoln County Budget Advisory Committee

**Accepted Majority
(ONTP) Report**

Sponsor(s)

HAWKE S
DOW D

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill changes the Lincoln County budget procedures in the following ways.

1. Current law requires an interim county budget before a final county budget is approved to be no more than 80% of the amount of the preceding county budget. This bill raises the level of the interim county budget to no more than the full amount of the preceding county budget.
2. Current law requires the Lincoln County Budget Advisory Committee to be comprised of three municipal officers per county commissioner district elected by their respective district caucuses and serving staggered three-year terms. This bill requires that each municipality has the option to have one municipal officer from that municipality selected by the municipality's governing body to serve on the committee for a one-year term.
3. Current law requires the committee to submit budget recommendations to the Lincoln County commissioners, who have the final say on the county budget. This bill gives the committee the authority to submit a budget to the commissioners, who need a unanimous vote to make any changes, and the power to veto any change to the budget by the commissioners by a 2/3 vote of the committee members present.

Committee Amendment "A" (H-78)

This amendment is the minority report of the committee. The amendment makes the following changes to the bill.

1. It provides for three-year terms of the advisory committee voting members, instead of one-year terms as proposed in the bill.
2. It makes the legislative member a nonvoting member, except in the case of a tie vote.
3. It requires a 2/3 vote of the advisory committee membership, rather than 2/3 of members present, to reject a change to the budget made by the county commissioners.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 973 An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members

**PUBLIC 78
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY J THIBODEAU M	OTP	

This bill amends the Waldo County Budget Committee membership provisions by providing that when a vacancy on the committee occurs and the municipality of the vacating member declines to send a replacement, the budget committee may solicit another municipality in the district that does not have a member currently sitting on the committee to fill the vacancy.

Enacted Law Summary

Public Law 2017, chapter 78 amends the Waldo County Budget Committee membership provisions by providing that when a vacancy on the committee occurs and the municipality of the vacating member declines to send a replacement, the budget committee may solicit another municipality in the district that does not have a member currently sitting on the committee to fill the vacancy.

Public Law 2017, chapter 78 was enacted as an emergency measure effective May 21, 2017.

LD 992 An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation

P & S 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER J TUELL W	OTP-AM	S-26

This bill relocates all portions of Park Road and the Baileyville Commercial Park currently in Baring Plantation into the Town of Baileyville.

Committee Amendment "A" (S-26)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2017, chapter 6 relocates all portions of Park Road and the Baileyville Commercial Park currently in Baring Plantation into the Town of Baileyville.

LD 1007 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms and Decrease the Number of Terms of Members of the Legislature

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D VOLK A	ONTP OTP-AM	

This resolution proposes to amend the Constitution of Maine to increase the length of the terms of State Senators from two years to four years beginning in 2020 and members of the House of Representatives from two years to four years beginning in 2022 and to limit the number of consecutive terms members of the State Senate and the

Joint Standing Committee on State and Local Government

House of Representatives may serve from four terms to two terms.

Committee Amendment "A" (H-86)

This amendment is the minority report of the committee. The amendment removes the provision in the resolution that changes apportionment to a 12-year cycle and leaves it at 10 years. The amendment also removes those provisions of the resolution that change references to biennial elections in the Constitution of Maine, as biennial elections will continue.

This amendment was not adopted.

LD 1008 An Act To Establish the Permanent Commission on the Status of Racial and Ethnic Populations

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-254

This bill creates the Permanent Commission on the Status of Racial and Ethnic Populations to promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations.

Committee Amendment "A" (H-254)

This amendment is the majority report of the committee. The amendment changes the membership of the Permanent Commission on the Status of Racial and Ethnic Populations, decreasing the total membership from 17 as proposed in the bill to 15 and including Legislators in the membership. The amendment also expands the research duties of the commission to incorporate the study of income levels of and opportunities available to historically disadvantaged racial and ethnic populations in the State and the examination of data regarding business ownership, household assets, debts and income, housing, employment and access to inherited wealth, capital and benefits. It also directs the commission to consider policy proposals to diversify business ownership to include historically disadvantaged racial and ethnic populations in the State and to bridge the gaps in wealth acquisition. The amendment adds an initial report by the commission to the Second Regular Session of the 128th Legislature focusing on the commission's research on income levels and consideration of policy proposals. The amendment also specifies a due date of January 1st for the biennial report proposed in the bill, beginning January 1, 2019. The amendment also adds an appropriations and allocations section to the bill.

LD 1021 Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A DESCHAMBAULT S	OTP-AM	H-67

This resolve establishes the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County to study and plan the disposition of the three district courthouses in York County to be vacated when the courts are consolidated into one building in 2021 and of associated surplus state property.

Committee Amendment "A" (H-67)

This amendment makes a technical correction to the resolve. The language "notwithstanding Joint Rule 353" is not necessary and is removed.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th

Joint Standing Committee on State and Local Government

Legislature on the Special Study Table by joint order, S.P. 602.

LD 1042 An Act To Amend the Law Regarding Road Associations

Died Between Houses

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

Under current law, if a road association is formed for the maintenance of a private road, private way or bridge, all owners of land benefitted by that private road, way or bridge are required to pay a share of the costs incurred for the maintenance of that private road, way or bridge. If an owner fails to pay, the owner's share of the costs may be recovered in a civil action, up to a maximum of one-percent of the owner's municipal property valuation. This bill increases the maximum amount of liability to two-percent of the owner's municipal property valuation.

Committee Amendment "A" (H-255)

This amendment replaces the bill. The amendment removes language in current law that limits an individual owner's share of the cost of repairs to a road that are assessed by a road association to one-percent of that owner's municipal property valuation in any calendar year. The bill increases the limit from one-percent to two-percent.

This amendment was not adopted.

LD 1058 An Act To Modernize Ballot Notices for City Elections

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S CHIPMAN B	OTP	

This bill removes the requirement that before a city election the clerk publish a composite specimen ballot containing the names of all the nominees in a newspaper having general circulation in the city. It also removes the requirement that the clerk post multiple copies of the instruction poster and specimen ballot in the voting room outside the guardrail enclosure and instead specifies that at least one of each of these documents be posted.

LD 1068 An Act To Require That State-funded Buildings Be Constructed with Wood Products

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R DAVIS P		

This bill requires a person that engages in the construction or repair of public buildings or works to use wood products, including cross-laminated timber, for structural components to the extent that suitable wood products are feasible for use, competitively priced and permitted under state or local building codes.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on State and Local Government

LD 1082 An Act To Amend the Laws Governing the Granting of a Variance from the Dimensional Standards of a Zoning Ordinance **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R CUSHING A	ONTP OTP	

This bill amends the law governing variances from dimensional standards that may be granted by a municipal zoning board of appeals.

LD 1084 An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J DESCHAMBAULT S	ONTP OTP-AM	

This bill provides that the names and addresses of applicants for positions as county administrator, city manager, town manager and school superintendent are public records upon application by the applicant.

Committee Amendment "A" (H-149)

This amendment is the minority report of the committee. The amendment provides that for an applicant for the position of county administrator, city manager, town manager or school superintendent, the hiring authority may require public disclosure of the applicant's name and address at a specified point in the application process as a condition of eligibility for the position.

This amendment was not adopted.

LD 1087 An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court **ONTP**

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

This bill requires, for purposes of appeal to the Superior Court, that to be considered final agency action, a land use matter requiring review of both a municipal planning board and board of appeals must be heard by both the municipal planning board and board of appeals and both boards must issue findings of fact.

LD 1100 An Act To Increase the Salaries of the Governor and Legislators **ONTP**

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

This bill increases the Governor's salary in January of 2019 from \$70,000 per year to \$150,000 per year and

Joint Standing Committee on State and Local Government

increases legislative salaries in December of 2018 from \$14,271.35 for the first year of the biennium and \$10,157.52 for the second year of the biennium to \$24,000 for the first year of the biennium and \$17,000 for the second year of the biennium.

LD 1141 An Act To Make Election Day a State Holiday

ONTP

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

This bill designates Election Day, the first Tuesday after the first Monday in November, as a state holiday.

LD 1142 An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County

PUBLIC 195

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P	OTP-AM ONTP	H-256

This bill repeals Private and Special Law 1971, chapter 86, which established the Cumberland County Recreation Center to establish and operate the Cumberland County Civic Center, now known as the Cross Insurance Arena. The bill transfers the rights and responsibilities of the Center to Cumberland County, exclusively.

Committee Amendment "A" (H-256)

This amendment is the majority report of the committee. The amendment makes the following changes to the bill.

1. It establishes the Board of Trustees of the Cross Insurance Arena in statute.
2. It clarifies that current members of the Board of Trustees of the Cumberland County Recreation Center serve as initial members of the Board of Trustees of the Cross Insurance Arena for the balance of their terms.
3. It specifies that the budget for the Cross Insurance Arena is developed by the board of trustees and presented by the board to the Cumberland County commissioners. It clarifies that budget approval and adoption is the responsibility of the county commissioners and that the county commissioners may increase or decrease the overall budget presented by the trustees but may not otherwise alter or amend the budget.

Enacted Law Summary

Public Law 2017, chapter 195 repeals Private and Special Law 1971, chapter 86, which established the Cumberland County Recreation Center to establish and operate the Cumberland County Civic Center, now known as the Cross Insurance Arena, and transfers the rights and responsibilities of the center to Cumberland County, exclusively. The law establishes the Board of Trustees of the Cross Insurance Arena in statute. It specifies that the budget for the Cross Insurance Arena is developed by the board of trustees and presented by the board to the Cumberland County commissioners for approval and adoption.

Joint Standing Committee on State and Local Government

LD 1153 An Act To Establish a Village Corporation

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to authorize the Town of Frye Island to consolidate with another municipality and then establish the territory within the limits of Frye Island as a village corporation within the other municipality.

LD 1191 An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J KATZ R	OTP	

This bill increases from six months to one year the period of probation for municipal employees who are exempt from the federal Fair Labor Standards Act of 1938, except for law enforcement officers.

LD 1192 An Act To Require Maine Governmental Departments That Affect Citizen Health and Safety To Staff at Least 75 Percent of Available Positions

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CHIPMAN B	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill would require that those departments and agencies of State Government that affect the health and safety of the citizens of the State ensure that at least 75% of the available positions in those departments and agencies are staffed.

Committee Amendment "A" (H-200)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment requires the Department of Corrections, the Department of Health and Human Services and the Department of Public Safety each to submit a report on authorized staff positions and vacancies on or before September 1st of each even-numbered year. The report must include, but is not limited to, the total number of authorized positions in the department and the number of vacant positions, each measured as of June 30th of the reporting year, and the vacancy rate, calculated as the number of vacant positions divided by the number of authorized positions. If the calculated vacancy rate for the department is equal to or greater than 0.25, the report must include a written justification for the vacancy for each vacant position. Each department is required to submit its report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the appropriate joint standing committee of oversight.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 1193 An Act To Ensure the Cost-efficiency of Contracting out Services by the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C MIRAMANT D	ONTP	

This bill establishes a process for the review of privatization contracts, which are defined as agreements with a term of no more than five years by which a nongovernmental person or entity agrees to provide services valued at \$200,000 or more, which are substantially similar to and in lieu of services previously provided in whole or in part by state agency employees. Under this process, the State Auditor is given 30 days from the date that the agency designates the bidder to which it proposes to award the privatization contract to object to, and thereby invalidate, the proposed contract for failure to comply with statutory requirements. The State Auditor is also authorized to seek a review by the Office of Program Evaluation and Government Accountability of any privatization contract.

LD 1213 An Act To Protect Taxpayers in the Privatization of State Services Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BLUME L	OTP-AM ONTP	

This bill creates a process by which a state agency can enter a privatization contract with a nongovernmental entity to perform basic agency services for up to five years if a number of criteria are met, including:

1. Wages and benefits for employees of the contractor are comparable to state employees performing the same services;
2. The contractor endeavors to hire agency employees terminated due to the privatization;
3. The agency provides an estimate of its costs in providing the subject services in the most efficient manner;
4. The agency provides support and resources to allow agency employees to submit a competing bid to provide the privatized services;
5. The agency considers as a contract cost any income tax revenue lost to the State as a result of services to be performed out of state under the contract; and
6. A review by the State Auditor to determine that all of the requirements of the bidding and privatization contract have been met.

Committee Amendment "A" (S-289)

This amendment is the majority report of the committee. The amendment requires the Attorney General, rather than the State Auditor, to conduct the review of privatization contracts specified in the bill. The amendment identifies the rules authorized to be adopted as routine technical rules.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 1257 An Act To Minimize Hardship by Prohibiting the State from Reducing the Wages of a State Employee To Recoup Payments the State Made in Error

Accepted Majority (ONTP) Report

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

This bill provides that, if the State, in its capacity as an employer, overcompensates an employee as a result of the State's error, the State may not recover the overpayment of wages by deducting or withholding amounts from that employee's subsequent wages.

Committee Amendment "A" (S-222)

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

This amendment was not adopted.

LD 1269 An Act To Adjust the Procedure for Recounts in Certain Municipal Elections

PUBLIC 191

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W	OTP-AM	H-243

This bill changes the deadline for requesting a recount in a municipal, local school or local referendum election to 10 business days after the election. It also provides that in a municipality that counts all ballots by hand, a recount is automatically triggered in a municipal, local school or local referendum election if the total vote difference is 10 votes or fewer.

Committee Amendment "A" (H-243)

This amendment replaces the bill. The amendment:

1. Requires a written request for a recount for an election for municipal office to go to the municipal clerk, not the Secretary of State as in the bill, and requires the request for a recount to be filed within seven business days; and
2. Provides that a referendum recount in a municipality must be granted upon written application of 10% or 100, whichever is less, of registered voters in a municipality. Current law requires the application to be made by 10% or 100, whichever is less, of persons whose names were checked off at the referendum election.

Enacted Law Summary

Public Law 2017, chapter 191 amends the law governing municipal election recounts. It requires a written request for a recount for an election for municipal office to go to the municipal clerk and requires the request for a recount to be filed within seven business days. This law also provides that a referendum recount in a municipality must be granted upon written application of 10% or 100, whichever is less, of registered voters in a municipality.

Joint Standing Committee on State and Local Government

LD 1295 An Act To Create the Procurement Review Board

**Died Between
Houses**

Sponsor(s)

LIBBY N

Committee Report

OTP-AM
ONTP

Amendments Adopted

This bill establishes the Procurement Review Board, which is required to review and approve or disapprove all requests for proposals, bids, contract renewals, amendments, extensions or other changes to an existing contract for the State's procurement of supplies, professional or artistic services, construction and real property and capital improvement leases valued at \$1,000,000 or more. The board by majority vote may review procurements valued at less than \$1,000,000.

Committee Amendment "A" (S-274)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment establishes the Sole-source Procurement Review Board, which is required to review and approve or disapprove all sole-source contracts and contract renewals, amendments, extensions or other changes to an existing sole-source contract for the procurement of supplies or services, including but not limited to professional, artistic and construction services, and for real property and capital improvement leases procured by the State. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1309 Resolve, To Establish the Commission To Study Business Ownership by
Racial and Ethnic Populations and the Wealth Gap in the State**

ONTP

Sponsor(s)

TALBOT ROSS R
SAVIELLO T

Committee Report

ONTP

Amendments Adopted

This resolve establishes the Commission To Study Business Ownership by Racial and Ethnic Populations and the Wealth Gap in the State.

**LD 1345 An Act To Provide Alternative Repayment Methods to Employees
Overcompensated through an Employer Error**

CARRIED OVER

Sponsor(s)

DOORE D
DAVIS P

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish an alternative method for an employee to pay back an employer for overcompensation of the employee due to the employer's error that is less of a hardship on the employee than the present requirements of law, which allow an employer to deduct up to 10% of an employee's wages to pay back the overcompensation of the employee.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on State and Local Government

LD 1346 An Act To Clarify Access to Landlocked Ancient and Family Burying Grounds and To Clarify the Definition of Ancient Burying Ground

Accepted Majority (ONTP) Report

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

This bill amends the law governing family burying grounds and ancient burying grounds in the following ways.

1. It amends the definition of "ancient burying ground."
2. It provides that a municipality or its caretaker may access an ancient burying ground surrounded by privately owned land annually or as determined necessary by the municipality or its designated caretaker.
3. It provides that a person who owns land that surrounds an ancient burying ground or a family burying ground must provide a descendant or other relative of a person buried in the burying ground, or a designated agent of the descendant or other relative, access to the burying ground for the purposes of protecting and preserving it.
4. If property surrounding a burying ground is conveyed causing the burying ground to be inaccessible from a public way, the bill provides that the conveyance is made subject to an easement for the benefit of the spouse, ancestors, descendants and other relatives or the designated agent of the spouse, ancestors, descendants and other relatives of any person interred in the burying ground. It also requires that the owner of the property surrounding the family burying ground designate the direct route a person must use to access the family burying ground and is not liable for injuries sustained by a person accessing the family burying ground.

Committee Amendment "A" (H-201)

This amendment is the minority report of the committee. The amendment requires owners of land surrounding ancient or family burying grounds to file a notarized listing of obstructions with the county registry of deeds rather than the municipal clerk as in the bill.

This amendment was not adopted.

LD 1361 An Act Regarding State Hiring and Retention for Persons with Disabilities

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HERBIG E	OTP	

This bill creates a preference in state hiring for persons with disabilities. This bill requires the employing agency to offer an interview to a person with a disability who is eligible for the Ticket to Work and Self-Sufficiency Program under the federal Social Security Act and who meets the minimum qualifications for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications for the position. If the person is not selected for the position, the bill requires the Department of Administrative and Financial Services, Bureau of Human Resources provide guidance to the person regarding other available state positions, including opportunities in the bureau's special appointment program for which the person might qualify. It also authorizes, but does not require, the bureau to refer the person to the Department of Labor, Bureau of Rehabilitation Services for vocational rehabilitation services. The bill provides that in any reduction in personnel in the state service, employees who are eligible for the Ticket to Work and Self-Sufficiency Program or who are

Joint Standing Committee on State and Local Government

persons with disabilities must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews. It also provides that a person with a disability or who is eligible for Ticket to Work program has the right not to disclose their disability at the time of hire but may not assert a right to a retention preference at a later date.

Enacted Law Summary

Public Law 2017, chapter 261 creates a preference in state hiring for persons with disabilities. The law requires the employing state agency to offer an interview to a person with a disability who is eligible for the Ticket to Work and Self-Sufficiency Program under the federal Social Security Act and who meets the minimum qualifications for the position and to a person who has been determined by a qualified professional to have a disability and who meets the minimum qualifications for the position. If the person is not selected for the position, the law requires the Department of Administrative and Financial Services, Bureau of Human Resources provide guidance to the person regarding other available state positions, including opportunities in the bureau's special appointment program for which the person might qualify. It also authorizes, but does not require, the bureau to refer the person to the Department of Labor, Bureau of Rehabilitation Services for vocational rehabilitation services. The law provides that in any reduction in personnel in the state service, employees who are eligible for the Ticket to Work and Self-Sufficiency Program or who are persons with disabilities must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews. It also provides that a person with a disability or who is eligible for Ticket to Work program has the right not to disclose their disability at the time of hire but may not assert a right to a retention preference at a later date.

LD 1381 An Act To Clarify Appeals of Municipal Land Use Decisions

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K	OTP-AM	H-358

This bill amends the laws regarding municipal boards of appeal and regarding appeals of municipal land use decisions to reflect the holding of the Law Court in "Susan E. Bryant v. Town of Camden et al.," which relates to when a local land use decision is ripe for appeal. It provides that a final decision occurs when an application has received all required municipal administrative approvals by a municipality's board of appeals, planning board or municipal review authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.

Committee Amendment "A" (H-358)

This amendment makes a number of technical, clarifying edits to the bill. The amendment retains all substantive provisions of the bill that provide that a local land use decision is a final decision when an application has received all required municipal administrative approvals by a municipal board of appeals, a planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.

Enacted Law Summary

Public Law 2017, chapter 241 provides that a local land use decision is a final decision when an application has received all required municipal administrative approvals by a municipal board of appeals, a planning board or municipal reviewing authority, a site plan or design review board, a historic preservation review board and any other review board created by municipal charter or ordinance and that an appeal to the Superior Court may not be made until a final decision occurs.

Joint Standing Committee on State and Local Government

LD 1382 An Act To Require Responsible Contracting on Public Construction Projects

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T	ONTP OTP-AM	

The purpose of this bill is to ensure that the work on public construction and maintenance contracts is performed by responsible, qualified firms that maintain the capacity, expertise, personnel and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner. This bill establishes responsible contractor requirements for publicly funded construction projects that receive state funds in excess of \$50,000 or other financial assistance from the State with a value in excess of \$50,000. The bill outlines a responsible contractor certification process to be administered by the Department of Administrative and Financial Services, Bureau of General Services.

Committee Amendment "A" (H-450)

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

This amendment was not adopted.

LD 1456 An Act To Return the Duties of the State Compensation Commission To Make Recommendations for the Salaries of the Governor and Judges

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J	OTP-AM	H-359

This bill amends the provisions of law regarding the State Compensation Commission, which makes recommendations for compensation for legislators and constitutional officers. The bill makes the following changes to the State Compensation Commission:

1. It amends the membership of the commission;
2. It changes report dates; and
3. Expands the scope of the commission to include making recommendations for compensation of the Governor, justices and judges, the Secretary and Assistant Secretary of the Senate and the Clerk and Assistant Clerk of the House of Representatives.

The bill also repeals the Judicial Compensation Commission.

Committee Amendment "A" (H-359)

This amendment does the following:

1. It specifies that no current or former Legislators or legislative staff may be appointed to the State Compensation Commission;
2. It clarifies that the work of the commission does not prevent the Chief Justice and other judicial staff from making recommendations regarding judicial compensation; and

Joint Standing Committee on State and Local Government

3. It removes from the duties of the commission making recommendations for compensation of the Attorney General, Secretary of State, Treasurer of State and State Auditor.

Enacted Law Summary

Public Law 2017, chapter 242 amends the provisions of law regarding the State Compensation Commission. The law makes the following changes to the State Compensation Commission:

1. It specifies that members of the commission be appointed in January of every odd-numbered year;
2. It provides that commission members appointed by the President of the Senate and the Speaker of the House, respectively, may be from the same political party;
3. It prohibits any current or former Legislators or legislative staff from being appointed to the commission;
4. It amends the reporting requirements to provide for two interim reports and one final report during for each two-year period;
5. It removes from the duties of the commission making recommendations for compensation of the Attorney General, Secretary of State, Treasurer of State and State Auditor; and
6. It adds to the duties of the commission making recommendations for compensation of the Governor, justices and judges, the Secretary and Assistant Secretary of the Senate and the Clerk and Assistant Clerk of the House of Representatives.

The law repeals the Judicial Compensation Commission.

LD 1459 An Act To Protect the Public from Dangerous Buildings

PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N SHEATS B	OTP-AM	S-97

This bill amends the law governing dangerous buildings to provide an option under which the municipal officers or county commissioners may delay the disposal of a dangerous building if the owner or party in interest has demonstrated ability and willingness to satisfactorily rehabilitate the building. The bill clarifies the language in current law regarding recovery of expenses related to an order prescribing disposal of a dangerous building.

Committee Amendment "A" (S-97)

This amendment makes two clarifying changes to the language in the bill. It adds a cross-reference that was missing from the bill as drafted, and it clarifies that expenses incurred by a municipality or county must be repaid by the owner.

Enacted Law Summary

Public Law 2017, chapter 136 amends the law governing dangerous buildings to provide an option under which the municipal officers or county commissioners may delay the disposal of a dangerous building if the owner or party in interest has demonstrated ability and willingness to satisfactorily rehabilitate the building. The law also clarifies language regarding recovery of expenses related to an order prescribing disposal of a dangerous building. It specifies that expenses incurred by a municipality or county must be repaid by the owner.

Joint Standing Committee on State and Local Government

LD 1484 An Act Authorizing the Deorganization of the Town of Atkinson

CARRIED OVER

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

This bill provides for the deorganization of the Town of Atkinson in Piscataquis County subject to approval at local referendum and execution of a withdrawal agreement from School Administrative District No. 41, also known as Regional School Unit No. 41. It also provides that townships deorganized on or after July 1, 2019 continue to receive school subsidies through general purpose aid to local schools, subject to approval at local referendum.

This bill was carried over to any special or regular session of the 128th Legislature by Joint Order H.P. 1138.

LD 1498 An Act To Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds

PUBLIC 116

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R	OTP-AM	H-244

This bill clarifies that quasi-independent agencies are included as agencies not subject to the records preservation surcharge imposed by various county registries of deeds.

Committee Amendment "A" (H-244)

This amendment provides a clarifying cross-reference to the definition of "quasi-independent state entity."

Enacted Law Summary

Public Law 2017, chapter 116 clarifies that quasi-independent state entities are included as agencies of State Government for the purpose of being exempt from the records preservation surcharge imposed by various county registries of deeds.

LD 1505 An Act To Create Consistency in the Regulation of Pesticides

ONTP

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

This bill prohibits a municipality from adopting or continuing to enforce any ordinance or rule regarding the sale or use of pesticides.

LD 1535 An Act To Modernize the State's Procurement Laws

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R DAVIS P	ONTP OTP-AM	

Joint Standing Committee on State and Local Government

This bill changes, from State Purchasing Agent to Chief Procurement Officer, the title of the position responsible for administering the procurement process for the State. The bill also makes several changes to the laws governing the procurement process as follows:

1. It authorizes the Chief Procurement Officer to enter into multistate agreements and requests for proposals and bids for goods and services;
2. It authorizes the Chief Procurement Officer, with the approval of the Commissioner of Administrative and Financial Services, to adopt rules to provide a process under which a department or agency that purchases goods or services contrary to the State's procurement laws may have funding removed from that department or agency's budget; and
3. It provides that costs for an unsuccessful appeal of a contract or grant award decision must be borne by the person requesting the appeal.

Committee Amendment "A" (H-502)

This amendment is the minority report of the committee. The amendment removes the provision in the bill that provides that costs for an unsuccessful appeal of a contract or grant award decision must be borne by the person requesting the appeal.

This amendment was not adopted.

LD 1558 An Act To Require That Municipalities and Counties Recover the Cost of Opioid Antagonist Treatment from Repeat Recipients Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD F CYRWAY S	ONTP OTP-AM	

This bill requires municipalities, counties and their agents, including contracted first responders, to recoup the cost of administering naloxone hydrochloride and other opioid antagonists from individuals to whom they administer those medications a second or subsequent time.

Committee Amendment "A" (H-360)

This amendment is the minority report of the committee. The amendment removes the requirement in the bill that a municipality or county or agent of either make all reasonable efforts to identify whether an individual has previously been administered an opioid antagonist and to recover the cost from the individual if it is a second or subsequent treatment. The amendment, instead, authorizes a municipality, county or agent to make efforts to identify if the individual has had prior treatment with an opioid antagonist, and it authorizes the municipality or county to make efforts to recover from the individual's health insurance provider the cost of the dose administered if it is a second or subsequent treatment. The amendment removes the provision in the bill that imposes a \$1,000 fine on a municipality or county that does not meet the bill's requirements.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 1567 An Act To Amend the Archives and Records Management Law

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R PIERCE J	OTP-AM OTP-AM	S-285

This bill makes the following changes to the archives and records management laws:

1. Adds language to specify that it is the policy of the State to ensure that nonpermanent records are preserved for the time required by an approved records retention schedule;
2. Adds language to include the advice from the Archives Advisory Board in the State Archivist's consideration of what constitutes an archival record, to change the definition of state agency or agency to include all government agencies that transmit records to the Maine State Archives and to change the definition of electronic records;
3. Adds language to specify the second organizational unit within the Maine State Archives is records management and adds language to the Maine Revised Statutes, Title 5, section 94 that was stricken from Title 5, section 95 regarding powers and duties of the State Archivist;
4. Changes the laws governing the State Archivist to reflect the two organizational units of the Maine State Archives: archives services and records management. It adds language to strengthen the records management practices for all state and local government agencies by using four criteria in the development of a guiding records retention schedule: administrative use, legal requirements, fiscal and audit requirements and historical and research value;
5. Specifies when local government records may be destroyed;
6. Repeals and replaces the laws governing the Archives Advisory Board to change the expertise required of members, to provide that members are appointed by the Secretary of State, rather than the Governor, and to provide three-year terms for members; and
7. Removes the requirement that the Maine Historical Records Advisory Board report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs but retains the requirement that the board report to the joint standing committee of the Legislature having jurisdiction over state and local government matters, which is the committee of oversight for the Maine State Archives. It also removes a reference to funding a full-time position that was eliminated in Public Law 2015, chapter 480.

Committee Amendment "A" (S-285)

This amendment is the majority report of the committee. The amendment removes the University of Maine System, the Maine Community College System and the Maine Maritime Academy from the definition of "state agency" for purposes of the Archives and Records Management Law.

Committee Amendment "B" (S-286)

This amendment is the minority report of the committee. This amendment removes the University of Maine System, the Maine Community College System and the Maine Maritime Academy from the definition of "state agency" proposed in the bill. This amendment also changes the appointing authority for the Archives Advisory Board to the Governor, rather than the Secretary of State as proposed in the bill.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 1573 An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Timber Harvested in the State

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM ONTP	S-269 S-315 JACKSON T

This bill requires that a state agency that contracts for or acquires lumber or other solid wood products give preference to lumber and solid wood products that are harvested in the State by in-state contractors, as long as the price, fitness and quality of the lumber or solid wood products are equal to that of lumber and solid wood products harvested outside the State. Under the bill, "state agency" includes departments and agencies of state, county and municipal government.

The bill also requires that if the State provides a subsidy to a person who purchases lumber or other solid wood products, the person must give preference to lumber and solid wood products harvested in the State by in-state contractors, as long as the price, fitness and quality of the lumber or solid wood products are equal to that of lumber and solid wood products harvested outside the State.

Committee Amendment "A" (S-269)

This amendment is the majority report of the committee. The amendment changes certain terminology and definitions in the bill to clarify the types of wood to which the provisions of the bill apply. The amendment replaces the terms "lumber" and "solid wood products" in the bill with the term "timber," which is further defined as "roundwood," meaning logs, bolts and other round sections of wood, and "residue," meaning by-products of a processed log. The amendment also adds a reference to state contracts for timber harvesting.

Senate Amendment "C" To Committee Amendment "A" (S-315)

This amendment removes the requirement that a person who receives a subsidy from the State and who purchases timber give preference to timber harvested by an in-state contractor. Instead this amendment requires a landowner who receives a subsidy from the State and who sells timber harvested from the landowner's land in this State to use an in-state contractor or a contractor from New Hampshire for the harvesting and transportation of that timber, as long as the price and quality of the work performed by that in-state contractor or contractor from New Hampshire is equal to the price and quality of work performed by a contractor from another state. It also provides that a landowner subject to the requirement to use an in-state contractor or contractor from New Hampshire to harvest and transport timber as the result of a subsidy provided under the Maine Tree Growth Tax Law may withdraw that landowner's land from taxation under the Maine Tree Growth Tax Law without penalty.

LD 1588 An Act To Maintain Mail Routes and Access to Residential Structures

CARRIED OVER

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

This bill prohibits a municipality from discontinuing a road on which there is a residential structure that depends upon the road for its sole access and requires the municipality to plow snow from that road and keep it passable. The bill allows for the rebuttal of the presumption of abandonment of a public way if there is a residential structure that depends on the way for its sole access. The bill requires municipalities to maintain mail routes in accordance with United States Postal Service regulations.

Joint Standing Committee on State and Local Government

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1604 Resolve, To Amend Authorization To Sell Certain Property in Augusta CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R		

Resolve 2013, chapter 98 authorized the State to sell property located in Augusta to a nonprofit organization to be used exclusively for transitional housing for veterans. This resolve removes that restriction on the exclusive use of the property.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1608 An Act To Support Employment Opportunity in Maine Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARKER J CARSON B	OTP-AM ONTP	H-461

This bill prohibits the State from seeking to obtain or inquiring about the credit history of a prospective employee or requiring that a prospective employee provide a credit history as a condition of employment.

Committee Amendment "A" (H-461)

This amendment is the majority report of the committee. The amendment provides three exceptions from the provision in the bill that prohibits the State from seeking to obtain or inquire about the credit history of a prospective employee or require that a prospective employee provide a credit history as a condition of employment when: the position involves a fiduciary responsibility to the State, the position is a law enforcement position or the State is otherwise required by federal law to obtain a credit history. The amendment also clarifies the definition of state employment to include employment in the legislative, executive or judicial branch of State Government but not include employment in other governmental or quasi-governmental entities.

LD 1622 An Act To Allow the Androscoggin County Commissioners To Establish Reasonable Office Hours for County Offices PUBLIC 212

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

Current law specifies the office hours of the county offices of Androscoggin County. This bill repeals that provision of law, allowing the county commissioners of Androscoggin County to establish reasonable office hours in the same manner as do all other county commissioners.

Enacted Law Summary

Public Law 2017, chapter 212 allows the county commissioners of Androscoggin County to establish reasonable office hours in the same manner as do all other county commissioners.

Joint Standing Committee on State and Local Government

LD 1630 An Act To Improve the Effectiveness of Notices Required by State Law

**Died Between
Houses**

Sponsor(s)

BRAKEY E

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill amends the law regarding legal notices to prohibit, beginning July 1, 2018, any requirement that a legal notice must be published in a newspaper and to require, beginning on that date, a legal notice to be posted on a publicly accessible website maintained by the Department of Administrative and Financial Services.

Committee Amendment "A" (S-275)

This amendment is the minority report of the committee. The amendment requires the State Budget Officer to calculate the savings from not having legal notices published in a newspaper and deappropriate funds accordingly. It adds an appropriations and allocations section to the bill to reflect savings to the State from no longer requiring legal notices to be published in a newspaper.

This amendment was not adopted.

Joint Standing Committee on State and Local Government

SUBJECT INDEX

County Government - Budget

Enacted

LD 973	An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members	PUBLIC 78 EMERGENC Y
--------	--	----------------------------

Not Enacted

LD 972	An Act To Modify the Lincoln County Budget Advisory Committee	Majority (ONTP) Report
--------	---	------------------------------

County Government - General

Enacted

LD 1142	An Act To Repeal the Laws Establishing the Cumberland County Recreation Center and To Transfer Authority to Cumberland County	PUBLIC 195
LD 1498	An Act To Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds	PUBLIC 116
LD 1622	An Act To Allow the Androscoggin County Commissioners To Establish Reasonable Office Hours for County Offices	PUBLIC 212

Not Enacted

LD 303	An Act To Change the Name of Captain Ambrose Bear Stream	INDEF PP
--------	--	----------

Local Government - General

Enacted

LD 24	An Act To Change the Name of Township 17, Range 4, WELS, in the Unorganized Territory to Sinclair	P & S 2 EMERGENC Y
LD 150	An Act Regarding the Funding of Volunteer Fire Departments	PUBLIC 33
LD 1269	An Act To Adjust the Procedure for Recounts in Certain Municipal Elections	PUBLIC 191

Not Enacted

LD 15	An Act Concerning the Property Tax Levy Limit	Died Between Houses
-------	---	------------------------

LD 328	An Act To Encourage Regional Planning and Reorganization	CARRIED OVER
LD 1058	An Act To Modernize Ballot Notices for City Elections	Veto Sustained
LD 1558	An Act To Require That Municipalities and Counties Recover the Cost of Opioid Antagonist Treatment from Repeat Recipients	Majority (ONTP) Report

Local Government - Land Use and Access

Enacted

LD 1381	An Act To Clarify Appeals of Municipal Land Use Decisions	PUBLIC 241
---------	---	------------

Not Enacted

LD 1082	An Act To Amend the Laws Governing the Granting of a Variance from the Dimensional Standards of a Zoning Ordinance	Majority (ONTP) Report
LD 1087	An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court	ONTP
LD 1346	An Act To Clarify Access to Landlocked Ancient and Family Burying Grounds and To Clarify the Definition of Ancient Burying Ground	Majority (ONTP) Report

Local Government - Organization and Secession

Not Enacted

LD 618	Resolve, Authorizing the Mount Hunger Area of the Town of Gray To Proceed with the Secession Process	Majority (ONTP) Report
LD 619	Resolve, Authorizing the Area of the West Side of Little Sebago Lake of the Town of Gray To Proceed with the Secession Process	Majority (ONTP) Report
LD 780	An Act Authorizing the Deorganization of Cary Plantation	CARRIED OVER
LD 830	An Act To Authorize Portions of the City of Caribou to Secede and Form the Town of Lyndon	ONTP
LD 1153	An Act To Establish a Village Corporation	ONTP
LD 1484	An Act Authorizing the Deorganization of the Town of Atkinson	CARRIED OVER

Local Government - Planning and Regulation

Enacted

LD 3	An Act To Grant Plantations the Power To Control Consumer Fireworks	PUBLIC 3 EMERGENC Y
LD 725	An Act To Recognize Local Control Regarding Food Systems	PUBLIC 215
LD 1459	An Act To Protect the Public from Dangerous Buildings	PUBLIC 136

Not Enacted

LD 540	An Act To Help Municipalities Prepare for Sea Level Rise	Veto Sustained
LD 876	Resolve, To Increase Pedestrian Crosswalk Safety	ONTP
LD 1505	An Act To Create Consistency in the Regulation of Pesticides	ONTP

Local Government - Roads

Enacted

LD 992	An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation	P & S 6
--------	--	---------

Not Enacted

LD 45	Resolve, Concerning the Ownership of a Causeway on Long Lake near St. Agatha	Veto Sustained
LD 234	An Act To Clarify the Status of a Certain Section of the Pelletier Road in the Town of Frenchville as a Town Way	Leave to Withdraw Pursuant to Joint Rule 310
LD 1042	An Act To Amend the Law Regarding Road Associations	Died Between Houses
LD 1588	An Act To Maintain Mail Routes and Access to Residential Structures	CARRIED OVER

Public Employment - Compensation

Enacted

LD 1456	An Act To Return the Duties of the State Compensation Commission To Make Recommendations for the Salaries of the Governor and Judges	PUBLIC 242
---------	--	------------

Not Enacted

LD 69	An Act To Increase the Salary of the Governor	ONTP
LD 899	Resolve, To Establish the Commission To Study the Salaries of the Governor, Legislators and Executive and Legislative Staff	ONTP
LD 1100	An Act To Increase the Salaries of the Governor and Legislators	ONTP
LD 1257	An Act To Minimize Hardship by Prohibiting the State from Reducing the Wages of a State Employee To Recoup Payments the State Made in Error	Majority (ONTP) Report
LD 1345	An Act To Provide Alternative Repayment Methods to Employees Overcompensated through an Employer Error	CARRIED OVER

Public Employment - Hiring

Enacted

LD 1361	An Act Regarding State Hiring and Retention for Persons with Disabilities	PUBLIC 261
---------	---	------------

Not Enacted

LD 288	An Act To Limit Questions Regarding Criminal History on State Employment Applications	CARRIED OVER
LD 497	An Act To Require That Candidates for the Office of County Sheriff Who Meet the Basic Corrections Training Standards Have Corrections Supervisory Experience	Died Between Houses
LD 1084	An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application	Majority (ONTP) Report
LD 1191	An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions	Veto Sustained
LD 1608	An Act To Support Employment Opportunity in Maine	Veto Sustained

Public Purchasing and Contracting

Not Enacted

LD 93	An Act To Reduce Fuel Costs to State and Local Government	ONTP
LD 473	An Act To Quantitatively Evaluate State Contracts	CARRIED OVER
LD 740	An Act To Promote Efficiency and Accountability to Taxpayers in Personal Services Contracting	Died Between Houses
LD 882	An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel	Died Between Houses
LD 895	An Act To Help Maine Manufacturing	Majority (ONTP) Report
LD 956	An Act To Establish the Maine Buy America and Build Maine Act	Died On Adjournment
LD 1068	An Act To Require That State-funded Buildings Be Constructed with Wood Products	CARRIED OVER
LD 1193	An Act To Ensure the Cost-efficiency of Contracting out Services by the State	ONTP
LD 1213	An Act To Protect Taxpayers in the Privatization of State Services	Died Between Houses
LD 1295	An Act To Create the Procurement Review Board	Died Between Houses
LD 1382	An Act To Require Responsible Contracting on Public Construction Projects	Died Between Houses
LD 1535	An Act To Modernize the State's Procurement Laws	Majority (ONTP) Report
LD 1573	An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Timber Harvested in the State	Veto Sustained

State Government - Agencies

Enacted

LD 491 An Act To Extend the Allowed Time for the Interchange of Educators between School Administrative Units and the Department of Education PUBLIC 279

Not Enacted

LD 105 An Act To Create a Centralized Authority To Combat Opiate Addiction in Maine CARRIED OVER

LD 379 An Act To Provide Stability and Continuity in the Department of Education Died Between Houses

LD 823 An Act To Promote Transparency with Respect to Surveillance Technology CARRIED OVER

LD 1192 An Act To Require Maine Governmental Departments That Affect Citizen Health and Safety To Staff at Least 75 Percent of Available Positions Died Between Houses

State Government - General

Enacted

LD 329 An Act Concerning the Law Governing the Posting of Newspaper Legal Notices and the Statewide Repository for Legal Notices PUBLIC 19

LD 849 An Act To Require the State To Maintain an Interest-bearing Account of Privately Donated Funds for Saxl Park in the City of Bangor P & S 8

Not Enacted

LD 71 Resolve, Directing the Secretary of State To Request That the United States Secretary of Transportation Place Maine in the Atlantic Standard Time Zone ONTP

LD 203 An Act To Opt Out of Federal Daylight Saving Time and To Ask the United States Secretary of Transportation To Place the State in the Atlantic Time Zone Died Between Houses

LD 1008 An Act To Establish the Permanent Commission on the Status of Racial and Ethnic Populations Died On Adjournment

LD 1309 Resolve, To Establish the Commission To Study Business Ownership by Racial and Ethnic Populations and the Wealth Gap in the State ONTP

LD 1567 An Act To Amend the Archives and Records Management Law Veto Sustained

LD 1630 An Act To Improve the Effectiveness of Notices Required by State Law Died Between Houses

State Government - Holidays and Designations

Enacted

LD 432 An Act To Designate a Maine Community Litter Cleanup Day PUBLIC 41

Not Enacted

LD 402	An Act To Establish Maine Buy Local Month	Died Between Houses
LD 914	An Act To Establish Indigenous People's Day	Majority (ONTP) Report
LD 1141	An Act To Make Election Day a State Holiday	ONTP

State Government - Legislature

Not Enacted

LD 23	An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act	Veto Sustained
LD 25	An Act To Remove the Legislative Council from the Capitol Area Development Approval Process	Died Between Houses
LD 152	An Act To Strengthen Intragovernment Communication	Veto Sustained
LD 635	An Act To Incentivize Legislative Carpooling	Majority (ONTP) Report
LD 850	An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature	Died Between Houses
LD 890	An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives	CARRIED OVER
LD 1007	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Lengths of Terms and Decrease the Number of Terms of Members of the Legislature	Majority (ONTP) Report

State Government - Property

Enacted

LD 648	An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State	PUBLIC 310
--------	--	------------

Not Enacted

LD 1021	Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County	CARRIED OVER
LD 1604	Resolve, To Amend Authorization To Sell Certain Property in Augusta	CARRIED OVER

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON TAXATION

August 2017

STAFF:

JULIE JONES, SENIOR LEGISLATIVE ANALYST

OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/ofpr>

MEMBERS:

SEN. DANA L. DOW, CHAIR
SEN. ANDRE E. CUSHING III
SEN. JUSTIN M. CHENETTE

REP. RYAN TIPPING, CHAIR
REP. STEPHEN S. STANLEY
REP. JANICE E. COOPER
REP. GAY M. GRANT
REP. JOYCE MCCREIGHT*
REP. DENISE A. TEPLER*
REP. MAUREEN FITZGERALD TERRY
REP. GARY L. HILLIARD
REP. BRUCE A. BICKFORD
REP. MATTHEW G. POULIOT
REP. KARLETON S. WARD

*Committee member for a portion of the session

Joint Standing Committee on Taxation

LD 16 An Act To Exempt Certain Individuals Who Are 70 Years of Age or Older from Maine Income Tax ONTP

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

This bill provides a 100% income tax exemption for a retired individual who is 70 years of age or older. An individual is considered retired if the individual works fewer than 20 hours per week, receives less than \$10,000 compensation for the year and receives Social Security benefits or a pension from employment not covered by Social Security benefits.

LD 26 An Act To Lower the Maine Motor Vehicle Excise Tax ONTP

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

This bill reduces motor vehicle excise tax mill rates by 10% each year beginning with 2018 registration years until the rates reach 50% of the current rates in 2022 and subsequent years.

See also LD 707 and LD 1521.

LD 27 An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B CYRWAY S	OTP-AM	H-100

This bill provides a sales tax exemption to parent-teacher organizations organized as public benefit corporations.

Committee Amendment "A" (H-100)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 72 An Act To Clarify the Tax Laws for Title to Real Estate by Releasing Inheritance Tax Liens PUBLIC 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M KATZ R	OTP	

This bill releases a lien on real property for inheritance tax resulting from a death occurring before July 1, 1986, when the inheritance tax was replaced by the estate tax.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2017, chapter 16 releases liens on real property for inheritance tax resulting from deaths occurring before July 1, 1986, when the inheritance tax was replaced by the estate tax.

LD 73 An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A VITELLI E	ONTP OTP-AM	

This bill raises the homestead property tax exemption to \$50,000 for persons who are 75 years of age or older and claimed the homestead as a permanent residence for 10 or more years. The bill requires the State to reimburse municipalities for 100% of the property taxes lost as a result of the increase in the exemption.

Committee Amendment "A" (H-230)

This amendment, which is the minority report of the Committee, makes technical corrections to facilitate administration of the increased homestead property tax exemption of persons who are at least 75 years of age. It also provides funding to reimburse municipalities for revenue lost due to the increase in the homestead property tax exemption.

This amendment was not adopted.

LD 74 An Act To Realign the State-Municipal Revenue Sharing Distribution **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to realign the percentage of revenue from the sales and use taxes, the service provider tax and the income taxes that is transferred monthly from the General Fund to the Local Government Fund under state-municipal revenue sharing.

See also LDs 133, 492, 875 and 1227.

LD 75 An Act To Provide a Sales Tax Exemption for Materials and Equipment That Enable Older Persons and Persons with Disabilities To Remain in Their Homes **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D	ONTP	

This bill provides a sales tax exemption for materials and equipment determined by the Maine State Housing Authority to enable homestead accessibility for an individual who is 75 years of age or older or an individual with a

Joint Standing Committee on Taxation

disability or physical hardship to permit the individual to remain in the individual's home.

LD 76 An Act To Exempt Diapering Products from the Sales Tax Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CUSHING A	ONTP OTP-AM	

This bill provides a sales tax exemption for disposable and reusable diapers for children, diaper covers and wraps that are used with reusable diapers and diaper pins.

Committee Amendment "A" (H-231)

This amendment, which was the minority report, adds an effective date of October 1, 2017.

This amendment was not adopted.

LD 77 An Act To Exempt from Maine Income Tax Income Earned by Members of the Armed Services While on Active Duty ONTP

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

This bill provides an income tax exemption for military compensation for active duty service by members of the armed forces of the United States when that service is performed within the State. Military compensation for service performed outside of the State is currently exempt from taxation.

LD 79 An Act To Provide a Sales Tax Exemption for Career and Technical Student Organizations CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B POULIOT M	OTP-AM	S-27

This bill provides a sales tax exemption to nonprofit career and technical education student organizations recognized by the Department of Education.

Committee Amendment "A" (S-27)

This amendment provides one-time funding for programming costs to implement the sales tax exemption.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Taxation

LD 82 An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B COREY P	ONTP OTP-AM	S-94

This bill provides a complete property tax exemption in the municipality of residence for a veteran receiving benefits based on a rating of 100% for a service-connected disability.

Committee Amendment "A" (S-94)

This amendment requires the State to reimburse municipalities for 100% of the property tax revenue loss as a result of the property tax exemption provided by the bill to veterans for a service-connected disability. The amendment also adds an appropriations and allocations section to cover the costs of reimbursement and state-mandated administrative costs.

LD 91 An Act To Provide an Income Tax Credit for Retailers Collecting Sales Tax ONTP

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

This bill provides an income tax credit of \$100 for retailers who collect, report and remit to the State more than \$1,000 in sales tax during the tax year.

LD 116 An Act To Increase Funding for Multimodal Transportation Died Between Houses

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

This bill increases the sales tax on short-term rentals of automobiles, small trucks and vans from 10% to 15% to provide funding for multimodal transportation. The increase takes effect October 1, 2017.

Committee Amendment "A" (H-101)

This amendment, which was the majority report, was accepted by the House of Representatives. The amendment changes the proposed rate of sales tax on short-term rentals of automobiles, small trucks and vans to 12%. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

Joint Standing Committee on Taxation

LD 117 An Act To Strengthen the Farm and Open Space Tax Law

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	OTP-AM	H-229

This bill provides that a landowner with acreage classified under the farm and open space tax law who wishes to add contiguous acreage to a previously classified acreage must demonstrate to the assessor that the additional acreage separately meets the definition of "farmland" that is eligible for classification.

Committee Amendment "A" (H-229)

This amendment strikes the bill and amends the definition of "farmland" to provide that, for purposes of classification as farmland under the farm and open space tax law, a parcel of land that is located on an island may not be considered contiguous to another parcel of land that is not located on the same island if the parcels of land are separated by water at the normal high-water mark or high tide.

Enacted Law Summary

Public Law 2017, chapter 183 amends the definition of "farmland" under the farm and open space tax law to provide that, for purposes of classification under that law, a parcel of land that is located on an island may not be considered contiguous to another parcel of land that is not located on the same island if the parcels of land are separated by water at the normal high-water mark or high tide.

LD 133 An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MADIGAN J	OTP-AM ONTP OTP-AM	

Current law reduces the amount transferred to the Local Government Fund for state-municipal revenue sharing from 5% of the revenue base to 2% for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19. This bill gradually restores the percentage of the revenue base transferred for state-municipal revenue sharing by increasing the percentage transferred to the Local Government Fund to 3% for fiscal year 2017-18 and to 4% for fiscal year 2018-19. Following fiscal year 2018-19, the percentage of state-municipal revenue sharing returns to 5% of the revenue base.

Committee Amendment "A" (S-317)

This amendment incorporates a fiscal note.

This amendment was not adopted.

Committee Amendment "B" (S-318)

This amendment removes language from the bill increasing the percentage of the tax base transferred for state-municipal revenue sharing from 2% to 3% in fiscal year 2017-18 and 4% in fiscal year 2018-19. The amendment instead increases that percentage from 2% in fiscal year 2016-17 to 2.5% in fiscal year 2020-21 and maintains that percentage in subsequent years.

Joint Standing Committee on Taxation

This amendment was not adopted.

See also LDs 74, 492, 875 and 1227.

LD 204 An Act To Exempt Veterans with ALS from the Excise Tax on Automobiles ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M CARSON B	ONTP	

This bill exempts from motor vehicle excise tax an automobile owned by a veteran who has been diagnosed with amyotrophic lateral sclerosis.

LD 205 An Act To Exempt Certain International Athletic Competition Prizes from Maine Income Tax ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L MAKER J	ONTP	

This bill provides an income tax exemption for prizes awarded as the result of competition in certain international athletic contests.

LD 206 An Act To Exempt Feminine Hygiene Products from Sales Tax Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R BREEN C	OTP-AM ONTP	H-196

This bill provides a sales tax exemption on the purchase of feminine hygiene products.

Committee Amendment "A" (H-196)

This amendment, which is the majority report, adds an effective date of October 1, 2017.

LD 235 An Act To Repeal the Service Provider Tax ONTP

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

This bill, which is presented "by request," repeals the service provider tax effective October 1, 2017.

Joint Standing Committee on Taxation

LD 289 An Act To Extend the Veteran Property Tax Exemption to Veterans Who CARRIED OVER
Have Served on Active Duty

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM OTP-AM ONTP	H-232

This bill removes the requirement that a veteran must have served during a federally recognized war period to be eligible for a property tax exemption, thereby making the exemption available to all veterans of the Armed Forces of the United States who are 62 years of age or older or have qualifying disabilities. This bill does not change the amounts of the exemption or other qualifying conditions.

Committee Amendment "A" (H-232)

This amendment, which is the majority report, adds a General Fund appropriation of \$15,000 in fiscal year 2018-19 to the Department of Administrative and Financial Services to reimburse municipalities for state mandated administrative costs associated with implementing this property tax exemption and includes a fiscal note indicating the amount required in the next biennium for constitutionally mandated reimbursement to municipalities of 50% of the revenue loss attributable the expansion of the exemption.

Committee Amendment "B" (H-233)

This amendment, which is a minority report, requires the State to reimburse municipalities for 100% of the property tax revenue loss as a result of the extension of the veterans' property tax exemption to veterans who did not serve during a federally recognized war period. This amendment also adds a General Fund appropriation of \$15,000 in fiscal year 2018-19 to the Department of Administrative and Financial Services to reimburse municipalities for state-mandated administrative costs associated with implementing this property tax exemption.

This amendment was not adopted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 290 An Act To Phase Out the Insurance Premium Tax on Annuities Died On
Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P CUSHING A	OTP-AM	H-282

This bill phases out the insurance premium tax on annuity considerations over four years beginning in 2018. Annuity considerations become no longer subject to insurance premium tax beginning in 2021.

Committee Amendment "A" (H-282)

This amendment provides that premiums on annuities are subject to premium tax during the phase-out period proposed in the bill at the prescribed rate only if the insurer credits the savings from the rate reduction to annuity holders. The amendment clarifies that certain deductions related to annuities may be deducted only from annuity considerations for tax periods beginning on or after January 1, 2018. The amendment also provides one-time funding to the Department of Administrative and Financial Services to adjust the premium tax return.

Joint Standing Committee on Taxation

LD 291 An Act To Maintain the Income Tax Rate on Persons with Taxable ONTP
Income above \$200,000

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL R VOLK A	ONTP	

This bill decreases the highest marginal income tax rate imposed on resident individuals on taxable income in excess of \$200,000 from 7.15% to 4.15% in recognition of the 3% surcharge on income exceeding \$200,000 which was approved by referendum.

See also LDs 337, 571, 708, 829 and 851.

LD 311 An Act To Eliminate Corporate Welfare and Provide Tax Relief ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to eliminate certain corporate tax expenditures and use the savings to reduce the individual income tax rates.

LD 330 An Act To Provide an Income Tax Credit for Employer Contributions to ONTP
Section 529 Qualified Tuition Programs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD T GRATWICK G	ONTP	

This bill provides an income tax credit to an employer that makes up to \$1,000 in matching contributions on behalf of an employee to a qualified tuition program, sometimes referred to as a college savings program, established by the employee under Section 529 of the federal Internal Revenue Code.

LD 337 An Act To Protect Jobs and the Maine Economy by Eliminating the 3% Died On
Income Tax Surcharge Imposed on Certain Mainers and the Fund To Adjournment
Advance Public Kindergarten to Grade 12 Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J DAVIS P	ONTP OTP-AM	

This bill repeals the provisions establishing the Fund to Advance Public Kindergarten to Grade 12 Education and the income tax surcharge of 3% imposed on taxable income of \$200,000 or more, which is the source of revenue for the fund.

Committee Amendment "A" (H-562)

Joint Standing Committee on Taxation

This amendment provides that the repeal of the 3% income tax surcharge in the bill applies to tax years beginning on or after January 1, 2017.

This amendment provides one-time funding to the Department of Administrative and Financial Services, Bureau of Revenue Services to mail revised withholding schedules.

This amendment was not adopted.

See also LDs 291, 571, 708, 829 and 851.

The provisions of this bill were enacted in Part D of the biennial budget, LD 390, summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 338 An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax **Accepted Majority (ONTP) Report**

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

This bill provides a motor vehicle excise tax exemption for veterans who are receiving benefits based on 100% permanent service-connected disability.

LD 368 An Act To Welcome Statewide Economic Investment **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S VOLK A	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide tax incentives for new economic investment made by businesses whose income is currently taxed at lower rates due to offshore investment of that income when those business repatriate income to the United States.. This bill would offset federal taxes paid on repatriated income with state and local property tax, income tax and employment tax reductions. The offset of taxes would be reduced over a 10-year period by an amount equal to federal taxes paid at an assumed tax rate of 10%. The offset would be allowed for capital invested in business expansion, new equipment purchases, historic property or brownfield redevelopment, new job creation or job retraining for any jobs the investment causes to be displaced. A business qualifying for the incentives would be required to commit to fulfilling the terms of an incentive plan for a period of time double to that of the length of time the incentives are provided.

LD 442 An Act To Create a Family Caregiver Income Tax Credit **CARRIED OVER**

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

This bill provides an income tax credit of up to \$2,500 for certain uncompensated eligible expenditures incurred by

Joint Standing Committee on Taxation

a family caregiver for the care and support of an eligible family member 18 years of age or older.

Eligible expenditures include the improvement of or alteration to the caregiver's primary residence to permit the eligible family member to remain mobile, safe and independent in the home and community; the caregiver's purchase or lease of equipment necessary to assist the eligible family member in carrying out one or more activities of daily living; and costs incurred to assist the caregiver to provide care to an eligible family member, such as expenditures related to hiring a home care aide, respite care, adult day care and transportation and for technology to assist the family caregiver to care for the eligible family member.

To be eligible for the tax credit, a family caregiver claiming the credit must have a federal adjusted gross income of less than \$75,000 if filing as a single individual or a married person filing separately and \$150,000 if filing as a head of household or on a married joint return.

An eligible family member must require assistance with at least one activity of daily living, as certified by a qualified licensed health care practitioner, and qualify as a dependent of, spouse of, registered domestic partner of, parent of or other relation by blood or marriage to the family caregiver or a registered domestic partner of the family caregiver.

The amount of the credit is equal to the eligible expenditures incurred by the eligible caregiver during the taxable year up to a maximum of \$2,500.

This bill was carried over to any special or regular session the of the 128th Legislature by joint order, H.P. 1138.

LD 492 An Act To Restore Revenue Sharing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D LIBBY N	ONTP	

This bill reverts the percentage of state-municipal revenue sharing from 2% of the tax base to 5% beginning October 1, 2017, but then requires a fixed portion of that amount to be transferred to the General Fund beginning in fiscal year 2017-18 and fiscal year 2018-19.

See also LDs 74, 133, 875 and 1227.

LD 493 An Act To Tax the Extraction of Water for Certain Commercial Purposes and Fund Water Quality Programs

Accepted Majority (ONTP) Report

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

This bill creates an excise tax of 1¢ per 25 gallons of groundwater or surface water extracted from springs or other underground sources in this State by a bottled water operator that extracted more than 1,000,000 gallons in the previous calendar year if the water is packaged for sale. The revenues from the tax are transferred to a newly created Maine Water Quality Testing and Monitoring Fund to be administered by the Department of Environmental Protection. Of the money transferred, 85% will support well water testing and 15% will support lake water quality monitoring and support.

Committee Amendment "A" (H-239)

Joint Standing Committee on Taxation

This amendment, which is the minority report, clarifies the administrative provisions for collection of the water excise tax and changes the distribution of revenues to provide that 10% must support lake water quality monitoring activities and that 5% must be used for well water remediation. The amendment provides that the tax first applies to bottled water operators that extracted more than 1,000,000 gallons of water in this State in calendar year 2016. The amendment also provides funding for a position in the Department of Environmental Protection.

This amendment was not adopted.

LD 513 An Act To Increase the Maximum Pension Deduction for State Income Tax

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S DOORE D	OTP-AM OTP-AM	S-119

This bill provides a complete income tax exemption for retirement benefits under state, local or federal government retirement plans that are based on employment compensation for which contributions are not made to the federal Social Security system.

Committee Amendment "A" (S-118)

This amendment, which is the majority report, provides that the maximum income tax deduction for a retired individual receiving retirement benefits under a retirement plan based on employment compensation for which contributions are not made to the federal social security system is equal to the maximum annual social security benefit that may be received by a person retiring at 66 years of age in January of the applicable year.

This amendment was not adopted.

Committee Amendment "B" (S-119)

This amendment, which was the minority report, increases the maximum annual income tax pension deduction amount for nonmilitary retirement pensions from \$10,000 to \$35,000 over a five-year period beginning with the 2017 tax year. The \$35,000 pension deduction amount that applies after 2021 is subject to an annual inflation adjustment.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 541 An Act Regarding the Commercial Forestry Excise Tax

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C MAKER J	OTP-AM ONTP	

This bill strikes the formula for calculation of the commercial forestry excise tax based on the cost of forest fire protection and the number of acres of commercial forest land subject to the tax and replaces it with a tax of 26¢ per acre of commercial forest land.

Committee Amendment "A" (H-171)

This amendment, which was the majority report, replaces the bill and repeals the commercial forestry excise tax.

Joint Standing Committee on Taxation

Following discovery that the amendment had been incorrectly labeled as the minority report, this bill was referred back to committee.

This amendment was not adopted.

Committee Amendment "B" (H-385)

This amendment, which was the majority report, replaces the bill and repeals the commercial forestry excise tax. This amendment is the same as Committee Amendment "A," (H-171), except that a labeling error in (H-171) was corrected and Committee Amendment "B" is correctly identified as the majority report.

This amendment was not adopted.

LD 571	An Act To Eliminate the 3 Percent Surcharge on Certain Income and Provide an Alternative Funding Source for the Fund To Advance Public Kindergarten to Grade 12 Education	Died On Adjournment
---------------	--	----------------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D WARD K		

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to eliminate the 3% surcharge imposed on individual income over \$200,000, which is imposed to fund the Fund to Advance Public Kindergarten to Grade 12 Education. Instead, this bill would supplant the revenue from the surcharge with two alternate sources:

1. All of the revenue from the tax imposed on the sale of recreational marijuana products, except for the amount retained for training law enforcement personnel on marijuana-related laws and rules; and
2. All surplus revenue generated by growth in the Maine economy up to the amount needed by the State to meet its obligation of funding 55% of public education from kindergarten to grade 12.

The committee voted to carry this bill over to the next regular session; however, that request was not approved by the presiding officers, and the bill was removed from the Committee pursuant to Joint Rule 309. The bill died in the possession of the Senate.

See also LDs 291, 337, 708, 829 and 851.

LD 583	An Act To Improve the Tax Appeal Process for Maine Businesses and Consumers	PUBLIC 257
---------------	--	-------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N STANLEY S	OTP-AM	S-227

This bill expands the tax appeals process for taxpayers by permitting purchasers from whom sales tax or service provider tax has been collected to request a refund from the State Tax Assessor when taxes have been collected erroneously or illegally and the retailer or service provider has not refunded the tax. The bill also permits a person appealing a reconsideration determination to request the legal basis of the determination.

Committee Amendment "A" (S-227)

Joint Standing Committee on Taxation

This amendment requires a person requesting a refund of sales and use tax to submit an affidavit to the State Tax Assessor stating that a refund or credit has not been and will not be requested from the retailer. The requirement applies to pending reconsiderations and administrative appeals. The amendment also revises the process for a customer of a service provider to obtain a refund or credit of tax that was erroneously or illegally computed.

Enacted Law Summary

Public Law 2017, chapter 257 requires a person requesting a refund of sales and use tax to submit an affidavit to the State Tax Assessor stating that a refund or credit has not been and will not be requested from the retailer. The requirement applies to pending reconsiderations and administrative appeals. Chapter 257 also revises the process for a customer of a service provider to obtain a refund or credit of tax that was erroneously or illegally computed.

LD 620 An Act To Restore the Tax Deduction for Contributions to College Savings Accounts **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DOW D	ONTP OTP-AM	

This bill restores an income tax deduction that was repealed in 2015 for contributions to a qualified tuition program established under Section 529 of the United States Internal Revenue Code of 1986 and sets the deduction at a maximum of \$1,000 annually per designated beneficiary. The change applies to tax years beginning on or after January 1, 2017.

Committee Amendment "A" (H-102)

This amendment, which is the minority report, reduces the maximum contribution that qualifies for a deduction to \$250 per designated beneficiary. This was the maximum contribution allowed when the deduction was repealed in 2015. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 621 An Act To Retain Professionals and Attract Professionals to Maine by Amending Maine's Income Tax Code **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R JACKSON T	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to recruit and retain professionals in Maine by:

1. Creating or enhancing certain income tax credits, such as the dental care access credit and the primary care access credit, which provide an income tax credit for dentists and medical professionals practicing in an underserved area of the State; and
2. Creating or enhancing loan and loan forgiveness programs, such as the Educators for Maine Program and the Health Professions Loan Program, which provide loans to students in the areas of education or health who then agree to complete a certain length of service in Maine in return for forgiveness of those loans.

See also LD 1287.

Joint Standing Committee on Taxation

LD 664 An Act To Exempt Gold and Silver Coins and Bullion from Sales Tax ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E LONGSTAFF T	ONTP	

This bill provides a sales tax exemption for sales of gold and silver coins and bullion.

LD 707 An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L DOW D	ONTP	

This bill requires that the motor vehicle excise tax for all motor vehicles and camper trailers be based upon the purchase price of the vehicle. Either the original bill of sale or the state sales tax document may be used to verify the purchase price.

See also LD 26 and LD 1521.

LD 708 An Act To Use Taxes on Nonmedical Marijuana and Increase the Tax on Cigarettes To Partially Offset the 3% Income Tax Surcharge ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D BREEN C	ONTP	

This bill increases the sales tax on nonmedical marijuana from 10% to 15% and the tax on cigarettes from \$2.00 per pack of 20 cigarettes to \$2.50 per pack. The bill provides that revenue from these increases is deposited in the newly created Surcharge Relief Fund to be used to reduce the rate of the 3% surcharge on taxable income exceeding \$200,000. The bill contains an effective date of October 1, 2017.

With regard to the 3% surcharge, see also LDs 291, 377, 571, 829 and 851.

LD 727 An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes Accepted Majority (ONTP) Report

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

This bill provides that holding land primarily for conservation or public access purposes is not a benevolent or charitable purpose, which is a necessary requirement to obtaining an exemption from property tax. The change applies to property tax years beginning on or after April 1, 2018.

Joint Standing Committee on Taxation

Committee Amendment "A" (H-103)

This amendment, which is the minority report, incorporates a fiscal note.

This amendment was not adopted.

LD 733 An Act Regarding Maine's Tax Code

Leave to Withdraw Pursuant to Joint Rule

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make changes to certain taxes imposed pursuant to Maine law.

LD 741 An Act To Provide Equity in Education Funding

Leave to Withdraw Pursuant to Joint Rule

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

This bill allows a municipality that is a member of a school administrative unit receiving the minimum state share for education funding to impose by referendum a local option sales tax of up to 1% to be used for funding kindergarten to grade 12 education and reducing the property tax rate. This bill also repeals a provision of the education funding laws calculating a minimum state share of costs based on a percentage of special education cost.

See also LDs 915, 1230, 1265 and 1522.

LD 779 An Act To Allow Aroostook County To Create Tax Increment Financing Districts

ONTP

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

This bill authorizes Aroostook County to establish development districts qualifying for tax increment financing within the county in the same manner that a municipality or plantation may establish such a development district.

Joint Standing Committee on Taxation

LD 781 An Act To Support the Trades through a Tax Credit for Apprenticeship Programs CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DOW D	OTP-AM	H-416

This bill provides an income tax credit to employers with apprenticeship programs approved by the Department of Labor. The credit is equal to \$2,500 for each registered apprentice employed by the taxpayer during the taxable year in an approved apprenticeship program.

Committee Amendment "A" (H-416)

This amendment replaces the bill. It permits an employer who employs an apprentice participating in an approved apprenticeship program to receive a tax credit and establishes procedures for employing units to be eligible for a partial credit if they employ a participating apprentice for fewer than 2,000 hours during a calendar year. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 782 An Act To Provide a Sales Tax Exemption for Certain Nonprofit Organizations Supporting Veterans Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D	OTP-AM	H-193

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to create a sales tax exemption for goods purchased by certain veterans' facilities.

Committee Amendment "A" (H-193)

This amendment strikes the bill. This amendment expands the sales tax exemption for incorporated nonprofit organizations organized for the purpose of providing direct supportive services in the State to certain veterans and their families to include veterans with combat injuries. The amendment also adds an appropriations and allocations section.

LD 783 An Act Regarding Business Income Tax ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide an income tax credit for a business that makes a voluntary contribution to fully or partially fund a qualifying local project that would otherwise need to be funded by the State. Qualifying projects would include those funded through the Maine Municipal Bond Bank or local projects involving high-priority

Joint Standing Committee on Taxation

infrastructure or otherwise approved by a municipality as a priority project.

LD 784 An Act To Prevent Tax Haven Abuse

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R JACKSON T	OTP-AM ONTP	

This bill requires corporations that file unitary income tax returns in Maine to include income from certain jurisdictions outside the United States in net income when apportioning income among tax jurisdictions. The State Tax Assessor is required to adopt major substantive rules to determine the income or loss attributable to such corporations and to prevent double taxation or deduction of income and to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding whether jurisdictions should be added to or deleted from the list of tax havens based on specified criteria.

Committee Amendment "A" (H-169)

This amendment which is the majority report, changes the schedule for the State Tax Assessor's review of tax-haven jurisdictions to a biennial review and adds an appropriations and allocations section.

This amendment was not adopted.

LD 829 An Act To Increase the Income Tax Surcharge Threshold Imposed on Households

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B COREY P	ONTP	

This bill amends the 3% surcharge imposed on individual taxable income over \$200,000 to increase the threshold, for tax years beginning after 2017, to \$300,000 for taxpayers filing as heads of households and to \$400,000 for taxpayers filing married joint returns or surviving spouses permitted to file a joint return. Single individuals and married persons filing separate returns remain subject to the surcharge on taxable income over \$200,000.

See also LDs 291, 337, 571, 708 and 851.

LD 851 An Act To Repeal and Subject to Referendum in 2018 the Fund To Advance Public Kindergarten to Grade 12 Education and the 3 Percent Income Tax Surcharge

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI H LANGLEY B	ONTP	

Part A of this bill repeals the 3% surcharge imposed on taxable individual income over \$200,000 for tax years beginning in or after 2017 and the Fund to Advance Public Kindergarten to Grade 12 Education, both as enacted in Initiated Bill 2015, chapter 4. The repeal is retroactive to the effective date of the initiated bill.

Part B of this bill enacts a 3% surcharge on taxable individual income over \$200,000 for tax years beginning in or

Joint Standing Committee on Taxation

after 2019 and it enacts the Fund to Advance Public Kindergarten to Grade 12 Education, but only if approved by the voters at referendum in November 2018.

See also LDs 291, 377, 571, 708 and 829.

LD 874 An Act To Expand the Authority of Municipalities To Implement a Property Tax Deferral Program **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D BREEN C	ONTP OTP	

This bill expands the current authority for municipalities to adopt a property tax deferral program for persons who are 70 years of age or older to include other individuals based on factors such as age, income or assets.

LD 875 An Act To Reduce Property Taxes **ONTP**

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

This bill changes the formula for calculating distributions of state-municipal revenue-sharing funds. The bill provides that revenue-sharing funds will be distributed only to municipalities with mill rates exceeding 10 mills. The bill also provides an adjustment that results in greater reimbursements to municipalities that have a lower mill rate than their average mill rate for the preceding five years than to municipalities that do not. The new distribution formula applies beginning in the 2018-19 fiscal year.

See also LDs 74, 133, 492 and 1227.

LD 885 An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes **PUBLIC 24 EMERGENCY**

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

This bill, which was submitted by the Department of Administrative and Financial Services, updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2016, for tax years beginning on or after January 1, 2016, and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This bill primarily affects the State's income tax laws.

Enacted Law Summary

Public Law 2017, chapter 24 updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2016, for tax years beginning on or after January 1, 2016 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This law primarily affects the State's income tax laws.

Joint Standing Committee on Taxation

Public Law 2017, chapter 24 was enacted as an emergency measure effective April 26, 2017.

LD 887 An Act To Provide Relief to Maine Property Tax Payers ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to change the method for providing property tax relief through State-municipal revenue sharing by providing benefits directly to property tax payers through a state tax credit rather than through distributions to municipalities. The maximum an individual taxpayer could receive would be 80% of the individual's annual property tax bill. The maximum a corporate taxpayer could receive would be 40% of its annual property tax bill. The credit would be calculated as a percentage of the total revenue sharing funds based on a taxpayer's annual bill, the percentage of total revenue sharing funds attributable to the municipality where the taxpayer's property is located and the taxpayer's annual property tax liability as a percentage of annual property tax liability statewide.

LD 904 An Act To Require the County Commissioners To Adjust the Assessed Value of a Municipality When They Grant an Abatement Request ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C CARPENTER M	ONTP	

This bill requires the county commissioners for a municipality or primary assessing area to whom an appeal of an assessment has been made to adjust downward the valuation of that municipality or primary assessing area when the county commissioners grant the abatement. The adjustment must be equal to the amount of the abatement.

LD 915 An Act To Lower Property Taxes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P WOODSOME D	ONTP	

This bill requires payments beginning in fiscal year 2018-19 to a municipality of an amount, as determined by the State Tax Assessor, equal to 5% of the sales and use tax revenue attributable to the municipality in the previous fiscal year. The amount received may not reduce any other state aid or revenue sharing received by that municipality, and the municipality must use the amount received to reduce property taxes by the same amount. The Unorganized Territory Education and Services Fund receives the local sales tax payment for the unorganized territory and is subject to the same requirement to use the revenue to reduce property taxes.

See also LDs 741, 1230, 1265 and 1522.

Joint Standing Committee on Taxation

**LD 928 An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media
Production Tax Credits and Reimbursements**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J WHITTEMORE R	ONTP OTP-AM	

Part A of this bill requires the Department of Economic and Community Development to undertake by August 1, 2017 a pilot project to develop and evaluate a tax simulation model for state dynamic fiscal analysis of potential changes to the certified visual media production credit and the visual media reimbursement. Maine Revenue Services and the Office of Fiscal and Program Review are required to evaluate the pilot project and determine whether the changes proposed in Part B of the bill have a positive or negative impact on state revenue.

Part B of this bill repeals the certified visual media production credit, increases the reimbursement amount for certified production wages paid from 12% to 25% for residents of Maine, increases the cap on the reimbursement of wages from \$50,000 to \$100,000 and provides for a reimbursement of 20% of nonwage visual media production expenses. These changes take effect only if the result of the joint finding of Maine Revenue Services and the Office of Fiscal and Program Review is that the changes proposed in this Part would result in a positive fiscal impact on state revenue.

Committee Amendment "A" (H-281)

This amendment retains the provisions of the bill and changes certain dates. It extends the completion date for the proposed pilot project until November 1, 2017, the date for Maine Revenue Services and the Office of Fiscal and Program Review to report to the Joint Standing Committee on Taxation until December 15, 2017 and the date to certify the fiscal impact of the proposed changes on state revenue until December 31, 2017.

This amendment was not adopted.

LD 935 An Act To Exempt from Taxation Certain Out-of-state Pensions

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L HILL D	ONTP OTP-AM	

This bill exempts from Maine income tax certain income from out-of-state pensions in order to avoid double taxation of that income. The exemption is calculated as the total amount of the contribution made by the taxpayer that was taxed in the other state divided by the life expectancy of the taxpayer and applies only if the income is included in federal adjusted gross income and not deducted under the general pension deduction. In order to qualify for the exemption, the contribution must have been made using income on which income tax was paid and is available only if the state in which the taxpayer resided at the time of the contribution provides a similar exemption to a former resident of Maine.

Committee Amendment "A" (H-170)

This amendment, which is the minority report, corrects a cross-reference and clarifies a condition of the deduction to refer to contributions made to a pension plan while being a resident of another jurisdiction. The amendment also adds an appropriations and allocations section and a fiscal note.

Joint Standing Committee on Taxation

This amendment was not adopted.

LD 936 An Act To Modernize and Simplify the Tax Code

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L DION M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to modernize and simplify the tax code.

LD 945 An Act To Reduce the Burden of Tobacco-related Illness by Increasing Revenue from the Cigarette Tax for Use for Tobacco Cessation

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CHENETTE J	OTP-AM ONTP OTP-AM	

This bill increases the cigarette tax from \$2.00 to \$3.50 per pack of 20 cigarettes, beginning November 1, 2017. This bill also provides increased funding in the amount of \$8,100,000 per year in ongoing funding to the Maine Centers for Disease Control and Prevention for tobacco use prevention and cessation in order to align with United States Department of Health and Human Services, Centers for Disease Control and Prevention recommendations. Finally, this bill provides \$1,000,000 in fiscal year 2017-18 and \$750,000 thereafter for MaineCare members for tobacco cessation medications and counseling.

Committee Amendment "A" (H-560)

This amendment phases in the increase in the cigarette tax by 15 mills per year until it reaches 175 mills on November 1, 2021 and provides that the revenue from the additional tax be deposited in a special account to be administered by the Department of Health and Human Services, Maine Center for Disease Control and Prevention for tobacco use prevention and cessation. This amendment also adjusts the appropriations and allocations to reflect the phasing in of the tax increase as proposed in the amendment.

This amendment was not adopted.

Committee Amendment "B" (H-561)

This amendment changes the amount of the increase in the tax on cigarettes from \$1.50 per pack of 20 cigarettes to \$1.00 per pack. This amendment also adjusts the appropriations and allocations in the bill to reflect the change in the tax proposed in the amendment.

This amendment was not adopted.

Joint Standing Committee on Taxation

LD 946 An Act To Provide an Income Tax Credit for Students Returning to College

Accepted Majority (ONTP) Report

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to enact an income tax credit for individuals who are returning to postsecondary education after an absence of several years to help those individuals complete their degrees.

Committee Amendment "A" (H-386)

This amendment, which is the minority report, replaces the bill. This amendment provides a refundable income tax credit of up to \$5,000 for eligible individuals and parents of eligible individuals making payments of interest and principal on qualified education loans. The credit is phased out for married individuals filing joint returns with Maine adjusted gross income in excess of \$130,000 and for other returns with Maine adjusted gross income in excess of \$65,000. The amendment also provides that an individual may claim only the credit allowed under this amendment or the credit for educational opportunity but not both.

This amendment was not adopted.

See also LD 1123.

LD 947 An Act To Support Employees with Significant Commutes

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	OTP-AM ONTP	

This bill provides an income tax credit for an individual with a round-trip commute of at least 50 miles between the individual's primary residence and primary place of employment. The credit is equal to 25¢ per mile plus tolls. The credit does not apply to miles or tolls for which the individual claims a deduction from federal income tax or if the individual is compensated by the employer.

Committee Amendment "A" (H-238)

This amendment, which is the majority report, increases to 70 miles the round-trip commuting distance that qualifies for a tax credit and changes the amount of the credit to \$1,000 for individuals with a total eligible commuting mileage of 10,000 or more miles and \$500 for individuals with a total eligible commuting mileage between 5,500 and 10,000 miles. The amendment also removes tolls from the calculation of the amount of the credit and provides funding for the costs associated with implementing the credit.

This amendment was not adopted.

Joint Standing Committee on Taxation

LD 959 An Act To Expand Property Tax Relief for Maine Residents

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J MCCREIGHT J	ONTP OTP-AM	

This bill requires that 1% of surplus General Fund revenue be transferred annually to a nonlapsing fund to be created by the bill to be used to increase the maximum property tax fairness credit.

Committee Amendment "A" (S-120)

The amendment, which is the minority report, provides an allocation to provide for the establishment of the Property Tax Fairness Credit Fund to be created by the bill.

This amendment was not adopted.

LD 974 An Act To Increase the Homestead Exemption

**Died On
Adjournment**

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

This bill increases the total exemption under the Maine resident homestead property tax exemption program to \$30,000 for property tax years beginning on or after April 1, 2018. Under current law, the total exemption is scheduled to increase from \$15,000 to \$20,000 for property tax years beginning on or after April 1, 2017. Sixty-two and one-half percent of the just value of all the homestead exemptions is included in the total municipal valuation used to determine the municipal tax rate and state valuation; that percentage is not affected by this bill.

Committee Amendment "A" (H-563)

This amendment adds provisions to the bill to increase state reimbursement for all homestead property tax exemptions from 62.5% to 100% for property tax years beginning on or after April 1, 2018 and provides funding for that reimbursement.

This amendment was not adopted.

LD 1023 An Act To Provide a Sales Tax Exemption for Baling Twine

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DILL J	OTP	

This bill provides a sales tax exemption for baling twine for hay.

Joint Standing Committee on Taxation

LD 1027 An Act Regarding the Taxation of Certain Nonprofit Organizations

Veto Sustained

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

This bill provides a sales tax exemption for sales of prepared food by a civic, religious or fraternal organization, including an auxiliary of such an organization, at a public or member-only event, except when alcoholic beverages are available for sale at the event, for up to 24 days during a calendar year.

The substance of this bill was included in LD 1551, enacted as Public Law 2017, chapter 211.

LD 1071 An Act To Modify the Tax Increment Financing Laws

ONTP

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

This bill amends the tax increment financing laws with regard to TIF costs for services and equipment used to provide skills development and training. The bill caps the amount that may be included at 20% of total project costs and by requiring that funding priority to be given to services, equipment and training for jobs created or retained in the municipality, plantation or unorganized territory.

LD 1076 An Act To Replace Municipal Property Tax Revenue Lost Due to Land Acquisitions under the Land for Maine's Future Fund

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S MAKER J	ONTP	

This bill requires that if a Land for Maine's Future acquisition removes a taxable property from the tax roll of a municipality or the unorganized territory on or after April 1, 2018, the State annually must reimburse the municipality or unorganized territory in an amount equal to the tax the municipality or unorganized territory would have received for that property.

LD 1078 An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2017-18

**PUBLIC 121
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-237

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Committee Amendment "A" (H-237)

This amendment incorporates a fiscal note.

Joint Standing Committee on Taxation

Enacted Law Summary

Public Law 2017, chapter 121 establishes municipal cost components for state and county services provided to the unorganized territory that would normally be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Public Law 2017, chapter 121 was enacted as an emergency measure effective June 2, 2017.

**LD 1106 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Dedicate All Sales Taxes from All Vehicle Sales and Any
Vehicle-related Sales to the Highway Fund for Roads and Bridge
Capital Improvements** **Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W MIRAMANT D	OTP-AM ONTP	

This resolution proposes to amend the Constitution of Maine to dedicate all sales and use tax revenue from sales of motor vehicles and sales related to motor vehicles to the Highway Fund for roads and bridge capital improvements.

Committee Amendment "A" (H-387)

This amendment, which was the majority report, incorporates a fiscal note.

This amendment was not adopted.

LD 1121 An Act Regarding the Exclusive Use of Tax Exempt Property **Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J CUSHING A	ONTP OTP-AM	

This bill amends the exemption from property tax provided to benevolent and charitable incorporated institutions and to scientific and literary institutions to specify that the exemption does not apply to property that is used incidentally in the provision of goods, services or materials in exchange for any type of consideration.

Committee Amendment "A" (H-104)

This amendment, which is the minority report, incorporates a fiscal note.

This amendment was not adopted.

**LD 1123 An Act To Allow an Income Tax Deduction for Interest Paid on Student
Loans** **Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GRANT G	ONTP OTP-AM	

Joint Standing Committee on Taxation

This bill provides an additional income tax deduction for interest paid on qualified education loans that exceeds the amount allowable under the United States Internal Revenue Code. The maximum deduction is increased from \$2,500 to \$5,000 and the modified adjusted gross income thresholds for phase-out of the deduction are increased by \$15,000 for taxpayers filing as single individuals and \$30,000 for individuals filing a joint return.

Committee Amendment "A" (S-178)

This amendment, which is the minority report, adds an appropriation to cover the costs of a tax examiner position to establish and implement the income tax credit for interest paid on student loans.

This amendment was not adopted.

See also LD 946.

LD 1144 An Act To Support Maine Families by Increasing the Dependent Care Credit

**Died Between
Houses**

Sponsor(s)

HERBIG E
CUSHING A

Committee Report

OTP-AM
ONTP

Amendments Adopted

This bill increases the income tax credit for child care expenses from 25% to 50% of the federal tax credit allowable for child and dependent care expenses and increases the amount that is refundable from \$500 to \$750. The increase applies to tax years beginning on or after January 1, 2017.

Committee Amendment "A" (H-235)

This amendment, which is the majority report, retains the provisions of the bill that increase the income tax credit for child care expenses but amends the provision of current law that doubles the credit when the child care expenses are incurred through the use of quality child care services to provide that the credit is multiplied by 1.5 in that situation.

This amendment was not adopted.

LD 1172 An Act To Repeal the Maine Personal Property Tax

**Accepted Majority
(ONTP) Report**

Sponsor(s)

CUSHING A
FREDETTE K

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill repeals the provisions of law requiring a tax to be imposed on personal property and specifies that all individually owned personal property is exempt from taxation.

This bill removes numerous references in the Maine Revised Statutes to the personal property tax.

Committee Amendment "A" (S-179)

This amendment, which is the minority report, adds an appropriation to reimburse municipalities for 50% of the revenue loss due to the repeal of the tax on personal property. Reimbursement is required under the Constitution of Maine, Article IV, Part Third, Section 23.

Joint Standing Committee on Taxation

This amendment was not adopted.

LD 1180 An Act To Provide a Definition of "Primary Residence" for Purposes of PUBLIC 273
Property Tax Abatements Based on Hardship or Poverty

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP	S-282 SAVIELLO T

This bill defines "primary residence" for the purpose of determining abatement of property taxes based on hardship or poverty as the applicant's home, necessary appurtenant structures and reasonable acreage sufficient to support the siting of the homestead.

Senate Amendment "A" (S-282)

This amendment revises the definition of "primary residence" as provided in the bill for the purpose of determining abatement of property taxes based on hardship or poverty by specifying that the acreage must satisfy the minimum lot size required by the municipality or, if the municipality has no minimum lot size requirement, the minimum lot size required under the realty subdivision laws.

Enacted Law Summary

Public Law 2017, chapter 273 defines "primary residence" for the purpose of determining abatement of property taxes based on hardship or poverty the applicant's home, necessary appurtenant structures and the acreage that is sufficient to satisfy the minimum lot size required by the municipality or, if the municipality has no minimum lot size requirement, the minimum lot size required under the realty subdivision laws.

LD 1195 An Act To Allow Municipalities To Opt Out of the Collection and ONTP
Assessment of Personal Property Taxes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R CUSHING A	ONTP	

This bill allows a municipality, by referendum, to exempt all personal property located in that municipality from assessment and collection of tax by that municipality.

LD 1196 An Act To Assist Seniors and Certain Persons with Disabilities in Paying CARRIED OVER
Property Taxes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-236

This bill reinstates the State's property tax deferral program, which was in effect for applications filed before April 1, 1991. The bill modifies the program to include households with at least one individual who is 65 years of age or older or who is retired from gainful employment due to disability and to surviving spouses who are at least 60 years of age or who are retired from gainful employment due to disability and provides that household income must be less than \$40,000. This limit is indexed for inflation in 2019 and annually thereafter. The bill also eliminates provisions requiring accrual of interest on deferred property taxes.

Committee Amendment "A" (H-236)

Joint Standing Committee on Taxation

This amendment removes the provisions of the bill that eliminate the requirement that interest accrues on deferred property taxes and provides that interest accrues on deferred property taxes at the prime rate published in the Wall Street Journal minus one percentage point. The amendment adds a maximum asset standard for eligibility of property owners and provides that property may not be subject to deferral under both the state deferral program and a municipal deferral program. The amendment also provides an appropriation to cover the cost of state administration of the program and the initial cost of making payments to municipalities for deferred taxes.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1212 An Act To Amend the Definition of "Eligible Business Equipment" for CARRIED OVER
the Purposes of the Business Equipment Tax Exemption Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R SPEAR J	OTP-AM	S-180

This bill changes the statutory location of the tax exemption for personal property occupied or used solely for its own purposes by an incorporated benevolent and charitable organization that is exempt from taxation under section 501 of the Code and the primary purpose of which is the operation of a hospital licensed by the Department of Health and Human Services, a health maintenance organization or a blood bank. This bill moves the exemption from the statutes regarding general exemption of real and personal property to the statutes governing exemption of "eligible business equipment" under the business equipment tax exemption, or "BETE," program. Municipalities are reimbursed for a portion of the property tax loss for exemptions under the BETE program.

Committee Amendment "A" (S-180)

This amendment changes the application date in the bill to tax years beginning on or after April 1, 2018.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1227 An Act To Restore to Five Percent the State-Municipal Revenue Sharing ONTP
Distribution and Create a Matching Fund for Local Road and Bridge
Construction, Maintenance and Reconstruction

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

This bill restores state-municipal revenue sharing to 5% of the income tax, sales tax and service provider tax base and provides that 3/5ths of the revenue be deposited in a newly created Local Infrastructure Fund. The fund is administered by the Department of Transportation and must be used to provide matching grants to a municipality that undertakes a project in that municipality to maintain, improve or construct roads or bridges. The formula for determining the limit of a grant to a municipality is the same as the formula used to determine the distribution to a municipality from the Local Government Fund. The effect of this is to allow a municipality to receive 5% in revenue sharing, depending on the size of the infrastructure project undertaken by that municipality.

See also LDs 74, 133, 492 and 875.

Joint Standing Committee on Taxation

LD 1230 An Act To Allow a Local Option Sales Tax on Meals and Lodging

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B VOLK A	ONTP	

This bill allows a municipality to impose a local option sales tax up to 1% on prepared food and short-term lodging subject to the state sales tax. The tax must be approved by local referendum and may be limited to a period of specified months during the year. The tax may be used only for purposes authorized by an appropriation of the local legislative body.

See also LDs 741, 915, 1265 and 1522.

LD 1245 An Act To Ensure the Effectiveness of Tax Expenditures

ONTP

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

This bill, based on model legislation for accountability in economic development, makes any subsidy provided by the State or local government to a company for purposes of encouraging economic development subject to rescission or recapture if the company fails to meet the goals for which the subsidy was provided.

The bill requires the granting body to monitor the company receiving the subsidy to ensure the company is meeting the goals for the subsidy and to recapture all or a portion of the subsidy from a company that does not meet those goals.

This bill requires the granting body to maintain a publicly accessible website containing information about the subsidy and the company receiving the subsidy and any enforcement actions taken against a company receiving a subsidy.

The bill provides taxpayer standing to a taxpayer or organization of taxpayers to bring a law suit to enforce the rescission or recapture requirements.

LD 1246 An Act To Provide Landowners a Property Tax Exemption for Certain Trails

ONTP

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

This bill provides a property tax exemption for certain recreational trails that are recognized by the State or a statewide nonprofit organization, are open to public recreational uses and meet certain width and length requirements, depending on the use. The exemption is limited to that portion of a parcel of land that is actually used for the recreational purpose.

Joint Standing Committee on Taxation

LD 1247 An Act To Repeal the Income Tax on Pick-up Contributions Paid to the Maine Public Employees Retirement System and To Clarify the Taxation of Pick-up Contributions Distributed in the Form of a Rollover **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M	OTP-AM	H-194

This bill, which is submitted by the Department of Administrative and Financial Services, repeals the individual income tax addition modification for state contributions to the Maine Public Employees Retirement System on behalf of the taxpayer and allows the subtraction modification for pick-up contributions distributed to the taxpayer in the form of a rollover to be subtracted from taxable income within a three-year period beginning with the year of the rollover. The changes apply to tax years beginning on or after January 1, 2017.

Committee Amendment "A" (H-194)

This amendment provides that the changes proposed in the bill apply to tax years beginning on or after January 1, 2018 rather than on or after January 1, 2017.

LD 1265 An Act To Allow the Creation of a Local Option Sales Tax by Referendum **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J HOGAN G	ONTP	

This bill allows a municipality to impose a local option sales tax of up to 1% by local referendum. The sales tax may be seasonal. The local sales tax applies to the state sales tax base except that certain items, such as motor vehicles and major household appliances are excluded.

See also LDs 741, 915, 1230 and 1522.

LD 1270 An Act To Allow Municipalities To Include Itemized Fees on Property Tax Bills **ONTP**

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

This bill allows a municipality that issues a property tax bill to a taxpayer to include in the tax bill other fees or assessments owed by the taxpayer to the municipality if the other fees and assessments are itemized and distinct from the information on the tax bill that is required by law.

LD 1276 An Act To Change the Exemption Amount under the Estate Tax **Died On Adjournment**

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

Joint Standing Committee on Taxation

Under Maine law, the amount of an estate exempt from Maine estate tax is defined as the same amount that is exempt under federal law, which is currently \$5,000,000. Amounts over the exclusion amount are taxed at 8%, 10% and 12% based on the amount of the estate.

This bill specifies that the amount of a Maine estate that is exempt from Maine estate tax is \$1,000,000 for estates of persons dying on or after January 1, 2018. The same tax rates as under the current law are maintained.

Committee Amendment "A" (H-559)

This amendment adds an appropriation to cover the costs of administering the bill. The amendment provides funding for three Senior Revenue Agent positions and related costs to audit and process estate tax returns.

This amendment was not adopted.

LD 1283 An Act To Modernize the Mining Excise Tax

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to update the mining tax laws to reflect current terminology and practice and to impose a new rate of tax on mining activities.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1285 An Act To Tax Political Expenditures Made Immediately before an Election

Accepted Majority (ONTP) Report

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

This bill imposes a 50% tax on the value of a political expenditure made during the two weeks immediately before a primary, general, special or referendum election. "Political expenditure" has the same meaning as "expenditure" for the purpose of campaign finance reports, which includes a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person or a ballot measure, such as a so-called people's veto or initiated bill. The tax is imposed on the person making the political expenditure and must be paid within 30 days of making the political expenditure.

Committee Amendment "A" (S-218)

This amendment provides one-time funding for programming costs associated with the new tax proposed in the bill.

This amendment was not adopted.

Joint Standing Committee on Taxation

LD 1287 An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T WARD K	OTP-AM	S-121

This bill extends through 2026 the income tax credit for eligible dentists who practice in underserved areas. With respect to the primary care access credit, the bill increases the number of primary care professionals who practice in underserved areas who may be certified for the credit and allows the credit for primary care professionals to remain in effect beyond January 1, 2019.

Committee Amendment "A" (S-121)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1289 An Act To Allow Voluntary Payments in Lieu of Taxes in the Unorganized Territory

PUBLIC 193

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J MARTIN J	OTP-AM	S-122

This bill allows an owner of tax exempt property located in the unorganized territory to make a voluntary payment in lieu of taxes, which is required to be deposited into the county unorganized territory fund of the county in which the tax-exempt property is located to pay for municipal services in the unorganized territory.

Committee Amendment "A" (S-122)

This amendment provides that the process provided in the bill for payments in lieu of taxes in the unorganized territory applies only for certain nonprofit property owners. The amendment also changes the allocation of the provision to place it in the chapter of the Maine Revised Statutes governing property taxes in the unorganized territory.

Enacted Law Summary

Public Law 2017, chapter 193 provides that an owner of tax exempt property of certain nonprofit organizations located in the unorganized territory may make a voluntary payment in lieu of taxes. The payment must be deposited into the county unorganized territory fund of the county in which the tax-exempt property is located to pay for municipal services in the unorganized territory.

LD 1317 An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	OTP-AM ONTP	H-234

Joint Standing Committee on Taxation

This bill amends the tax credit allowed for employer-assisted day care, which expired at the end of 2015, except for the ability to carry forward unused credits.

This bill revives the credit for tax years beginning in 2017 or later but changes the amount of the credit provided to an employer who provides day care services for the children of its employees, either directly or through payments to a day care operated or licensed by the Department of Health and Human Services. The credit is the lesser of 50% of the employer's income tax liability and 75% of the costs incurred by the employer in providing day care services for children of employees of the taxpayer.

Committee Amendment "A" (H-234)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1338	An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses	CARRIED OVER
----------------	--	---------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M CUSHING A		

This bill provides tax benefits for employee-owned businesses and cooperatives in the following ways.

1. It excludes from Maine income tax the amount of gain recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
2. It excludes from Maine income tax interest from loans that finance transfers of ownership from a business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1405	An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine	PUBLIC 245
----------------	--	-------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R PARRY W	OTP-AM OTP-AM	S-181

This bill permits retailers to retain an amount equal to up to 2% of the sales and use taxes they collect.

This bill also requires certain remote sellers to collect and remit to the State the sales or use tax imposed by the State on the sale of tangible personal property for delivery into the State, a product transferred electronically or a service that is taxable by this State. This requirement applies to a person whose gross revenue from delivery of taxable tangible personal property, a product transferred electronically or a service into Maine in the previous calendar year or current calendar year exceeds \$100,000 or to a person that sold taxable tangible personal property, a product transferred electronically or a service into this State in at least 200 separate transactions in the previous calendar year or the current calendar year.

Joint Standing Committee on Taxation

The bill also permits the State to bring an action for a declaratory judgment to establish that the tax collection obligation is valid under state and federal law. If such an action is brought, the court is required to enjoin the State from enforcing the requirement to collect and remit the tax against any person unless that person voluntarily agrees to collect and remit the tax or the person that has previously been adjudicated to be required to collect and remit the tax. If the injunction against the State is lifted, the requirement to collect and remit the sales or use tax may be applied only to prospective sales.

Committee Amendment "A" (S-181)

This amendment, which is the majority report, removes from the bill the provision that authorizes sellers that collect sales and use tax to retain as a collection allowance a portion of the revenue collected.

Committee Amendment "B" (S-182)

This amendment, which is the minority report, changes the amount that may be retained by a seller that collects sales tax to the lesser of \$500 and 1% of the tax collected per filing period.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 245 requires certain remote sellers to collect and remit to the State the sales or use tax imposed by the State on the sale of tangible personal property for delivery into the State, a product transferred electronically or a service that is taxable by this State. This requirement applies to a person whose gross revenue from delivery of taxable tangible personal property, a product transferred electronically or a service into Maine in the previous calendar year or current calendar year exceeds \$100,000 or to a person that sold taxable tangible personal property, a product transferred electronically or a service into this State in at least 200 separate transactions in the previous calendar year or the current calendar year.

The law also permits the State to bring an action for a declaratory judgment to establish that the tax collection obligation is valid under state and federal law. If such an action is brought, the court is required to enjoin the State from enforcing the requirement to collect and remit the tax against any person unless that person voluntarily agrees to collect and remit the tax or the person that has previously been adjudicated to be required to collect and remit the tax. If the injunction against the State is lifted, the requirement to collect and remit the sales or use tax may be applied only to prospective sales.

LD 1421 Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

RESOLVE 11

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

This resolve, which was submitted by the Department of Administrative and Financial Services, authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the unorganized territory that were acquired by the State due to nonpayment of property taxes.

Committee Amendment "A" (H-195)

This amendment adds an additional property that was authorized for sale in 2016 but did not sell at that time.

Enacted Law Summary

Resolve 2015, chapter 11 authorizes the State Tax Assessor to convey the interest of the State in several parcels of

Joint Standing Committee on Taxation

real estate in the unorganized territory that were acquired by the State due to nonpayment of property taxes.

LD 1450 *An Act To Promote Workforce Development and Provide an Economic Stimulus for Maine-based Filmmakers and Supporting Businesses*

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S FECTEAU R	OTP-AM ONTP	

This bill was submitted by the Department of Economic and Community Development. This bill makes the following changes to the visual media production certification process, reimbursement and credit:

1. It specifies that a visual media production expense must be for preproduction, production and postproduction work performed in Maine;
2. It increases the cap on wages that can be included as a visual media production expense from \$50,000 per individual to \$75,000 per individual;
3. It increases the reimbursement rate from 12% of certified production wages that are paid to Maine residents and 10% of certified production wages paid to non-Maine residents to 25% of all visual media production expenses, including wages, and specifies that the reimbursement for wages is for all personnel, including filmmakers, cast members and the technical production and postproduction staff of a visual media production company as long as the company has at least \$75,000 in visual media production expenses from the certified production;
4. It repeals the certified visual media production tax credit and caps reimbursement of expenses at \$750,000;
5. It specifies that, in order to be eligible for the visual media production reimbursement, at least 25% of the above-the-line personnel, as well as 50% of the below-the-line personnel, not including extras, must be Maine residents, and either the visual media production expenses exceed 50% of the total production expenses or at least 75% of the total principal photography days occur in Maine; and
6. It specifies that a person claiming the Pine Tree Development Zone tax credit is not eligible to get the visual media production reimbursement.

Committee Amendment "A" (S-228)

This amendment, which was the majority report, makes changes to certain provisions in the bill regarding visual media production reimbursement.

1. It removes the increase in the bill in the cap on wages that can be included as a visual media production expense and excludes wages that are subject to reimbursement under the Maine Employment Tax Increment Financing Program.
2. It removes airfare as a reimbursable visual media production expense.
3. It deletes a provision in the bill that requires an applicant for reimbursement to be a resident of the State.
4. It reduces the minimum amount that a production company must spend to qualify for reimbursement from \$75,000 to \$25,000.
5. It provides that reimbursement for certified production wages is equal to 25% with respect to a resident of the State and 20% with respect to an individual who is not a resident of the State.

Joint Standing Committee on Taxation

6. It eliminates from the bill provisions requiring that certain percentages of production expenses must occur in the State.
7. It retains provisions in current law requiring a visual media production company to report certain information to the Maine State Film Office following completion of the production and deletes reporting requirements added by the bill.
8. It provides that a taxpayer that is certified as a Pine Tree Development Zone business is not eligible for reimbursement.
9. It provides that the changes made by the legislation apply to visual media productions that are certified by the Department of Economic and Community Development on or after the effective date of the Act.
10. It adds definitions necessary for administration of the proposed changes.

This amendment was not adopted.

LD 1461 An Act To Encourage the Construction of Affordable Housing

CARRIED OVER

Sponsor(s)

VOLK A

Committee Report

Amendments Adopted

This bill creates a credit against income tax and insurance premium tax for owners of low-income housing developments that qualify for tax credits under federal law and are financed with tax-exempt bonds, located in the State and determined by the Maine State Housing Authority to be eligible for a federal tax credit whether or not a federal tax credit is allocated to the development. The aggregate amount of credits that may be authorized by the Maine State Housing Authority is \$42,000,000.

A taxpayer who receives the credit must agree to enter a restrictive covenant to maintain and operate the development as low-income housing and follow various federal requirements for 15 years. The tax credit is for six years and has a recapture provision if the basis of the development goes below a certain amount. An insurance company is allowed to apply the credit against the company's insurance premium tax. The Maine State Housing Authority is required to report annually various details of the qualified developments that received a credit for the prior tax year.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1479 An Act To Modernize and Improve Maine's Property Tax System

CARRIED OVER

Sponsor(s)

STANLEY S
SAVIELLO T

Committee Report

Amendments Adopted

This bill amends Maine's property tax laws by:

1. Requiring centralized assessment by the Department of Administrative and Financial Services, Maine Revenue Services of complex manufacturing facilities valued at more than \$10,000,000;

Joint Standing Committee on Taxation

2. Allowing appeals of decisions of an assessor or municipal officers involving nonresidential property with a value of more than \$1,000,000 directly to the Superior Court and decisions of the State Board of Property Tax Review directly to the Law Court;
3. Limiting to 30 the number of interrogatories or document requests that an assessor may require a taxpayer with property liable to taxation or seeking an exemption under the business equipment tax exemption program to answer in writing; and
4. Changing the membership specifications of the State Board of Property Tax Review to remove the requirement that a member be an engineer and instead requiring members who are representatives of business and industry who are experienced in taxation, finance or valuation matters.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1488 An Act To Require That Landowners with Property Enrolled in the Tree Growth Tax Program Receive Timely Notice of Changes in Valuation of That Property ONTP

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

This bill requires that if the State Tax Assessor increases the valuation of a parcel of property under the Maine Tree Growth Tax Law, the assessor is required to notify the landowner of the increase within 90 days of the determination. If notice is sent within 90 days of when the taxes on the parcel are due and the increase in valuation results in an increase in taxes on the parcel, the landowner has 90 days from the date of the notice to pay the amount representing the increase.

LD 1521 An Act To Amend the Property Tax Laws Accepted Majority (ONTP) Report

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

This bill is submitted by the Department of Administrative and Financial Services and proposes various changes to the property tax and the motor vehicle excise tax.

Part A specifies that holding land primarily for conservation or public access purposes is not a benevolent and charitable purpose, which is a condition necessary to obtaining an exemption from property tax. It allows a land trust organization to enroll land owned by it in the open space tax law program, which would provide up to a 95% reduction in the assessed value of that land as long as certain conditions are met. It also removes the 15,000-acre limit on the size of land that may be enrolled in the open space tax law program.

Part B expands the authorization for municipal assessment of service charges for certain municipal costs against certain property exempt from property tax. It permits service charges to be imposed on any category of exempt property identified in the Maine Revised Statutes, Title 36, section 652 except for houses of worship and parsonages. The service charges may be levied only against an owner that has total real estate assets in the municipality with an assessed value of \$10,000,000 or more. The existing cap of 2% of the gross annual revenues of the institution or organization is retained.

Joint Standing Committee on Taxation

Part C reduces the rate of the excise tax imposed on motor vehicles for the first and second year from 24 mills to 18 mills and 17 1/2 to 16 mills, respectively; and increases the excise tax for the third, fourth, fifth and sixth year from 13 1/2 mills to 14 mills, 10 mills to 11.5 mills, 6 1/2 mills to 10 mills and 4 mills to 6 mills, respectively. After the sixth year, the mill rate reverts to 4 mills. See also LD 26 and LD 707.

Committee Amendment "A" (H-280)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 1522 An Act To Authorize a Local Option Sales Tax

**Accepted Minority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M LIBBY N	OTP-AM ONTP	

This bill allows a municipality to impose a local option sales tax if approved by referendum of the voters in that municipality. The referendum question must identify the rate of the local option sales tax and the purposes for which the revenue will be used. The local option sales tax would be collected and administered by the State in the same manner as the sales and use tax. Revenue from the local option sales tax is distributed 50% to the municipality, 25% to the Local Government Fund for state-municipal revenue sharing throughout the State and 25% to the Regional Economic Development Revolving Loan Program for regional economic development. Revenue received by a municipality may not be used to reduce or eliminate funding otherwise due the municipality under other provisions of law.

Committee Amendment "A" (H-279)

This amendment restricts the local option sales tax authorized by the bill to taxation of sales of prepared food and lodging, provides that the revenue must be placed in a special account to be expended only if specifically authorized by the local legislative body and changes the distribution of revenue from the local option sales tax by increasing from 50% to 65% the amount transferred to the participating municipality and reducing the amount transferred to the Regional Economic Development Revolving Loan Program from 25% to 10%. The amendment also changes the required referendum question to reflect the change in authorized use by a municipality of local option sales tax revenue funds.

This amendment was not adopted.

See also LDs 741, 915, 1230 and 1265.

LD 1537 An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DOW D		

This bill, which is submitted by the Department of Administrative and Financial Services, makes the current tax credit for educational opportunity inapplicable to tax years beginning on or after January 1, 2017 and creates a new, simplified, nonrefundable tax credit for student loan repayment applicable to tax years beginning on or after January 1, 2017.

Joint Standing Committee on Taxation

1. The credit available to qualified individuals, is equal to the amount of eligible education loan payments made during the tax year, up to the greatest of \$1,000 for individuals having obtained an associate degree, \$2,000 for individuals having obtained a bachelor's degree and \$3,000 for individuals having obtained a graduate degree.
2. A qualified individual must be a full-year Maine resident who has obtained an associate, bachelor's or graduate degree from an accredited Maine or non-Maine community college, college or university after 2007 and who works at least part time in Maine or on a vessel at sea or is deployed for military service in the United States Armed Forces during the taxable year.
3. Loans obtained from related persons, such as family members and certain businesses, trusts and exempt organizations, do not qualify for the credit.
4. The credit for employers of qualified employees is equal to the amount of eligible education loan amounts paid during the taxable year, except that the credit attributable to part-time employees is limited to 50% of the credit otherwise determined.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1548 An Act To Establish the Let's Grow Maine Program

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S LANGLEY B	ONTP OTP-AM	

This bill establishes the Let's Grow Maine Program, to be administered by the Finance Authority of Maine through the use of private sector partners with the purpose of purchasing fruits and vegetables from farm businesses in the State for distribution to schools, senior citizens and individuals with low income. The program is funded through a newly created Food and Farm Fund that will receive dedicated revenue, starting in July 2019, based on 1/2 of the tax revenues from noncigarette smoking tobacco products. The bill increases the tax for noncigarette smoking tobacco products from 20% of the wholesale sales price to 47%, effective January 1, 2018. If the tax on cigarettes is increased on or after January 1, 2018, this tax, as well as the taxes on smokeless tobacco, will be adjusted by a rate that is equivalent to the percentage change in the tax rate for one cigarette.

Committee Amendment "A" (H-492)

This amendment changes administration of the proposed Let's Grow Maine Program from the Finance Authority of Maine to the Department of Agriculture, Conservation and Forestry, deletes provisions increasing taxes on certain tobacco products and provides funding for the program from Temporary Assistance for Needy Families block grant funds.

This amendment was not adopted.

LD 1549 An Act To Create a Tax on the Production of Electricity from Wind Resources

ONTP

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

Joint Standing Committee on Taxation

This bill creates an excise tax on wind energy producers for the privilege of using wind power to produce electricity from wind resources for sale or trade beginning January 1, 2018. The tax is equal to \$1 per megawatt-hour of electricity produced as measured at the point of interconnection with an electric transmission line. The tax first applies three years after the turbines producing the electricity first begin operation. The tax does not apply to the Federal Government, the State, a county or municipality in the State or any individual producing electricity from wind resources for that individual's personal use.

Revenue from the tax is transferred to a newly created Wind Energy Impact Fund to be administered by the Public Utilities Commission. The commission is required to establish a process for distribution of revenues to ratepayers in areas affected by the wind energy production that is subject to the tax.

LD 1550 An Act To Tax Sugar-sweetened Beverages To Fund Programs To ONTP
Provide Resources for Veterans and Others

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S MILLETT R	ONTP	

This bill establishes an excise tax on sugar-sweetened beverages, including syrups and powders used to make sugar-sweetened beverages. The tax is imposed on distributors. Funds from the excise tax must be used to support the Drug Court Fund, the Veterans Fund, the Head Start Fund, the Drug Treatment Fund, the Obesity and Chronic Disease Fund, Healthy Food Access Fund, the After-school Program Fund and the Maine Drinking Water Fund.

LD 1551 An Act To Amend the Maine Tax Laws PUBLIC 211

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD B	OTP-AM	H-463

This bill is submitted by the Department of Administrative and Financial Services and makes changes to numerous provisions of tax laws.

Part A makes the following changes to the administration of the tax laws.

1. It adds a tax information confidentiality exception to allow disclosures by the Maine Revenue Services to the Revenue Forecasting Committee in order to make available relevant tax information in support of the committee's statutory duties.
2. It amends tax lien provisions beginning August 1, 2017 to increase the State's ability to be first in line in priority ahead of certain other creditors for payment on a tax debt. The changes also clarify that the new lien provision does not affect liens related to municipal property taxes.
3. It amends the general provision for the annual calculation of the interest rate applicable to the Maine Revised Statutes, Title 36 tax underpayments and overpayments, effectively reducing the applicable interest rate.
4. It adds an exclusion to allow the public disclosure of information, except when the statute specifically designates the information as confidential.
5. It broadens an existing authorization for disclosure of confidential tax information to allow disclosures to the Department of Administrative and Financial Services, Division of Financial and Personnel Services, as well as to

Joint Standing Committee on Taxation

the Department of Health and Human Services, for purposes of financial accounting and revenue forecasts in order to make available relevant tax information in support of statutory duties of the Department of Administrative and Financial Services with respect to financial accounting and revenue forecasts with respect to the specific taxes.

6. It removes services from the definitions of retail sales activity and retail sales facility under the business equipment tax exemption laws to make the amended definitions match the same definitions in the business equipment tax reimbursement laws. Aligning the definitions for the two programs will eliminate confusion over eligibility for certain personal property.
7. It aligns the business equipment tax exemption laws taxpayer appeal procedures with that of those of the Maine resident homestead property tax exemption program and allows municipalities that are aggrieved by an audit determination of the bureau to appeal in the same manner as persons requesting reconsideration.
8. It adds boat clubs and associations leasing storage, mooring or docking space to the list of entities required to maintain information on watercraft related to the lease. It also adds selling as an activity triggering the information collection requirement.
9. It changes, under the business equipment tax reimbursement laws, the year upon which to calculate energy primarily for sale from the year immediately preceding the property tax year for which a claim is made to the property tax year for which a claim is made.

Part B makes the following changes to the sales tax and fuel tax laws.

1. It requires the prepaid wireless fee to be remitted in the same manner as the service provider tax.
2. It provides that diabetic supplies are exempt from sales tax only when sold for use by human beings.
3. It provides a sales tax exemption for sales of prepared food by a civic, religious or fraternal organization, including an auxiliary of such an organization, at a public or member-only event, except when alcoholic beverages are available for sale at the event or it is a private function, for up to 24 days during a calendar year.
4. It replaces the bracket system for calculating sales tax with a conventional rounding algorithm, effective January 1, 2018.
5. It provides that refunds of the gasoline tax and special fuel tax may be made to the Federal Government.

Part C allows businesses subject to the Maine insurance premiums tax to be eligible for the educational opportunity tax credit, consistent with the credit allowed to taxpayers subject to the Maine income tax. The credit applies to tax years beginning on or after January 1, 2017.

Part D makes the following changes to the income tax laws.

1. It repeals the addition modification for a taxpayer's expenses for a qualified long-term disability income protection plan or qualified short-term disability protection plan in order to maintain consistency with the treatment of expenses for taxable corporations and to promote simplification.
2. It repeals the adjustment to itemized deductions for expenses included in the base for the adult dependent care credit tax.
3. It moves the due date for filing Maine financial institution franchise tax returns from the 15th day of the third month to the 15th day of the fourth month following the end of the tax year in conformity with recent federal changes to the filing due date for C corporation income tax returns. The change applies to tax years beginning on or

Joint Standing Committee on Taxation

after January 1, 2017.

4. It corrects a conflict created when three public laws enacted the Maine Revised Statutes, Title 36, section 5219-NN, all substantively different from each other. The conflict is corrected by repealing the versions enacted by Public Law 2015, chapter 490 and Public Law 2015, chapter 503 and enacting them as Title 36, section 5219-OO and section 5219-PP, respectively, with the following changes:

A. The employer credit for disability protection plans is limited to employees who were not covered under a disability protection plan offered by the employing unit in the tax year immediately preceding the year the employer is first eligible for the credit. The credit applies to eligible employees enrolled in a qualified disability plan after January 1, 2017; and

B. The tax credit for making a portion of an existing homestead accessible to an individual with a disability or physical hardship is clarified to specify that it applies to individuals, not businesses, making qualified expenditures, that the credit is nonrefundable and that an individual with negative federal adjusted gross income qualifies for the credit. Also, the aggregate annual cap of \$1,000,000 applicable to the credit is removed. The changes all apply to tax years beginning on or after January 1, 2017.

The version of Title 36, section 5219-NN as enacted by Public Law 2015, c. 388 regarding the Maine capital investment credit for 2015 and after remains as section 5219-NN.

5. It prohibits, for tax years beginning on or after January 1, 2017, married individuals filing separate income tax returns from claiming the property tax fairness credit. The change is consistent with a similar restriction under the sales tax fairness credit.

6. It repeals the additional extension of 30 days beyond the federal extension due date for filing Maine income tax returns for corporations and financial institutions. This change applies to tax years beginning on or after January 1, 2017.

7. It changes the date an information return, such as a Form W-2, must be filed with Maine Revenue Services from February 28th to January 31st following the calendar year to which the information return relates. The change in the due date applies to information returns filed for calendar years beginning on or after January 1, 2017.

8. It provides that court-ordered restitution obligations are afforded a priority for setoff from state income tax refunds pursuant to Title 36, section 5276-A that is just above the priority given to court fines and fees.

Part E makes the following changes with regard to Maine Revenue Services reporting requirements.

1. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature identifying the amount of public funds spent and the amount of revenues foregone as the result of economic development incentives.

2. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature on the costs incurred in creating and maintaining, and the tax revenues collected by using, the data warehouse authorized by the Maine Revised Statutes, Title 36, section 194.

3. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature regarding the consultation process required by Title 36, section 194-A and the issues involved with, and results of, each such consultation.

4. It requires that information regarding reimbursements of property taxes paid on certain business property made pursuant to Title 36, chapter 915 be added to the tax expenditure report submitted to the Legislature by the State Tax

Joint Standing Committee on Taxation

Assessor and changes the due date of that report from January 5th to February 15th of each odd-numbered year.

5. It changes the due date of the tax incidence report submitted to the Legislature by the State Tax Assessor from January 1st to February 15th of each odd-numbered year.
6. It specifies that the report submitted to the Legislature by the State Tax Assessor no later than February 1st annually identifying all requests for an adjustment of equalized valuation under Title 36, section 208-A pertains to the most recently completed fiscal year rather than the previous calendar year.
7. It repeals a requirement that the Commissioner of Administrative and Financial Services submit an annual report to the Legislature regarding the Mining Impact Assistance Fund.
8. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature containing information that includes a list of persons receiving reimbursement for property taxes both under the business equipment tax reimbursement program and under a tax increment financing agreement.

Committee Amendment "A" (H-463)

This amendment removes from the bill a provision requiring that a prepaid wireless fee be remitted in the same manner as the service provider tax and a provision that changes the application of the penalty in current law for a retailer knowingly charging or collecting excess sales tax.

Enacted Law Summary

Public Law 2017, chapter 211 makes changes to numerous provisions of tax laws.

Part A makes the following changes to the administration of the tax laws.

1. It adds a tax information confidentiality exception to allow disclosures by the Maine Revenue Services to the Revenue Forecasting Committee in order to make available relevant tax information in support of the committee's statutory duties.
2. It amends tax lien provisions beginning August 1, 2017 to increase the State's ability to be first in line in priority ahead of certain other creditors for payment on a tax debt. The changes also clarify that the new lien provision does not affect liens related to municipal property taxes.
3. It amends the general provision for the annual calculation of the interest rate applicable to the Maine Revised Statutes, Title 36 tax underpayments and overpayments, effectively reducing the applicable interest rate.
4. It adds an exclusion to allow the public disclosure of information, except when the statute specifically designates the information as confidential.
5. It broadens an existing authorization for disclosure of confidential tax information to allow disclosures to the Department of Administrative and Financial Services, Division of Financial and Personnel Services, as well as to the Department of Health and Human Services, for purposes of financial accounting and revenue forecasts in order to make available relevant tax information in support of statutory duties of the Department of Administrative and Financial Services with respect to financial accounting and revenue forecasts with respect to the specific taxes.
6. It removes services from the definitions of retail sales activity and retail sales facility under the business equipment tax exemption laws to make the amended definitions match the same definitions in the business equipment tax reimbursement laws. Aligning the definitions for the two programs will eliminate confusion over eligibility for certain personal property.
7. It aligns the business equipment tax exemption laws taxpayer appeal procedures with that of those of the Maine

Joint Standing Committee on Taxation

resident homestead property tax exemption program and allows municipalities that are aggrieved by an audit determination of the bureau to appeal in the same manner as persons requesting reconsideration.

8. It adds boat clubs and associations leasing storage, mooring or docking space to the list of entities required to maintain information on watercraft related to the lease. It also adds selling as an activity triggering the information collection requirement.

9. It changes, under the business equipment tax reimbursement laws, the year upon which to calculate energy primarily for sale from the year immediately preceding the property tax year for which a claim is made to the property tax year for which a claim is made.

Part B makes the following changes to the sales tax and fuel tax laws.

1. It provides that diabetic supplies are exempt from sales tax only when sold for use by human beings.

2. It provides a sales tax exemption for sales of prepared food by a civic, religious or fraternal organization, including an auxiliary of such an organization, at a public or member-only event, except when alcoholic beverages are available for sale at the event or it is a private function, for up to 24 days during a calendar year.

3. It replaces the bracket system for calculating sales tax with a conventional rounding algorithm, effective January 1, 2018.

4. It provides that refunds of the gasoline tax and special fuel tax may be made to the Federal Government.

Part C allows businesses subject to the Maine insurance premiums tax to be eligible for the educational opportunity tax credit, consistent with the credit allowed to taxpayers subject to the Maine income tax. The credit applies to tax years beginning on or after January 1, 2017.

Part D makes the following changes to the income tax laws.

1. It repeals the addition modification for a taxpayer's expenses for a qualified long-term disability income protection plan or qualified short-term disability protection plan in order to maintain consistency with the treatment of expenses for taxable corporations and to promote simplification.

2. It repeals the adjustment to itemized deductions for expenses included in the base for the adult dependent care credit tax.

3. It moves the due date for filing Maine financial institution franchise tax returns from the 15th day of the third month to the 15th day of the fourth month following the end of the tax year in conformity with recent federal changes to the filing due date for C corporation income tax returns. The change applies to tax years beginning on or after January 1, 2017.

4. It corrects a conflict created when three public laws enacted the Maine Revised Statutes, Title 36, section 5219-NN, all substantively different from each other. The conflict is corrected by repealing the versions enacted by Public Law 2015, chapter 490 and Public Law 2015, chapter 503 and enacting them as Title 36, section 5219-OO and section 5219-PP, respectively, with the following changes:

A. The employer credit for disability protection plans is limited to employees who were not covered under a disability protection plan offered by the employing unit in the tax year immediately preceding the year the employer is first eligible for the credit. The credit applies to eligible employees enrolled in a qualified disability plan after January 1, 2017; and

Joint Standing Committee on Taxation

B. The tax credit for making a portion of an existing homestead accessible to an individual with a disability or physical hardship is clarified to specify that it applies to individuals, not businesses, making qualified expenditures, that the credit is nonrefundable and that an individual with negative federal adjusted gross income qualifies for the credit. Also, the aggregate annual cap of \$1,000,000 applicable to the credit is removed. The changes all apply to tax years beginning on or after January 1, 2017.

The version of Title 36, section 5219-NN as enacted by Public Law 2015, c. 388 regarding the Maine capital investment credit for 2015 and after remains as section 5219-NN.

5. It prohibits, for tax years beginning on or after January 1, 2017, married individuals filing separate income tax returns from claiming the property tax fairness credit. The change is consistent with a similar restriction under the sales tax fairness credit.
6. It repeals the additional extension of 30 days beyond the federal extension due date for filing Maine income tax returns for corporations and financial institutions. This change applies to tax years beginning on or after January 1, 2017.
7. It changes the date an information return, such as a Form W-2, must be filed with Maine Revenue Services from February 28th to January 31st following the calendar year to which the information return relates. The change in the due date applies to information returns filed for calendar years beginning on or after January 1, 2017.
8. It provides that court-ordered restitution obligations are afforded a priority for setoff from state income tax refunds pursuant to Title 36, section 5276-A that is just above the priority given to court fines and fees.

Part E makes the following changes with regard to Maine Revenue Services reporting requirements.

1. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature identifying the amount of public funds spent and the amount of revenues foregone as the result of economic development incentives.
2. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature on the costs incurred in creating and maintaining, and the tax revenues collected by using, the data warehouse authorized by the Maine Revised Statutes, Title 36, section 194.
3. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature regarding the consultation process required by Title 36, section 194-A and the issues involved with, and results of, each such consultation.
4. It requires that information regarding reimbursements of property taxes paid on certain business property made pursuant to Title 36, chapter 915 be added to the tax expenditure report submitted to the Legislature by the State Tax Assessor and changes the due date of that report from January 5th to February 15th of each odd-numbered year.
5. It changes the due date of the tax incidence report submitted to the Legislature by the State Tax Assessor from January 1st to February 15th of each odd-numbered year.
6. It specifies that the report submitted to the Legislature by the State Tax Assessor no later than February 1st annually identifying all requests for an adjustment of equalized valuation under Title 36, section 208-A pertains to the most recently completed fiscal year rather than the previous calendar year.
7. It repeals a requirement that the Commissioner of Administrative and Financial Services submit an annual report to the Legislature regarding the Mining Impact Assistance Fund.

Joint Standing Committee on Taxation

8. It repeals a requirement that the State Tax Assessor submit an annual report to the Legislature containing information that includes a list of persons receiving reimbursement for property taxes both under the business equipment tax reimbursement program and under a tax increment financing agreement.

LD 1565 An Act To Ensure the Effectiveness of Tax Increment Financing

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARD K VOLK A		

This bill is submitted by the Department of Economic and Community Development. This bill provides that beginning with tax increment financing development programs approved by DECD on or after April 1, 2018, at least 80% of the area within the district must be designated for development by an entity engaged in a qualified business activity that is directly related to financial services, manufacturing or targeted technologies.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1570 An Act To Make Technical Changes to Maine's Tax Laws

PUBLIC 170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G	OTP-AM	H-384

This bill makes technical changes to correct and update cross-references, correct clerical errors, resolve statutory numbering conflicts, improve syntax and repeal unnecessary and expired language. In addition, this bill does the following.

1. It requires a person filing a statement of appeal with the Board of Tax Appeals or a petition for review with the Superior Court to serve the statement or petition by certified mail, return receipt requested, upon the Attorney General and the Department of Administrative and Financial Services, Bureau of Revenue Services.
2. It restricts the disclosure and use of confidential information provided by the bureau to persons, agencies and organizations for the purposes specified in the exemptions to Maine's confidentiality statute.
3. It removes the requirement that the bureau publish a list of certified assessors that the bureau maintains. Instead, the bureau is required to provide the list to municipalities upon request.
4. It changes the due date for the annual distribution to municipalities for revenue lost under the Maine Tree Growth Tax Law from August 1st to October 15th.
5. It clarifies that certain property of institutions and organizations that is exempt from property taxes under the Maine Revised Statutes, Title 36, section 652 is not exempt under the business equipment tax exemption program.
6. It clarifies that the report due under the business equipment tax exemption program is due on April 1st, which, under current law, is automatically extended to May 1st if the report is not received by April 1st. It also requires a request for further extension to be submitted to the assessor of the taxing jurisdiction before the commitment of taxes.
7. It makes minor changes to the language requiring the municipal tax collector to certify the delinquency between July 1st and July 15th in the same year the taxpayer applies for the reimbursement.

Joint Standing Committee on Taxation

8. It clarifies the definition of "prescription" for purposes of the exemption from the sales and use tax for prosthetic or orthotic devices.
9. It describes more accurately the evidence of overpayment of sales tax that must be presented by a purchaser or retailer when requesting a refund of an overpayment of sales tax. This clarification is consistent with long-standing administrative practice.
10. It reallocates the statutory provisions governing the phase-out of Maine standard and itemized deductions to those sections of law governing the calculation of Maine standard and itemized deductions.
11. It updates references in the statutory provision governing the subtraction modification that allows an individual who is an owner of an electing S corporation to recapture the bonus depreciation add-backs made by the business in prior years when it was treated as a C corporation for federal and Maine income tax purposes. This change reflects long-standing statutory and administrative practice.
12. It repeals the penalty for falsifying itemized deductions and wages with respect to withholding allowances. This penalty is not currently used, as taxpayers are also subject to penalties for failure to pay taxes timely and for excessive refunds, negligence and fraud.
13. It clarifies that the military retirement plan income tax subtractions apply to benefits received from service in the United States military.

Committee Amendment "A" (H-384)

This amendment makes the following changes.

1. It removes from the bill a provision requiring a person filing a statement of appeal with the Board of Tax Appeals or a petition for review with the Superior Court to serve the statement or petition by certified mail, return receipt requested, upon the Attorney General and the Department of Administrative and Financial Services, Bureau of Revenue Services.
2. It removes from the bill language restricting the disclosure to and use of confidential information by persons for whom disclosure is permitted.
3. It removes the repeal of a section relating to prepaid wireless fees and reverses provisions in the bill intended to clarify certain sales and use tax refund procedures.

Enacted Law Summary

Public Law 2017, chapter 170 makes technical changes to correct and update cross-references, correct clerical errors, resolve statutory numbering conflicts, improve syntax and repeal unnecessary and expired language. In addition, this bill does the following.

1. It removes the requirement that the bureau publish a list of certified assessors that the bureau maintains. Instead, the bureau is required to provide the list to municipalities upon request.
2. It changes the due date for the annual distribution to municipalities for revenue lost under the Maine Tree Growth Tax Law from August 1st to October 15th.
3. It clarifies that certain property of institutions and organizations that is exempt from property taxes under the Maine Revised Statutes, Title 36, section 652 is not exempt under the business equipment tax exemption program.
4. It clarifies that the report due under the business equipment tax exemption program is due on April 1st, which,

Joint Standing Committee on Taxation

under current law, is automatically extended to May 1st if the report is not received by April 1st. It also requires a request for further extension to be submitted to the assessor of the taxing jurisdiction before the commitment of taxes.

5. It makes minor changes to the language requiring the municipal tax collector to certify the delinquency between July 1st and July 15th in the same year the taxpayer applies for the reimbursement.
6. It clarifies the definition of "prescription" for purposes of the exemption from the sales and use tax for prosthetic or orthotic devices.
7. It reallocates the statutory provisions governing the phase-out of Maine standard and itemized deductions to those sections of law governing the calculation of Maine standard and itemized deductions.
8. It updates references in the statutory provision governing the subtraction modification that allows an individual who is an owner of an electing S corporation to recapture the bonus depreciation add-backs made by the business in prior years when it was treated as a C corporation for federal and Maine income tax purposes. This change reflects long-standing statutory and administrative practice.
9. It repeals the penalty for falsifying itemized deductions and wages with respect to withholding allowances. This penalty is not currently used, as taxpayers are also subject to penalties for failure to pay taxes timely and for excessive refunds, negligence and fraud.
10. It clarifies that the military retirement plan income tax subtractions apply to benefits received from service in the United States military.

**LD 1572 An Act To Implement Recommendations of the Government Oversight
Committee To Improve the Efficiency and Effectiveness of Legislative
Reviews of Tax Expenditures**

PUBLIC 266

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is submitted by the Government Oversight Committee pursuant to the Maine Revised Statutes, Title 3, section 1001, subsection 2. The purpose of this bill is to make changes to the law to improve the efficiency and effectiveness of tax expenditure evaluations conducted by the Office of Program Evaluation and Government Accountability for the Legislature. The bill removes statutory deadlines to provide more flexibility in scheduling, completion and reporting on full evaluations to allow for a better fit with legislative schedules and to ensure the office can complete a comprehensive and quality review of each program, within the office's available resources.

Enacted Law Summary

Public Law 2017, chapter 266 makes changes to the tax expenditure review laws to improve the efficiency and effectiveness of tax expenditure evaluations conducted for the Legislature by the Office of Program Evaluation and Government Accountability. The bill removes statutory deadlines to provide more flexibility in scheduling, completion and reporting on full evaluations to allow for a better fit with legislative schedules and to ensure the office can complete a comprehensive and quality review of each program, within the office's available resources.

Joint Standing Committee on Taxation

**LD 1581 An Act To Simplify Maine Income Tax by Repealing or Terminating
Certain Tax Credits and the Charitable Contribution Checkoff**

ONTP

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

This bill, submitted by the Department of Administrative and Financial Services, makes the following changes to the income tax laws.

1. It repeals the Maine Fishery Infrastructure Tax Credit Program and terminates the availability of the corresponding tax credit and related individual and corporate income tax addition modifications for tax years beginning on or after January 1, 2017, except that unused credit amounts from prior tax years carried forward by the taxpayer may be used.
2. It terminates the availability of the tax credit for wellness programs and repeals the related income tax addition modifications for tax years beginning on or after January 1, 2017, except that unused credit amounts from prior tax years carried forward by the taxpayer may be used.
3. It repeals, for tax years beginning on or after January 1, 2017, the individual and corporate income tax subtraction modifications for gain attributable to the sale of eligible timberlands.
4. It repeals the tax credit for adult dependent care expenses and the related adjustment to Maine itemized deductions for tax years beginning on or after January 1, 2017.
5. It repeals the certified visual media production tax credit for tax years beginning on or after January 1, 2017 and removes related cross-references to that credit.
6. It repeals the tax credit for modifications to a homestead to make it accessible to an individual with a disability or physical hardship for tax years beginning on or after January 1, 2017 and removes a related cross-reference to that credit.
7. It repeals the tax credit for disability income protection plans in the workplace for tax years beginning on or after January 1, 2017 and removes related cross-references to that credit.
8. It repeals the voluntary charitable contribution checkoffs, and the requirement that the State Tax Assessor include the checkoffs on the tax form, for the Maine Endangered and Nongame Wildlife Fund, the Companion Animal Sterilization Fund, the Maine Children's Trust Incorporated, the Bone Marrow Screening Fund, the Maine Military Family Relief Fund, the Maine Veterans' Memorial Cemetery Maintenance Fund, the Maine Asthma and Lung Disease Research Fund and the Maine Public Library Fund from Maine individual income tax forms for tax years beginning on or after January 1, 2017 and eliminates funding for the Maine Military Family Relief Fund due to the elimination of the checkoff for that fund.

**LD 1589 An Act To Simplify the Taxation of Leasing Tangible Personal Property
and To Clarify the Incidence of Use Tax**

ONTP

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

Joint Standing Committee on Taxation

This bill, submitted by the Department of Administrative and Financial Services, makes the following changes to the sales and use tax laws.

Part A moves the point of taxation with respect to leases of tangible personal property from a use tax on the lessor to a sales tax on each lease payment, in order to simplify the law and provide consistency with the tax treatment of leases in other states that impose a sales tax. It updates the Maine Revised Statutes, Title 36, Part 3 to include leases, rentals and lessors in many existing provisions regarding sales and sellers and to add new provisions regarding leases, rentals and lessors that correspond to existing provisions regarding sales and sellers. It also updates sales tax exemptions that currently exempt sales to certain entities to also exempt leases and rentals to those entities. It sources the first lease or rental payment to this State for taxation when the property is received in this State. Subsequent payments are sourced to this State as long as the primary property location for the period covered by the payment is in this State. It applies to sales occurring, and lease or rental agreements executed, on or after January 1, 2018.

Part B clarifies when owners of property that has been used outside of Maine are liable for a use tax when the property is brought into Maine. It updates several provisions, enacting a clear 90-day standard for use in Maine to give rise to a use tax liability. It applies to sales occurring, and lease or rental agreements executed, on or after January 1, 2018.

Part C terminates, as of December 31, 2017, the ability to claim a motor vehicle excise tax reimbursement for rental vehicles.

LD 1597 An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C TUCKER R	OTP-AM ONTP	S-183

This bill exempts from the sales and use tax the fee imposed to fund the paint stewardship program, regardless of whether the fee is paid by a retailer or distributor or passed on to the consumer.

Committee Amendment "A" (S-183)

This amendment provides for proper administration of the exclusion from sales tax of the paint stewardship assessment by providing that the assessment is excluded from the sale price to which the sales tax applies. The amendment includes an effective date and application provision.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1599 An Act To Improve the Maine Tree Growth Tax Law CARRIED OVER

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

This bill, which is a Governor's bill, makes the following changes to the Maine Tree Growth Tax Law.

1. It includes harvesting as an expressly stated purpose for land in the Maine Tree Growth Tax Law program.

Joint Standing Committee on Taxation

2. It removes certain items from the definition of forest products that have commercial value under the Maine Tree Growth Tax Law program.
3. It increases the minimum parcel size from 10 acres to 25 acres for the Maine Tree Growth Tax Law program for parcels enrolled on or after April 1, 2018.
4. It authorizes the Department of Agriculture, Conservation and Forestry, Bureau of Forestry to audit parcels of land enrolled in the Maine Tree Growth Tax Law program to ensure compliance of the landowner with the requirements of the program and that the parcel is being managed in substantial compliance with the forest management and harvest plan for that parcel. The bureau is required to order the removal from the program of any parcel that is not substantially compliant with the requirements of the program. The owner of that removed parcel may apply to reclassify the parcel under the farm and open space tax law in the Maine Revised Statutes, Title 36, chapter 105, subchapter 10. The audit provisions are repealed January 1, 2020.
5. It requires the State Tax Assessor to deny reimbursement to a municipality if any parcel of land enrolled in the Maine Tree Growth Tax Law program is not compliant with the program.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1600 An Act To Establish an Opioid Addiction Prevention and Rehabilitation Treatment Program Funded by a Tax Imposed upon the Sale of Opioids **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M BELLOWS S	ONTP OTP-AM	

This bill establishes the Opioid Addiction Prevention and Rehabilitation Program, to be funded by revenue generated by a tax imposed on the sale and distribution of products that contain opioids at the rate of 1¢ per milligram of active opioid ingredient.

Committee Amendment "A" (H-388)

This amendment, which was the minority report, provides that the tax on opioids that the bill proposes must be paid by manufacturers of opioids that are distributed in the State and changes the rate of tax to 0.1¢ per morphine milligram equivalent. The amendment removes wholesalers from the provisions of the bill and a provision basing the tax on the first sale within the State. The amendment excludes from the tax opioids that are used in medication-assisted treatment of substance use disorder and directs the Maine Board of Pharmacy to provide a list of those medications to the State Tax Assessor annually.

The amendment strikes from the bill the section establishing the Opioid Addiction Prevention and Rehabilitation Program and provides that revenue from the tax must be deposited in a special account to be used by the Department of Health and Human Services for the Opioid Health Home Program.

The amendment authorizes the State Tax Assessor to adopt rules to facilitate administration of this tax including requiring pharmacies or other persons in the State to provide information identifying manufacturers of opioids distributed in the State and the volume of opioids distributed by each manufacturer.

Joint Standing Committee on Taxation

LD 1618 An Act To Support Maine's Working Families through Universal Child Care

ONTP

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

This bill establishes the Universal Child Care Program to ensure universal access to child care, without regard to income, beginning July 1, 2019. In the first year children age one and under are covered; in the second year, children age two and under; and in the third and subsequent years children age three and under are eligible.

The bill establishes the Universal Child Care Trust Fund, which is managed by a board composed of 13 members who represent child care providers and consumers of child care services. After initial appointments members of the board are elected for three-year terms from among their constituent groups. The board selects a director and staff that are responsible for administration of the program. The board receives advice from an advisory committee composed of the Commissioner of Health and Human Services, the Commissioner of Education and the Commissioner of Labor as well as the Treasurer of State, the President of the Senate and the Speaker of the House of Representatives.

Base funding for universal child care is provided from child care subsidies from the Temporary Assistance for Needy Families program and the federal Child Care and Development Fund block grant and other funds designated by the board.

Maine Revenue Services is directed to develop and submit to the Joint Standing Committee on Health and Human Services draft legislation to establish universal child care taxes. The taxes are to be structured to include three elements:

1. A tax on wages that is substantially equivalent to the federal Social Security Act's Old-Age, Survivors, and Disability Insurance program tax, but that applies only to earnings above the annual contribution and benefit base of the federal tax which is \$127,200 in 2017;
2. A self-employment tax applicable to taxpayers who are subject to the federal Self-Employment Contributions Act tax that is equivalent to that tax and applies to net earnings above the annual limit subject to taxation under that federal tax; and
3. A tax equal to the wage and self-employment taxes that is imposed on unearned annual income and that applies in a manner similar to the federal Net Investment Income Tax.

The bill directs the Joint Standing Committee on Health and Human Services to report out a bill to the Second Regular Session of the 128th Legislature to establish universal child care taxes to fully fund the Universal Child Care Program. See also LD 1612, summarized under the Joint Standing Committee on Health and Human Services which contains the same tax-related provisions.

LD 1629 An Act To Protect the Elderly from Tax Lien Foreclosures

CARRIED OVER

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

Joint Standing Committee on Taxation

This bill, which is a Governor's bill, creates a preforeclosure process that municipalities must follow in order to successfully foreclose a tax lien on property of a homeowner 65 years of age or older. The preforeclosure process includes active municipal assistance with an abatement application and mediation if necessary to create a reasonable tax payment plan. This bill also creates additional provisions concerning the sale of foreclosed property for all homeowners including allowing a homeowner to pay the tax lien with interest and costs before a tax sale; allowing a homeowner to remain in the home until the sale is completed; requiring the use of a real estate broker when the property is sold; and requiring the return to the homeowner of any net proceeds from the sale after adjustment for taxes owed, interest, fees and other allowable costs.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1639 An Act To Promote Major Business Headquarters Expansions in Maine,
Promote the Commercialization of Research and Development in Maine
and Create Jobs**

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FREDETTE K	OTP-AM	S-294

This bill, which is a Governor's bill, creates a refundable Maine income tax credit for the construction or expansion of major business headquarters in the State if certain investment and employment levels are met. The refundable so-called "headquarters credit" is equal to 2% of the qualified investment per year for 20 years, subject to certain limitations.

In order to be eligible for the credit a business must employ at least 5000 full time employees and at least 25% of the employees must be based in Maine, the business must have locations in at least three other states or countries and it must intend to make an investment of at least \$35,000,000 within five years of the date of application for the credit.

The Commissioner of the Department of Economic and Community Development administers application, certification and eligibility for the credit. The commissioner may not approve more than \$100,000,000 aggregate qualified investment. A certificate of approval may be transferred subject to certain conditions. A certificate of approval must be revoked if the certified applicant or transferee fails to make a qualified investment within 5 years, if the applicant ceases operation of a headquarters in Maine or the certificate is transferred without the commissioner's approval.

The bill also allows a taxpayer receiving the headquarters credit to elect to have any unused credit carry-forward for the research expense tax credit, super credit for substantial expansions of research and development, jobs and investment tax credit and Maine capital investment credit be made refundable for any tax year to the extent of the headquarters credit.

Committee Amendment "A" (S-294)

This amendment makes the following changes to the bill.

1. It removes provisions authorizing a taxpayer receiving the headquarters credit to have any unused credit carry-forward for the research expense tax credit, super credit for substantial expansions of research and development, jobs and investment tax credit and Maine capital investment credit be made refundable for any tax year to the extent of the headquarters credit.
2. It removes from consideration as qualified investments expenditures for employee training and education and payment of student loan debt.

Joint Standing Committee on Taxation

3. It provides that no credit may be claimed in any year in which employment targets are not met. During the first 10 tax years for which the credit is claimed, the employment target is a rolling average of 80 new full-time Maine jobs added per year. In the first year of the credit, the 80 new jobs may include employees added since the first day of the tax year to account for the fact that the certificate of completion may be granted late in the tax year. In years 11 through 20 of the credit, the employment target requires that the 800 jobs created in years one through 10 be sustained. The amendment also provides that new jobs may not be counted to establish eligibility under more than one certificate of completion.
4. It provides that if the certificate of completion is transferred the transferee must meet the same eligibility requirements and conditions as applied to the original certified applicant.
5. It provides that reports by the taxpayer and the State Tax Assessor are public records and provides that the State Tax Assessor must disclose information regarding credits received to the joint standing committee of the Legislature having jurisdiction over taxation matters.
6. It requires the Office of Program Evaluation and Government Accountability to complete a design evaluation review of the credit, identifying the extent to which the design of the credit supports the accomplishment of the credit's purposes, intent and goals, the extent to which benefits are directed to the intended beneficiaries and the extent to which the administration of the credit is efficient and effective. The office is directed to include with its evaluation recommended performance measures for the credit and an identification of the data needed for effective evaluation.
7. It provides that the purpose of the credit is to create high-quality jobs in the State by encouraging the location or expansion of the headquarters of major businesses in the State.
8. It makes technical corrections.

Enacted Law Summary

Public Law 2017, chapter 297 creates a refundable income tax credit for the construction or expansion of major business headquarters in the State if certain investment and employment levels are met. The refundable so-called headquarters credit is equal to 2% of the qualified investment per year for 20 years, and is subject to the following conditions.

1. The business must employ at least 5000 full time employees, and at least 25% of the employees must be based in Maine, the business must have locations in at least three other states or countries and it must intend to make an investment of at least \$35,000,000 within five years of the date of application for the credit.
2. The Commissioner of the Department of Economic and Community Development administers application, certification and eligibility for the credit. The commissioner may not approve more than \$100,000,000 aggregate qualified investment. A certificate of approval may be transferred if the transferee meets the same eligibility requirements and conditions as applied to the original certified applicant. A certificate of approval must be revoked if the certified applicant or transferee fails to make a qualified investment within five years, if the applicant ceases operation of a headquarters in Maine or the certificate is transferred without the commissioner's approval.
3. A credit may not be claimed in any year in which employment targets are not met. During the first 10 tax years for which the credit is claimed, the employment target is a rolling average of 80 new full-time Maine jobs added per year. In the first year of the credit, the 80 new jobs may include employees added since the first day of the tax year to account for the fact that the certificate of completion may be granted late in the tax year. In years 11 through 20 of the credit, the employment target requires that the 800 jobs created in years one through 10 be sustained. The amendment also provides that new jobs may not be counted to establish eligibility under more than one certificate of completion.

Joint Standing Committee on Taxation

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 583	An Act To Improve the Tax Appeal Process for Maine Businesses and Consumers	PUBLIC 257
LD 1570	An Act To Make Technical Changes to Maine's Tax Laws	PUBLIC 170

Estate Tax

Enacted

LD 72	An Act To Clarify the Tax Laws for Title to Real Estate by Releasing Inheritance Tax Liens	PUBLIC 16
-------	--	-----------

Not Enacted

LD 1276	An Act To Change the Exemption Amount under the Estate Tax	Died On Adjournment
---------	--	------------------------

Income Tax - General

Enacted

LD 885	An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes	PUBLIC 24 EMERGENCY
--------	--	------------------------

Not Enacted

LD 291	An Act To Maintain the Income Tax Rate on Persons with Taxable Income above \$200,000	ONTP
LD 337	An Act To Protect Jobs and the Maine Economy by Eliminating the 3% Income Tax Surcharge Imposed on Certain Mainers and the Fund To Advance Public Kindergarten to Grade 12 Education	Died On Adjournment
LD 571	An Act To Eliminate the 3 Percent Surcharge on Certain Income and Provide an Alternative Funding Source for the Fund To Advance Public Kindergarten to Grade 12 Education	Died On Adjournment
LD 784	An Act To Prevent Tax Haven Abuse	Died Between Houses
LD 829	An Act To Increase the Income Tax Surcharge Threshold Imposed on Households	ONTP
LD 851	An Act To Repeal and Subject to Referendum in 2018 the Fund To Advance Public Kindergarten to Grade 12 Education and the 3 Percent Income Tax Surcharge	ONTP

LD 1581	An Act To Simplify Maine Income Tax by Repealing or Terminating Certain Tax Credits and the Charitable Contribution Checkoff	ONTP
---------	--	------

Income Tax Credits, Exemptions, Deductions and Incentives

Enacted

LD 1639	An Act To Promote Major Business Headquarters Expansions in Maine, Promote the Commercialization of Research and Development in Maine and Create Jobs	PUBLIC 297
---------	---	------------

Not Enacted

LD 16	An Act To Exempt Certain Individuals Who Are 70 Years of Age or Older from Maine Income Tax	ONTP
LD 77	An Act To Exempt from Maine Income Tax Income Earned by Members of the Armed Services While on Active Duty	ONTP
LD 91	An Act To Provide an Income Tax Credit for Retailers Collecting Sales Tax	ONTP
LD 205	An Act To Exempt Certain International Athletic Competition Prizes from Maine Income Tax	ONTP
LD 330	An Act To Provide an Income Tax Credit for Employer Contributions to Section 529 Qualified Tuition Programs	ONTP
LD 368	An Act To Welcome Statewide Economic Investment	ONTP
LD 442	An Act To Create a Family Caregiver Income Tax Credit	CARRIED OVER
LD 513	An Act To Increase the Maximum Pension Deduction for State Income Tax	CARRIED OVER
LD 620	An Act To Restore the Tax Deduction for Contributions to College Savings Accounts	Majority (ONTP) Report
LD 621	An Act To Retain Professionals and Attract Professionals to Maine by Amending Maine's Income Tax Code	ONTP
LD 781	An Act To Support the Trades through a Tax Credit for Apprenticeship Programs	CARRIED OVER
LD 783	An Act Regarding Business Income Tax	ONTP
LD 928	An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media Production Tax Credits and Reimbursements	Majority (ONTP) Report
LD 935	An Act To Exempt from Taxation Certain Out-of-state Pensions	Majority (ONTP) Report
LD 946	An Act To Provide an Income Tax Credit for Students Returning to College	Majority (ONTP) Report
LD 947	An Act To Support Employees with Significant Commutes	Died Between Houses
LD 1123	An Act To Allow an Income Tax Deduction for Interest Paid on Student Loans	Majority (ONTP) Report
LD 1144	An Act To Support Maine Families by Increasing the Dependent Care Credit	Died Between Houses

LD 1247	An Act To Repeal the Income Tax on Pick-up Contributions Paid to the Maine Public Employees Retirement System and To Clarify the Taxation of Pick-up Contributions Distributed in the Form of a Rollover	Died On Adjournment
LD 1287	An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State	CARRIED OVER
LD 1317	An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care	CARRIED OVER
LD 1338	An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses	CARRIED OVER
LD 1450	An Act To Promote Workforce Development and Provide an Economic Stimulus for Maine-based Filmmakers and Supporting Businesses	Died Between Houses
LD 1461	An Act To Encourage the Construction of Affordable Housing	CARRIED OVER
LD 1537	An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents	CARRIED OVER

Motor Vehicle Excise Tax

Not Enacted

LD 26	An Act To Lower the Maine Motor Vehicle Excise Tax	ONTP
LD 204	An Act To Exempt Veterans with ALS from the Excise Tax on Automobiles	ONTP
LD 338	An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax	Majority (ONTP) Report
LD 707	An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of the Motor Vehicle	ONTP

Multiple Taxes

Enacted

LD 1551	An Act To Amend the Maine Tax Laws	PUBLIC 211
---------	------------------------------------	------------

Municipal Revenue Sharing

Not Enacted

LD 74	An Act To Realign the State-Municipal Revenue Sharing Distribution	ONTP
LD 133	An Act To Support Lower Property Taxes by Restoring State-Municipal Revenue Sharing	Died On Adjournment
LD 492	An Act To Restore Revenue Sharing	ONTP
LD 875	An Act To Reduce Property Taxes	ONTP
LD 1227	An Act To Restore to Five Percent the State-Municipal Revenue Sharing Distribution and Create a Matching Fund for Local Road and Bridge Construction, Maintenance and Reconstruction	ONTP

Other Taxes

Not Enacted

LD 235	An Act To Repeal the Service Provider Tax	ONTP
LD 290	An Act To Phase Out the Insurance Premium Tax on Annuities	Died On Adjournment
LD 493	An Act To Tax the Extraction of Water for Certain Commercial Purposes and Fund Water Quality Programs	Majority (ONTP) Report
LD 541	An Act Regarding the Commercial Forestry Excise Tax	Died Between Houses
LD 708	An Act To Use Taxes on Nonmedical Marijuana and Increase the Tax on Cigarettes To Partially Offset the 3% Income Tax Surcharge	ONTP
LD 945	An Act To Reduce the Burden of Tobacco-related Illness by Increasing Revenue from the Cigarette Tax for Use for Tobacco Cessation	Died On Adjournment
LD 1283	An Act To Modernize the Mining Excise Tax	CARRIED OVER
LD 1285	An Act To Tax Political Expenditures Made Immediately before an Election	Majority (ONTP) Report
LD 1548	An Act To Establish the Let's Grow Maine Program	Died Between Houses
LD 1549	An Act To Create a Tax on the Production of Electricity from Wind Resources	ONTP
LD 1550	An Act To Tax Sugar-sweetened Beverages To Fund Programs To Provide Resources for Veterans and Others	ONTP
LD 1600	An Act To Establish an Opioid Addiction Prevention and Rehabilitation Treatment Program Funded by a Tax Imposed upon the Sale of Opioids	Majority (ONTP) Report
LD 1618	An Act To Support Maine's Working Families through Universal Child Care	ONTP

Property Tax - Current Use

Enacted

LD 117	An Act To Strengthen the Farm and Open Space Tax Law	PUBLIC 183
--------	--	------------

Not Enacted

LD 1488	An Act To Require That Landowners with Property Enrolled in the Tree Growth Tax Program Receive Timely Notice of Changes in Valuation of That Property	ONTP
LD 1599	An Act To Improve the Maine Tree Growth Tax Law	CARRIED OVER

Property Tax - Exemptions

Not Enacted

LD 73	An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age	Majority (ONTP) Report
LD 82	An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax	Died On Adjournment
LD 289	An Act To Extend the Veteran Property Tax Exemption to Veterans Who Have Served on Active Duty	CARRIED OVER
LD 727	An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes	Majority (ONTP) Report
LD 1076	An Act To Replace Municipal Property Tax Revenue Lost Due to Land Acquisitions under the Land for Maine's Future Fund	ONTP
LD 1121	An Act Regarding the Exclusive Use of Tax Exempt Property	Majority (ONTP) Report
LD 1195	An Act To Allow Municipalities To Opt Out of the Collection and Assessment of Personal Property Taxes	ONTP
LD 1212	An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program	CARRIED OVER
LD 1246	An Act To Provide Landowners a Property Tax Exemption for Certain Trails	ONTP

Property Tax - General

Enacted

LD 1180	An Act To Provide a Definition of "Primary Residence" for Purposes of Property Tax Abatements Based on Hardship or Poverty	PUBLIC 273
---------	--	------------

Not Enacted

LD 904	An Act To Require the County Commissioners To Adjust the Assessed Value of a Municipality When They Grant an Abatement Request	ONTP
LD 1172	An Act To Repeal the Maine Personal Property Tax	Majority (ONTP) Report
LD 1270	An Act To Allow Municipalities To Include Itemized Fees on Property Tax Bills	ONTP
LD 1479	An Act To Modernize and Improve Maine's Property Tax System	CARRIED OVER
LD 1521	An Act To Amend the Property Tax Laws	Majority (ONTP) Report
LD 1629	An Act To Protect the Elderly from Tax Lien Foreclosures	CARRIED OVER

Property Tax Relief Programs

Not Enacted

LD 874	An Act To Expand the Authority of Municipalities To Implement a Property Tax Deferral Program	Majority (ONTP) Report
LD 887	An Act To Provide Relief to Maine Property Tax Payers	ONTP
LD 915	An Act To Lower Property Taxes	ONTP
LD 959	An Act To Expand Property Tax Relief for Maine Residents	Majority (ONTP) Report
LD 974	An Act To Increase the Homestead Exemption	Died On Adjournment
LD 1196	An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes	CARRIED OVER

Sales Tax

Enacted

LD 1405	An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine	PUBLIC 245
---------	---	------------

Not Enacted

LD 116	An Act To Increase Funding for Multimodal Transportation	Died Between Houses
LD 741	An Act To Provide Equity in Education Funding	Leave to Withdraw Pursuant to Joint Rule 310
LD 1106	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate All Sales Taxes from All Vehicle Sales and Any Vehicle-related Sales to the Highway Fund for Roads and Bridge Capital Improvements	Died Between Houses
LD 1230	An Act To Allow a Local Option Sales Tax on Meals and Lodging	ONTP
LD 1265	An Act To Allow the Creation of a Local Option Sales Tax by Referendum	ONTP
LD 1522	An Act To Authorize a Local Option Sales Tax	Minority (ONTP) Report
LD 1589	An Act To Simplify the Taxation of Leasing Tangible Personal Property and To Clarify the Incidence of Use Tax	ONTP
LD 1645	An Act To Reduce the Rate of Tax Imposed on the Rental of Living Quarters	INDEF PP

Sales Tax Exemptions, Exclusions or Refunds

Not Enacted

LD 27	An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax	CARRIED OVER
-------	---	--------------

LD 75	An Act To Provide a Sales Tax Exemption for Materials and Equipment That Enable Older Persons and Persons with Disabilities To Remain in Their Homes	ONTP
LD 76	An Act To Exempt Diapering Products from the Sales Tax	Died Between Houses
LD 79	An Act To Provide a Sales Tax Exemption for Career and Technical Student Organizations	CARRIED OVER
LD 206	An Act To Exempt Feminine Hygiene Products from Sales Tax	Died On Adjournment
LD 664	An Act To Exempt Gold and Silver Coins and Bullion from Sales Tax	ONTP
LD 782	An Act To Provide a Sales Tax Exemption for Certain Nonprofit Organizations Supporting Veterans	Died On Adjournment
LD 1023	An Act To Provide a Sales Tax Exemption for Baling Twine	Veto Sustained
LD 1027	An Act Regarding the Taxation of Certain Nonprofit Organizations	Veto Sustained
LD 1597	An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program	CARRIED OVER

Tax Expenditure Review

Enacted

LD 1572	An Act To Implement Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures	PUBLIC 266
---------	--	------------

Not Enacted

LD 1245	An Act To Ensure the Effectiveness of Tax Expenditures	ONTP
---------	--	------

Tax Increment Financing

Not Enacted

LD 779	An Act To Allow Aroostook County To Create Tax Increment Financing Districts	ONTP
LD 1071	An Act To Modify the Tax Increment Financing Laws	ONTP
LD 1565	An Act To Ensure the Effectiveness of Tax Increment Financing	CARRIED OVER

Tax Reform - Restructuring

Not Enacted

LD 311	An Act To Eliminate Corporate Welfare and Provide Tax Relief	ONTP
LD 733	An Act Regarding Maine's Tax Code	Leave to Withdraw Pursuant to Joint Rule 310
LD 936	An Act To Modernize and Simplify the Tax Code	ONTP

Unorganized Territory

Enacted

LD 1078	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2017-18	PUBLIC 121 EMERGENCY
LD 1289	An Act To Allow Voluntary Payments in Lieu of Taxes in the Unorganized Territory	PUBLIC 193
LD 1421	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 11

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON TRANSPORTATION

August 2017

STAFF:

KAREN NADEAU, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

AND

SUZANNE VOYNIK, LEGISLATIVE ANALYST
OFFICE OF FISCAL AND PROGRAM REVIEW
5 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1635
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. ROLAND F. COLLINS, CHAIR
SEN. KIMBERLEY C. ROSEN
SEN. DAVID R. MIRAMANT

REP. ANDREW J. MCLEAN, CHAIR
REP. MARK E. BRYANT
REP. GAY M. GRANT
REP. JOHN C. SCHNECK
REP. BETTY A. AUSTIN
REP. BETTYANN W. SHEATS
REP. WAYNE R. PARRY
REP. RICHARD M. CEBRA
REP. JAMES S. GILLWAY
REP. MICHAEL D. PERKINS

Joint Standing Committee on Transportation

LD 1 An Act To Repeal the Law Regulating Reflective and Tinted Glass in ONTP
Automobiles

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

This bill repeals the law regulating the use of reflective and tinted glass windows in automobiles.

LD 28 An Act To Allow Alternate Flashing Headlights on a School Bus PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L LANGLEY B	OTP ONTP	

This bill allows a school bus to be equipped with a device that provides for alternate flashing of the school bus's headlights.

Enacted Law Summary

Public Law 2017, chapter 26 allows a school bus to be equipped with a device that provides for alternate flashing of the school bus's headlights.

LD 29 An Act To Reduce Penalties for Violations of the Motor Vehicle Accepted Majority
Inspection Laws (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R COLLINS R	ONTP OTP-AM	

This bill revises the fines for a violation of the laws governing inspection of motor vehicles and removes imprisonment as a penalty.

Committee Amendment "A" (H-8)

This amendment, which is the minority report, strikes the bill and instead revises the fine for a violation of operation of a vehicle without a certificate of inspection.

This amendment was not adopted.

Joint Standing Committee on Transportation

LD 97 An Act To Establish Speed Limits at Loring Commerce Centre and Brunswick Landing

**PUBLIC 23
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCCREAD D	OTP	

This bill allows the Department of Transportation and the Maine State Police to establish speed limits within the limits of the property owned by or under the control of the Midcoast Regional Redevelopment Authority in Brunswick and the Loring Development Authority of Maine in Limestone. The speed limits must be posted by the Midcoast Regional Redevelopment Authority and the Loring Development Authority of Maine in accordance with written directions or policies of the Department of Transportation.

Enacted Law Summary

Public Law 2017, chapter 23 allows the Department of Transportation and the Maine State Police to establish speed limits within the limits of the property owned by or under the control of the Midcoast Regional Redevelopment Authority in Brunswick and the Loring Development Authority of Maine in Limestone.

Public Law 2017, chapter 23 was enacted as an emergency measure effective April 20, 2017.

LD 118 An Act To Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators To Wear a Helmet

PUBLIC 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHMAN M ROSEN K	OTP-AM	H-36

This bill requires a person under 18 years of age who is operating a moped or who is a passenger on a moped to wear protective headgear, as is currently the law for motorcycle operators or riders.

Committee Amendment "A" (H-36)

This amendment provides that an operator of a moped operating under a learner's permit or within one year of successfully completing a driving test must wear protective headgear. The amendment also provides that the operator of a moped may not allow a passenger under 18 years of age to ride without protective headgear.

Enacted Law Summary

Public Law 2017, chapter 51 requires an operator of a motorcycle or moped and a passenger under 18 years of age to wear protective headgear and requires an operator of a moped operating under a learner's permit or within one year of successfully completing a driving test to wear protective headgear. The law also provides that the operator of a moped may not allow a passenger under 18 years of age to ride without protective headgear.

LD 119 An Act Regarding the Display and Content of Political Signs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E CUSHING A	ONTP	

Joint Standing Committee on Transportation

Current law allows a temporary sign, including, but not limited to, a sign bearing a political message relating to an election, primary or referendum, to be placed in the public right-of-way for a maximum of six weeks per calendar year. This bill allows a temporary sign to be placed in the public right-of-way for a maximum of twelve weeks per calendar year, as long as that sign is not displayed for more than six weeks before the event to which the sign relates. This bill also removes the requirement that temporary signs be labeled with the name and address of the entity that placed the sign within the public way and the time period for which the sign will be maintained.

LD 120 An Act To Impose a Three-month Loss of a Driver's License for Driving While Texting ONTP

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

This bill increases the penalty for text messaging while operating a motor vehicle by requiring the Secretary of State to suspend the person's driver's license for 90 days for each offense.

LD 134 An Act To Allow the Secretary of State To Issue Licenses Pending Receipt of Necessary Paperwork from the Driver Education and Evaluation Program ONTP

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

This bill allows a person who has completed the Department of Health and Human Services driver education and evaluation program to receive a driver's license upon providing documentation of completion of the program before official notice of completion is received by the Secretary of State directly from the Department of Health and Human Services. This provision is repealed on December 31, 2017.

LD 137 An Act To Increase the Safety of Motorists on Public Ways ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S TUELL W	ONTP	

This bill prohibits the operation of a motor vehicle with snow or ice on the front windshield or a side wing mirror or side or rear window that obstructs the operator's clear view of the way or an intersecting way. A violation is subject to a fine of \$175.

LD 154 An Act To Reform Maine's Motor Vehicle Inspection Guidelines Accepted Majority (ONTP) Report

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

Joint Standing Committee on Transportation

This bill provides that a motor vehicle may not fail its annual inspection for aesthetic reasons or for minor mechanical defects. A vehicle may fail the inspection only for defects that reasonably affect the safety of the vehicle.

LD 168 Resolve, Directing the Department of Transportation To Install a Caution Light in New Sweden

Accepted Majority (ONTP) Report

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

This resolve directs the Department of Transportation to install a blinking yellow caution light at the intersection of Route 161 and Station Road in the Town of New Sweden.

Committee Amendment "A" (S-5)

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

This amendment was not adopted.

LD 171 An Act To Add the Air Medal as an Option for a Special Commemorative Decal on Special Veterans Registration Plates

PUBLIC 8

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T MAKER J	OTP	

This bill allows the Secretary of State to issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded the Air Medal.

Enacted Law Summary

Public Law 2017, chapter 8 allows the Secretary of State to issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded the Air Medal.

LD 172 An Act To Improve Officer Safety at Roadside Incidents

PUBLIC 21

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M VOLK A	OTP OTP-AM	

This bill allows police vehicles to use red emergency lights. The red emergency lights may comprise up to 50% of the emergency lights used on the police vehicle.

Committee Amendment "A" (H-9)

This amendment, which is the minority report, strikes and replaces the bill. The amendment provides that emergency lights on a police vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2017, chapter 21 provides that emergency lights on a police vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

LD 207 Resolve, To Designate a Bridge in East Machias as the Norman E. Bagley Memorial Bridge RESOLVE 1

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MAKER J	OTP	

This resolve designates Bridge 3219 on Route 191 that crosses the East Machias River in the Town of East Machias the Norman E. Bagley Memorial Bridge.

Enacted Law Summary

Resolve 2017, chapter 1 designates Bridge 3219 on Route 191 that crosses the East Machias River in the Town of East Machias the Norman E. Bagley Memorial Bridge.

LD 208 An Act To Allow Vehicles Hauling Animal Bedding To Travel over County or Town Ways without a Permit PUBLIC 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M DAVIS P	ONTP OTP-AM	H-13

This bill exempts vehicles hauling animal bedding from posted road restrictions imposed by the Department of Transportation, counties or municipalities.

Committee Amendment "A" (H-13)

This amendment, which is the minority report, replaces the bill. It changes the title and removes the emergency preamble and emergency clause. The amendment provides that a vehicle delivering organic animal bedding material may travel over a county or town way without a specific municipal or county permit as long as that vehicle is operating in accordance with restrictions imposed by the applicable county or municipality.

Enacted Law Summary

Public Law 2017, chapter 25 provides that a vehicle delivering organic animal bedding material may travel over a county or town way without a specific municipal or county permit as long as that vehicle is operating in accordance with restrictions imposed by the applicable county or municipality.

LD 209 An Act To Amend the Laws Governing Temporary Sign Usage CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make changes to the laws regarding categorical signs to adjust the time, placement and content

Joint Standing Committee on Transportation

restrictions imposed on temporary signs placed within a public right-of-way.

Committee Amendment "A" (H-111)

This amendment replaces the bill, which was a concept draft. The amendment increases the amount of time a temporary sign may be placed in the public right-of-way from a maximum of six weeks per calendar year to a maximum of 12 weeks per calendar year. The amendment clarifies that temporary signs within the public right-of-way must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

This bill was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 210 An Act To Allow Disabled Veterans To Have More Than One Set of Disabled Veteran License Plates ONTP

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

This bill allows a disabled veteran to have a set of disabled veteran license plates for each vehicle owned by the veteran.

LD 211 An Act To Require a State Automobile Inspection Biannually INDEF PP

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

This bill changes the noncommercial automobile inspection requirement from an annual inspection to a biannual inspection.

LD 216 Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 Directing Motorists to Lincoln ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K HANINGTON S	ONTP	

This resolve directs the Department of Transportation to place signs directing motorists to the Town of Lincoln on Interstate 95 on the northbound and southbound lanes near the exit closest to the town.

LD 236 An Act To Update Accessibility Requirements on Highways PUBLIC 9

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R MCLEAN A	OTP	

Joint Standing Committee on Transportation

This bill amends the section of law governing the location and construction of curbs in order to align the language to federal requirements and comply with the federal Americans with Disabilities Act of 1990.

Enacted Law Summary

Public Law 2017, chapter 9 amends the section of law governing the location and construction of curbs in order to align the language to federal requirements and comply with the federal Americans with Disabilities Act of 1990.

LD 242 An Act To Allow Extra Lights on the Front of a Motorcycle ONTP

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

This bill allows additional auxiliary lights on the front of a motorcycle.

LD 293 An Act To Require Horse-drawn Carriages and Wagons To Be Equipped with Reflectors ONTP

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

This bill requires vehicles propelled or drawn by a horse and operated at night to have a rear reflector of a specific size and color.

LD 294 Resolve, To Name the Bridge over the Penobscot River in the Towns of Enfield and Howland King's Bridge RESOLVE 3 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S DILL J	OTP	

This resolve names the bridge that spans the Penobscot River in the Town of Enfield and the Town of Howland King's Bridge.

Enacted Law Summary

Resolve 2017, chapter 3 names the bridge that spans the Penobscot River in the Town of Enfield and the Town of Howland King's Bridge.

Resolve 2017, chapter 3 was finally passed as an emergency measure effective April 10, 2017.

LD 306 An Act To Require State Compliance with Federal REAL ID Guidelines PUBLIC 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM OTP-AM	S-17

Joint Standing Committee on Transportation

This bill repeals the law that prohibits the State from participating in the federal REAL ID Act of 2005 and the Secretary of State from changing the procedures for applying for a driver's license or nondriver identification card in a manner to conform to the federal REAL ID Act of 2005. It directs the Secretary of State to issue driver's licenses and nondriver identification cards that conform to the federal REAL ID Act of 2005.

Committee Amendment "A" (S-17)

This amendment, which is the majority report, provides that the Secretary of State may issue a driver's license or nondriver identification card that meets the standards of the federal REAL ID Act of 2005. The amendment also establishes fees for REAL ID compliant driver's licenses and nondriver identification cards.

Current law allows the Secretary of State to exempt a person from having to present documentary evidence of legal presence in the United States if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license since December 31, 1989 or was born before December 1, 1964. Current law also provides that the Secretary of State may exempt a person from having to present documentary evidence of legal presence for a nondriver identification card if that person has held a nondriver identification card or valid driver's license since December 31, 1989 or was born before December 1, 1964. This amendment repeals these exemptions in order for the Secretary of State to comply with the requirements of the federal REAL ID Act of 2005.

The amendment allows the Secretary of State to use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or nondriver identification card.

This amendment also adds an allocation to the Secretary of State for implementation of the federal REAL ID Act of 2005.

Committee Amendment "B" (S-18)

This amendment, which is the minority report, strikes the bill and replaces it with a resolve. The amendment requires the Secretary of State to request a waiver of the requirements of the federal REAL ID Act of 2005 from the United States Department of Homeland Security pending the results of federal legislation. The amendment requires the Secretary of State to establish a process to provide a passport card or passport book to residents of Maine who do not have the required photographic identification to access federal or federally controlled facilities or to board commercial aircraft and demonstrate significant financial hardship, making the fee for a passport card or passport book cost-prohibitive. The amendment also requires the Secretary of State to administer an educational campaign about the requirements of the federal REAL ID Act of 2005 and the availability of the United States Department of State passport cards and passport books as an option to access federal facilities and commercial aircraft and the opportunity for Maine residents who require financial assistance to apply for a state-funded passport card or passport book. The funds for these purposes are in an amount approximately equal to the Secretary of State's estimated cost of up to \$3,000,000 to implement the federal REAL ID Act of 2005. The amendment also adds an emergency preamble and emergency clause and provides a one-time allocation to the Secretary of State to issue passport cards and passport books.

Enacted Law Summary

Public Law 2017, chapter 27 provides that the Secretary of State may issue a driver's license or nondriver identification card that meets the standards of the federal REAL ID Act of 2005. The law also establishes fees for REAL ID compliant driver's licenses and nondriver identification cards.

Public Law 2017, chapter 27 repeals certain exemptions in the law in order for the Secretary of State to comply with the requirements of the federal REAL ID Act of 2005.

Public Law 2017, chapter 27 allows the Secretary of State to use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or nondriver identification card.

Joint Standing Committee on Transportation

LD 314 An Act Concerning Emergency Lights on Police Vehicles

INDEF PP

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

This bill was not referred to committee.

This bill permits the use of a combination of blue and red emergency lights on police vehicles and on certain other vehicles used by law enforcement, corrections and court security personnel.

LD 315 Resolve, Directing the Department of Transportation To Apply for Funds for Rail Improvements

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N SHEATS B	ONTP	

This resolve directs the Department of Transportation to pursue various federal passenger rail grants and to report to the Joint Standing Committee on Transportation no later than December 1, 2017 on the details of the grant applications, the amount of state matching funds required and recommendations for how the State can be a more competitive applicant for federal passenger rail grants.

LD 371 An Act To Allow a Truck Carrying Perishable Products To Operate on a Posted Road without a Permit

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C JACKSON T	ONTP	

This bill exempts commercial motor vehicles hauling perishable products from the restrictions on ways requiring special protection by the Department of Transportation, counties or municipalities.

LD 381 An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCLEAN A	ONTP OTP-AM	

This bill allows a delivery vehicle to display a lighted advertising sign on its roof.

Committee Amendment "A" (S-238)

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment allows a privately owned automobile used for home delivery of commercially prepared food to display an illuminated sign at nighttime and during delivery.

Joint Standing Committee on Transportation

This amendment was not adopted.

**LD 393 An Act To Clarify That the Department of Transportation Is Exempt
from Property Assessment Liabilities When Acquiring Property by
Condemnation**

PUBLIC 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY J COLLINS R	OTP-AM	H-23

This bill clarifies that the Department of Transportation is not required to pay taxes or assessments on property it acquires for transportation purposes. The bill provides that the previous property owner is not liable for assessments or other tax liabilities on the condemned property for any period of time during which that owner no longer owns the property.

Committee Amendment "A" (H-23)

This amendment strikes the provisions in the bill that provide that the previous property owner is not liable for assessments or other tax liabilities on the condemned property for any period of time during which that owner no longer owns the property and that determine the time period for the pro rata portion of property taxes paid by the previous property owner.

Enacted Law Summary

Public Law 2017, chapter 40 clarifies that the Department of Transportation is not required to pay taxes or assessments on property it acquires for transportation purposes.

**LD 434 An Act To Allow Certain Vehicles To Make a Right Turn on a Red Light
Even When Prohibited**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BATTLE K MIRAMANT D	ONTP	

This bill allows the operator of a lightweight vehicle facing a steady and circular red light, after stopping for a reasonable amount of time, to proceed cautiously through the intersection before the light on the traffic-control device turns green if no other vehicles are present at the intersection to actuate the traffic-control device. "Lightweight vehicle" means a motorcycle, moped or bicycle, including a motorized bicycle, motorized tricycle or motorized scooter or a motor vehicle not heavy enough to actuate a traffic-control device sensor.

**LD 435 Resolve, To Study the Feasibility and Cost of Providing Passenger Rail
Service to the City of Bangor**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M GRATWICK G	ONTP OTP-AM	

This resolve directs the Department of Transportation to study the feasibility and cost of providing passenger rail service to the City of Bangor.

Committee Amendment "A" (H-26)

Joint Standing Committee on Transportation

This amendment provides \$300,000 to fund the cost of studying the feasibility and cost of providing passenger rail service to Bangor.

This amendment was not adopted.

LD 436 An Act To Allow Intermediate Driver's License Holders To Drive ONTP
between Midnight and 5:00 a.m. for School Activities

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

This bill allows a student at a secondary school holding an intermediate driver's license to operate a motor vehicle between the hours of midnight and 5 a.m. if the operation of the motor vehicle is required for a school-sanctioned activity.

LD 437 An Act Concerning Maine's Transportation Infrastructure ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to strengthen the laws concerning transportation infrastructure in the State.

LD 444 An Act To Increase the Maximum Registered Gross Weight Allowed for PUBLIC 43
Vehicles with Disabled Veterans or Special Veterans Registration Plates

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GILLWAY J	OTP	

This bill increases from 10,000 pounds to 26,000 pounds the upper registered gross weight limit of vehicles that may have disabled veteran or special veterans registration plates.

Enacted Law Summary

Public Law 2017, chapter 43 increases from 10,000 pounds to 26,000 pounds the upper registered gross weight limit of vehicles that may have disabled veteran or special veterans registration plates.

LD 460 An Act To Make Allocations from Maine Turnpike Authority Funds for P & S 3
the Maine Turnpike Authority for the Calendar Year Ending December
31, 2018

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-8

Joint Standing Committee on Transportation

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2018 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "A" (S-8)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2017, chapter 3 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, 2018 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 494 An Act Regarding the Department of Transportation ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws governing the Department of Transportation.

LD 495 An Act To Protect Historic Places and Structures on the Federal Aid Highway System ONTP

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

This bill requires the Department of Transportation to comply with the National Historic Preservation Act when performing construction or maintenance on a federal aid highway that involves or affects a structure or place listed on the National Register of Historic Places.

LD 500 An Act To Allow the Formation of Transportation Corridor Districts Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D BEEBE-CENTER P	OTP ONTP	

This bill provides for the formation of transportation corridor districts within the current law relating to transit districts and regional transportation corporations. The bill provides that a municipality may, by itself or in cooperation with one or more other municipalities, form a transportation corridor district for the purposes of providing an environment to fund public transportation and accessibility needs, including passenger rail, ferry, bus, bicycle and pedestrian facilities and routes, and promoting economic development at transportation station areas and in downtown areas.

The bill requires a municipality or group of municipalities to select the borders of the transportation corridor

Joint Standing Committee on Transportation

district. The bill requires that the formation of a transportation corridor district be approved by a voter referendum in each participating municipality. The bill authorizes a district's board of directors, with approval from all municipalities in the district, to change the borders of the district. The bill also provides that a transportation corridor district, if approved by voter referendum in each municipality participating in the district, may borrow money temporarily and issue its negotiable notes for that money and issue securities of the district.

LD 542 An Act To Increase Railroad Freight Safety

ONTP

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

This bill requires a railroad company or railroad authority to ensure that there are at least two employees on a freight train traveling on a railroad line within the State, except for a freight train traveling for hostler service, and includes a penalty provision.

LD 584 An Act To Create the Fund for Municipalities To Improve Pedestrian Safety

CARRIED OVER

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

This bill establishes the Fund for Municipalities To Improve Pedestrian Safety as a program account in the Highway Fund within the Department of Transportation. The bill provides that the fund must be used for pedestrian safety improvements, such as lights, paint, signs, speed bumps and reconstruction of intersections. The bill also provides that a municipality or a group of municipalities may apply for funding from the fund. Up to two-third of project costs for pedestrian safety improvements may be financed from the fund with the remainder of the costs provided by the municipality or group of municipalities.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 591 An Act To Require Motorists To Yield to Transit Buses

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM ONTP	S-133

This bill allows municipalities to adopt local ordinances requiring vehicle operators to yield the right-of-way to a bus.

Committee Amendment "A" (S-133)

This amendment strikes and replaces the bill and changes the title. The amendment requires an operator of a vehicle to yield the right-of-way to a transit bus traveling in the same direction if the transit bus has signaled and is reentering the traffic flow from a bus stop or shoulder of the roadway.

Joint Standing Committee on Transportation

LD 623 An Act To Require Biennial State Motor Vehicle Inspections

**Accepted Majority
(ONTP) Report**

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

This bill changes noncommercial automobile inspection requirements from an annual inspection to a biennial inspection.

Committee Amendment "A" (H-37)

This amendment, which is the minority report of the committee, replaces the bill and changes the title. It provides that a new motor vehicle that has had an inspection is not required to have another inspection until two years from the last day of the month in which it was initially registered and then four years from the last day of the month in which it was initially registered. After this time period has passed, the motor vehicle is required to have an annual motor vehicle safety inspection.

This amendment was not adopted.

LD 624 An Act Concerning the Transporting of Dogs in Passenger Vehicles

ONTP

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

This bill regulates the transportation of a dog in the passenger compartment of a motor vehicle by:

1. Requiring the dog to be harnessed or tethered in a manner that prevents injury to an occupant or the dog in the event of an accident;
2. Prohibiting allowing the dog to be in the front seat between an occupant and the steering wheel or between an occupant and the dashboard; and
3. Prohibiting allowing the dog to put its head out of the passenger compartment when the motor vehicle is in motion.

This bill does not apply to a dog used for law enforcement purposes while on duty in a vehicle being used for law enforcement purposes.

**LD 636 An Act To Require the Department of Transportation To Use 3rd-party
Certified Examiners for Lead Inspections**

ONTP

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

This bill requires the Department of Transportation to enter into a contract with a third-party lead inspector to conduct a lead inspection for each project to construct, demolish or maintain transportation infrastructure.

Joint Standing Committee on Transportation

LD 649 An Act To Allow for Charitable Donation Stops on Local Roads Only

**Accepted Majority
(ONTP) Report**

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

This bill allows a charitable nonprofit organization that has received municipal and local law enforcement authorization to stop traffic to solicit a contribution on a town way.

LD 709 An Act Regarding the License Restrictions for New Drivers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	ONTP	

This bill allows the Secretary of State to waive up to 90 days of the 270-day period of restrictions for a person with an intermediate license if that person applies for a waiver of the period of license restrictions. The bill directs the Secretary of State to adopt rules to establish the application criteria and process by which a person may qualify for a waiver of the period of license restrictions for a person with an intermediate license. The bill also provides that the Secretary of State may not accept the application of a minor for a waiver unless the application is signed by a parent or guardian; signed by the spouse of the minor, as long as the spouse is 18 years of age or older; if the minor does not have a parent, guardian or spouse who is 18 years of age or older, signed by an employer if the employer is 18 years of age or older; or accompanied by an attested copy of a court order of emancipation.

**LD 710 An Act Regarding Emergency Lights on Firefighters' Personal Vehicles
Used When Responding to Emergency Calls**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	ONTP	

This bill allows municipal and volunteer firefighters who are responding to emergency calls in personal vehicles to use red or red and white emergency lights on the rear of the vehicles similar to those permitted to be used on the front of the vehicles.

**LD 711 An Act To Revise the Laws Governing Learner's Permits and
Intermediate Driver's Licenses and Driver Education Textbook
Requirements**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY M MAKER J	ONTP	

This bill increases from six to 12 months the amount of time a person under 21 years of age must hold a driver learner's permit. It restricts to parents and siblings the passengers a person under 18 years of age holding an intermediate driver's license may drive with and changes the hours such a person may drive from between the hours

Joint Standing Committee on Transportation

of 5 a.m. and 12 a.m. to between the hours of 5 a.m. and 9 p.m., except that it allows such a person working at night to drive until 10 p.m. It also amends the law regarding the Secretary of State's duties to require the adoption of a driver education curriculum and the use of textbooks developed by a nationwide automobile association.

LD 712 *Resolve, To Designate a Portion of Route 43 in Corinth, Exeter and Corinna the Donald Strout, Sr., Memorial Highway* RESOLVE 5

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R CUSHING A	OTP	

This resolve directs the Department of Transportation to designate Route 43 from its intersection with Route 15 in the Town of Corinth to its intersection with Route 7 in the Town of Corinna the Donald Strout, Sr., Memorial Highway.

Enacted Law Summary

Resolve 2017, chapter 5 directs the Department of Transportation to designate Route 43 from its intersection with Route 15 in the Town of Corinth to its intersection with Route 7 in the Town of Corinna the Donald Strout, Sr., Memorial Highway.

LD 724 *An Act To Amend the Laws Governing the State's Rail Authority* Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N GOLDEN J	OTP-AM ONTP	

This bill transfers the budget approval authority for the Northern New England Passenger Rail Authority from the Department of Transportation to the Legislature. It requires the authority to present its annual report to a joint meeting of the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. It also requires the authority to hold timely and appropriate forums for public input and vetting of significant projects throughout the project selection, design and implementation processes. Finally, the bill directs the passenger rail advisory council within the Department of Transportation to meet four times a year and to serve as a public forum for input on passenger rail planning and provide the public with updates on the operational, capital and financial structure of passenger and freight railroad operations in the State.

Committee Amendment "A" (S-42)

This amendment places the Passenger Rail Advisory Council, established in the bill, in a different section of the Maine Revised Statutes, Title 23; provides more detail about membership, staff and number of meetings; and removes freight rail operations from the council's oversight. Unlike the bill, the amendment requires no changes in the annual reporting by the Northern New England Passenger Rail Authority to the Legislative Council or to the Commissioner of Transportation.

This amendment was not adopted.

Joint Standing Committee on Transportation

LD 752 An Act To Enhance the Safety of Schoolchildren by Requiring the Posting of the School Zone Speed Limit ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G MIRAMANT D	ONTP	

This bill requires schools to post school zone speed limit warning signs.

LD 785 An Act To Improve Safety and Traffic Efficiency near School Grounds PUBLIC 132

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R DILL J	OTP-AM	H-159

This bill allows a school crossing guard to direct traffic.

Committee Amendment "A" (H-159)

This amendment clarifies that failure to obey a school crossing guard is a traffic infraction. The amendment provides that school crossing guards are under the control of a local law enforcement agency only and not a school administrative unit. The amendment specifies that a school crossing guard must complete training approved by the Department of Labor, Bureau of Labor Standards in order to control traffic on a public way. The amendment also provides that a school crossing guard may direct traffic only in an intersection with a marked crosswalk on a public way. Finally, the amendment provides that a school crossing guard may not contradict or override a lighted traffic control device or pedestrian control device.

Enacted Law Summary

Public Law 2017, chapter 132 allows a school crossing guard to direct traffic and provides that failure to obey a school crossing guard is a traffic infraction. The law provides that school crossing guards are under the control of a local law enforcement agency and not a school administrative unit. The law specifies that a school crossing guard must complete training approved by the Department of Labor, Bureau of Labor Standards in order to control traffic on a public way. The law also provides that a school crossing guard may direct traffic only in an intersection with a marked crosswalk on a public way. Finally, the law provides that a school crossing guard may not contradict or override a lighted traffic control device or pedestrian control device.

LD 786 An Act To Require Center Line Markings on All State and State Aid Highways ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J	ONTP	

This bill requires the Department of Transportation to install center line markings on all state and state aid highways and to establish a system by which certain state and state aid highways are designated as having a low traffic count. Center line markings installed on those highways are required to be repainted every two years.

Joint Standing Committee on Transportation

LD 787 An Act To Ease the Financial Burden on Maine Motorists by Repealing the Requirement That Certain Motor Vehicles Be Inspected ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R BRAKEY E	ONTP	

This bill repeals statutory provisions that require motor vehicles registered in the State to have an annual motor vehicle inspection.

LD 788 An Act To Require Motor Vehicles To Be Registered on a Biennial Basis ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA R BRAKEY E	ONTP	

This bill changes the annual registration requirement and fee for automobiles, pickup trucks registered for 10,000 pounds or less and sport utility vehicles to a biennial registration at a fee of \$50.

LD 789 Resolve, To Require Infrastructure Projects Affecting Interstate 295 To Be Expedited ONTP

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

This resolve requires the Department of Transportation to expedite the planning, execution and completion of any existing infrastructure project affecting Interstate 295.

LD 790 Resolve, To Name the Bridge between Indian Township and the Town of Princeton the Sakom John Stevens Bridge ONTP

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

This resolve names the bridge that spans the outlet of the Grand Falls Flowage into Lewy Lake on U.S. Route 1 between Indian Township and the Town of Princeton the Sakom John Stevens Bridge.

LD 824 An Act To Curb Drug-impaired Driving INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M PIERCE T		

This bill was not referred to committee.

Joint Standing Committee on Transportation

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to curb drug-impaired driving.

LD 827 An Act To Repeal the Laws Governing Truck Camper Registration

PUBLIC 67

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

This bill repeals the registration requirements for truck campers, which are slide-in campers designed to be mounted on a truck body to provide temporary living quarters for recreational, camping, travel or other use.

Enacted Law Summary

Public Law 2017, chapter 67 repeals the registration requirements for truck campers, which are slide-in campers designed to be mounted on a truck body to provide temporary living quarters for recreational, camping, travel or other use.

LD 877 An Act To Allow Learner's Permits To Be Issued by Driver Education Schools

PUBLIC 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNECK J CARPENTER M	OTP-AM ONTP	H-38

This bill allows the provider of a driver education course to collect fees and application materials for a learner's permit and to issue a learner's permit to a person following receipt by the Secretary of State of the fees, the application materials and a course completion certificate.

Committee Amendment "A" (H-38)

This amendment clarifies that, in addition to the Secretary of State, the provider of a driver education course may issue a learner's permit and removes the requirement that the provider of a driver education course may only issue a learner's permit forwarded by the Secretary of State after the Secretary of State has received the fees for a learner's permit, any required application materials for a learner's permit and a course completion certificate.

Enacted Law Summary

Public Law 2017, chapter 79 provides that, in addition to the Secretary of State, the provider of a driver education course may issue a learner's permit.

LD 878 An Act To Allow Municipalities To Permit the Operation of Golf Carts on Municipally Owned Streets

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D BRAKEY E	ONTP	

This bill allows municipalities to designate certain public ways as golf cart access routes, similar to existing provisions of law allowing municipalities to designate certain public ways as all-terrain vehicle access routes, and to pass ordinances requiring the registration of golf carts used on the access routes and for the safe operation and required safety features of those golf carts.

Joint Standing Committee on Transportation

LD 905 An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A VOLK A	OTP-AM	H-61

This bill authorizes the construction of a connector in Cumberland County from Route 114 in South Gorham to an interchange on the Maine Turnpike if, after completing an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy Act, the Maine Turnpike Authority determines that there is no reasonable alternative to the construction of a connector to meet the identified need. The bill also provides that the Maine Turnpike Authority may provide for the issuance of special obligation or subordinate bonds, not exceeding \$150,000,000, to pay for planning, design and construction of this project.

Committee Amendment "A" (H-61)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2017, chapter 68 authorizes the construction of a connector in Cumberland County from Route 114 in South Gorham to an interchange on the Maine Turnpike if, after completing an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy Act, the Maine Turnpike Authority determines that there is no reasonable alternative to the construction of a connector to meet the identified need. The law also provides that the Maine Turnpike Authority may provide for the issuance of special obligation or subordinate bonds, not exceeding \$150,000,000, to pay for planning, design and construction of this project.

LD 923 An Act To Establish an Enhanced Driver's License for Qualified Maine Residents To Facilitate Travel across Certain International Borders

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J JACKSON T	ONTP	

This bill provides that the Secretary of State may issue a driver's license or nondriver identification card that meets the standards of the Western Hemisphere Travel Initiative developed by the United States Department of State and the United States Department of Homeland Security. The bill also establishes fees for these driver's licenses and nondriver identification cards.

LD 960 An Act To Use State Employees and Resources for Transportation Bond Projects

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D GRANT G	OTP-AM ONTP	

This bill requires the Department of Transportation to use to the extent practicable state employees and resources to perform the planning, designing and engineering required for transportation projects financed by bonding.

Committee Amendment "A" (S-36)

Joint Standing Committee on Transportation

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 963 An Act To Require Certain Personnel on a Bridge Painting Project To Be Certified ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MCLEAN A	ONTP	

This bill requires a certified coating application specialist or other person who is certified for field application of coatings to industrial structures by a nationally recognized association for industrial protective coatings to be present at all times when surface preparation for or coating application of paint on a bridge is being performed. For any work involving cleaning, rehabilitation, surface preparation for or coating application of paint on a bridge on which lead may be present, the bill requires that a certified coating application specialist for hazardous coatings or other person certified for field removal of hazardous coatings by a nationally recognized association for industrial protective coatings must be present at all times when the work is being performed.

LD 977 An Act To Allow a Motorist To Make a Left Turn at a Red Light under Certain Conditions ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT T DION M	ONTP	

This bill allows a motor vehicle operator to make a left turn at a red light after stopping if not prohibited by a sign such as "NO LEFT TURN ON RED" or "NO TURN ON RED" and the operator yields the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection.

LD 989 An Act Regarding Towed Vehicle Charges and Notice to the Secretary of State of Towed and Abandoned Vehicles ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G PICCHIOTTI J	ONTP	

This bill amends the law regarding holding or storing a vehicle and its accessories, contents and equipment to make it apply to any vehicle that has been towed and limits the amount of money that may be charged for storage of the vehicle to three days' storage fees unless notice is given to the Secretary of State no sooner than three days following receipt of the vehicle and no later than five days following receipt. It prohibits a person holding or storing the vehicle from charging a total amount more than \$900 for a 30-day period or a prorated amount for a greater or lesser period of time and provides that that person may not give notice of an abandoned vehicle to the Secretary of State until the vehicle has been in the person's possession for 30 days.

Joint Standing Committee on Transportation

LD 1009 Resolve, To Require the Maine Turnpike Authority To Study the Feasibility of Constructing a Gorham Connector ONTP

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

This resolve requires the Maine Turnpike Authority to examine the feasibility of the authority's planning, designing and constructing a connector from the Town of Gorham to the Maine Turnpike. The authority is required to examine all reasonable alternatives and report its findings and recommendations, including funding methods, to the Joint Standing Committee on Transportation, which may report out a bill to the Second Regular Session of the 128th Legislature based on the report of the authority.

LD 1010 An Act To Allow for the Regulation of Transportation Network Companies at Airports Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH R DION M	OTP-AM OTP-AM ONTP	H-123 S-145 DION M

This bill allows a municipality to adopt an ordinance governing the operations of a transportation network company at an airport located within that municipality.

Committee Amendment "A" (H-123)

This amendment, which is the majority report, removes the provisions of the bill and instead provides that a primary airport with at least 20,000 enplaned passengers annually may regulate the traffic flow and parking for and charge reasonable fees to a transportation network company in a manner consistent with the airport's regulation of other reserved transportation providers.

Committee Amendment "B" (H-124)

This amendment, which is one of two minority reports, removes the provisions of the bill and instead provides that a primary airport as designated by the Federal Aviation Administration that annually has at least 20,000 enplaned passengers may charge a transportation network company reasonable pick-up fees consistent with fees charged to other reserved transportation providers at the airport and may negotiate and enter into an operating agreement with a transportation network company.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-145)

This amendment removes the emergency preamble and emergency clause.

LD 1011 An Act To Require Pedestrians To Wear Reflective Clothing on Public Ways after Sunset ONTP

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

Joint Standing Committee on Transportation

This bill requires a pedestrian walking on a public way after sunset and before sunrise to wear reflective clothing or a reflective device that is visible at least 200 feet from the front.

LD 1022 An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	OTP-AM	H-153

This bill requires a person who tows a commercial motor vehicle without consent to provide an itemized invoice, including a notice to direct complaints about overcharging to the traffic division of the State Police, and provides for a fine for failure to itemize an invoice. It provides a definition of "commercial motor vehicle" in language modeled on 49 Code of Federal Regulations, Section 390.5. It provides that a customer is not liable for a charge not included on the itemized invoice. It also prohibits a person holding or storing a commercial motor vehicle from holding the vehicle's cargo.

Committee Amendment "A" (H-153)

This amendment strikes and replaces the bill. Like the bill, the amendment requires a person who tows a commercial motor vehicle without consent to provide an itemized invoice before demanding payment for any charge relating to a commercial vehicle nonconsensual tow. Unlike the bill, the amendment does not require that a person holding or storing a towed vehicle place on the invoice a notice to direct complaints about overcharging to the traffic division of the State Police. The amendment also does not impose a penalty for failure to itemize an invoice or post the required notice or for the improper impoundment of contents or cargo of a commercial motor vehicle, all of which are required in the bill. Like the bill, the amendment defines "commercial motor vehicle" and "commercial motor vehicle nonconsensual tow." The amendment adds a definition of "perishable cargo."

Enacted Law Summary

Public Law 2017, chapter 120 requires a person who tows a commercial motor vehicle without consent to provide an itemized invoice before demanding payment for any charge relating to a commercial vehicle nonconsensual tow.

LD 1024 Resolve, To Direct the Secretary of State To Initiate the Process To Redesign Special Veterans Registration Plates ONTP

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

This resolve requires the Secretary of State to initiate the process to redesign the special veterans registration plate.

LD 1025 An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor Veto Sustained

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

This bill allows a stepparent to sign the application of a minor for a driver's license.

Joint Standing Committee on Transportation

LD 1034 An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017

**PUBLIC 91
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R MCLEAN A	OTP-AM OTP-AM	S-35

Part A makes supplemental allocations from the Highway Fund for the expenditures of State Government necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

Part B carries forward any unexpended balances in the Personal Services and All Other line categories as of June 30, 2017 to the All Other line category in the Department of the Secretary of State, Administration - Motor Vehicles program, Highway Fund for use in the next fiscal year.

Committee Amendment "A" (S-34)

This amendment incorporates a fiscal note.

This amendment was not adopted.

Committee Amendment "B" (S-35)

This amendment limits the carry-forward in Part B to \$500,000 of any unexpended balance.

Enacted Law Summary

Public Law 2017, chapter 91 makes supplemental allocations from the Highway Fund for the expenditures of State Government necessary to the proper operations of State Government for the fiscal year ending June 30, 2017.

Public Law 2017, chapter 91 was enacted as an emergency measure effective May 26, 2017.

LD 1059 An Act Concerning Bridges on Discontinued Town Ways

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W	OTP-AM	H-317

This bill requires the Department of Transportation to enter into an agreement regarding a bridge when the town way carried by the bridge is being discontinued by the municipality, or county in the case of an unorganized territory. The agreement must be made with the municipality or county or with another state agency and must require the municipality or county or state agency to be responsible for the ownership and possible maintenance of the bridge or to understand that the department may choose to remove the bridge. The bill also provides that an inspection pursuant to the Maine Revised Statutes, Title 23, section 563 may occur only on a bridge or minor span on a public way.

Committee Amendment "A" (H-317)

This amendment requires a municipality or county that proposes to discontinue a town way or public easement with a bridge to negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public

Joint Standing Committee on Transportation

easement.

The amendment also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

Enacted Law Summary

Public Law 2017, chapter 154 clarifies that an inspection pursuant to the Maine Revised Statutes, Title 23, section 563 may occur only on a bridge or minor span on a public way. The law requires a municipality or county that proposes to discontinue a town way or public easement with a bridge to negotiate with and enter into an agreement with the department to remove the bridge or transfer ownership of the bridge to a municipality, county or state agency upon discontinuance of the town way or public easement. The law also requires that an order of discontinuance of a town way or public easement filed with the municipal clerk must specify the location of any bridge under the jurisdiction of the Department of Transportation on the town way or public easement and the status of negotiations with respect to the disposition of the bridge.

LD 1069 *Resolve, To Increase the Availability of Motorcycle Rider Education* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET R CYRWAY S	ONTP	

This resolve directs the Department of the Secretary of State to amend its rules on motorcycle rider education regarding instructor teaching hours, motorcycle school requirements and inspections and the number of students allowed in a class.

LD 1089 *An Act To Prohibit the Use of Handheld Phones and Devices While Driving* Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM	S-272

This bill prohibits a person from using a mobile telephone or handheld electronic device while operating a motor vehicle unless the mobile telephone or handheld electronic device allows for hands-free operation and the hands-free feature of the mobile telephone or electronic handheld device is in fact being used by a person 18 years of age or older or the mobile telephone or handheld electronic device is being used in order to communicate with law enforcement or emergency services personnel under emergency circumstances.

The bill retains the prohibition in current law against the use of a mobile telephone or handheld electronic device, both handheld and hands-free use, for a person who has been issued an intermediate driver's license or for a person under 18 years of age.

The bill provides that the penalty for a first offense of the prohibition against using a mobile telephone or handheld electronic device while operating a motor vehicle is \$75. The bill also provides that the penalty for a second or subsequent offense within a three-year period is \$150.

Committee Amendment "A" (S-272)

This amendment replaces the bill. The amendment repeals the provision of law that prohibits a person who has been issued a learner's permit from operating a motor vehicle while using a handheld electronic device or mobile

Joint Standing Committee on Transportation

telephone. The amendment repeals the section of law that prohibits minors from operating a motor vehicle while using a handheld electronic device and mobile telephone. The amendment also repeals the section of law that prohibits any person from operating a motor vehicle while engaging in text messaging.

The amendment incorporates the definition of "mobile telephone" into the definition of "handheld electronic device." The amendment excludes text messaging from the definition of "using" to reflect the different penalties for using a handheld electronic device and for text messaging while operating a motor vehicle.

Like the bill, the amendment expands the prohibition on minors and a person who has been issued a learner's permit operating a motor vehicle while using a handheld electronic device to prohibit all persons operating a motor vehicle from using a handheld electronic device.

Like the bill, the amendment includes exceptions to the prohibition against using a handheld electronic device while operating a motor vehicle that allow for hands-free operation of the device and for using a handheld electronic device to communicate with law enforcement or emergency services personnel under emergency circumstances. The exceptions do not apply to text messaging.

Like the bill, the amendment provides that the penalty for a first offense of the prohibition against using a handheld electronic device while operating a motor vehicle is \$75 and the penalty for a second or subsequent offense within a three-year period is \$150.

The amendment adds an appropriations and allocations section.

LD 1101 *Resolve, Directing the Secretary of State To Review and Recommend Updates to the Maine Motorcycle Driver Education Program* ONTP

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

This bill directs the Secretary of State to review and recommend updates to the motorcycle driver education provisions based upon changes of law and current trends and conditions and to report its findings to the Joint Standing Committee on Criminal Justice and Public Safety, which may report out a bill based upon the report to the Second Regular Session of the 128th Legislature.

LD 1115 *An Act To Establish a Specialty License Plate for Female Veterans* ONTP

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

This bill requires the Secretary of State to make available a special veterans registration plate for female veterans and a special disability registration plate for female veterans, which have the same design as the special veterans registration plate and the special disability registration plate except that the "V" designation is pink in color.

Joint Standing Committee on Transportation

LD 1145 An Act To Allow the Department of Transportation To Recover Costs Incurred by the Department for Allowing Access to a Controlled Access Highway ONTP

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

This bill provides that, when the Department of Transportation allows access onto a controlled access highway because the access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers, the department may recover from the applicant costs incurred by the department to allow access and any costs associated with maintaining the mobility of through-travelers, plus the lesser of the amount the department determines was paid to the landowner to extinguish rights of access on the portion of land to be used to gain access to the highway, adjusted by the percentage increase in the Consumer Price Index, and the difference between the appraised value of the affected property without the access and the appraised value of the affected property with the access.

The bill also provides that, when the department allows access onto a controlled access highway when the property abuts no other road affording vehicular access to the applicant's property, the department may recover from the applicant costs incurred by the department to allow access and any costs associated with maintaining the mobility of through-travelers, plus the lesser of the amount the department determines was paid to the landowner to extinguish rights of access on the portion of land to be used to gain access to the highway, adjusted by the percentage increase in the Consumer Price Index, and the difference between the appraised value of the affected property without the access and the appraised value of the affected property with the access.

LD 1149 An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure CARRIED OVER

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

This bill does the following for the purpose of increasing the revenue to the Highway Fund.

1. It increases by \$3 to \$10 certain fees charged by the Secretary of State for driver's license examinations, temporary license plates, nondriver identification cards, issuance of duplicate registrations, titles, licenses and nondriver identification cards and transfers of registrations.
2. It imposes a \$200 surcharge, dedicated to the Highway Fund, on the registration of hybrid motor vehicles, battery-electric motor vehicles and hydrogen fuel cell motor vehicles.
3. It requires 10% of the sales tax imposed on transportation-related items, such as motor vehicles and the products for the repair and maintenance of motor vehicles, such as motor oil, batteries and tires, to be transferred to the Highway Fund on a monthly basis.
4. It increases the tax imposed on motor vehicle fuel by 7¢ per gallon, to 36.5¢ per gallon, beginning October 1, 2017.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

Joint Standing Committee on Transportation

LD 1150 **Resolve, To Establish the Commission To Study Transportation Funding Reform **Died On Adjournment****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A MIRAMANT D	OTP-AM ONTP	H-318

This resolve establishes a task force to guide the development of a pilot program to assess the potential for mileage-based revenue collection for the State's highways and bridges as an alternative to the gas tax system. The task force is required to submit a report and recommendations to the Joint Standing Committee on Transportation no later than February 5, 2018. Following receipt and review of the report, the Joint Standing Committee on Transportation has authority to submit legislation relating to the subject matter of the report to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (H-318)

This amendment, which is the majority report, strikes and replaces the resolve. The amendment establishes the Commission To Study Transportation Funding Reform. The commission is required to study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability in a manner that allows the State to responsibly provide a safe and reliable transportation system. The commission is required to report its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Transportation no later than December 6, 2017. The Joint Standing Committee on Transportation may submit legislation to the Second Regular Session of the 128th Legislature relating to the subject matter of the report. The amendment also adds an appropriations and allocations section.

LD 1169 **An Act To Exempt Temporary Categorical Signs from the Identification Label Requirement for 6 Weeks Prior to the June and November Elections **ONTP****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R DUNPHY M	ONTP	

This bill exempts a temporary sign that is within a public right-of-way during the six weeks prior to a primary election in June or a general election in November from the requirement that the sign be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.

LD 1225 **An Act Regarding the Motor Vehicle Inspection Program Requirements for New Rental Vehicles First Registered in Maine **Accepted Majority (ONTP) Report****

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

This bill allows the initial inspection of new rental motor vehicles to last two years or 36,000 miles, whichever occurs earlier.

Committee Amendment "A" (S-134)

Joint Standing Committee on Transportation

This amendment, which is the minority report of the committee, replaces the bill and changes the title. It provides that a new motor vehicle that has had an inspection is not required to have another inspection until two years from the last day of the month in which it was initially registered. The amendment also provides that the inspection sticker fee for the one-time two-year inspection of a new motor vehicle is \$7. After this time period has passed, the motor vehicle is required to have an annual motor vehicle safety inspection.

This amendment was not adopted.

LD 1226 An Act To Keep Maine's Transportation Infrastructure Safe by ONTP
Providing More Sources of Revenue for the Highway Fund

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

This bill identifies three revenue sources to increase funding to the Highway Fund for transportation infrastructure.

This bill:

1. Imposes an annual registration fee of \$250 on hybrid vehicles and \$350 on electric vehicles instead of the annual \$35 fee imposed on other passenger vehicles;
2. Requires municipalities to spend revenue they collect from excise taxes on transportation projects within their municipality; and
3. Diverts from municipalities to the Highway Fund the excise tax collected on trucks and truck tractors that haul trailers.

LD 1248 An Act To Improve Public Transportation in Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM ONTP	H-144

This bill provides funding to the Department of Transportation to support and expand local volunteer driver networks; to create a pilot purchase of service program in a selected region of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and for regional transportation providers throughout the State to expand their services.

Committee Amendment "A" (H-144)

This amendment decreases the amounts of funding provided to the Department of Transportation from \$500,000 to \$250,000 to support and expand local nonprofit volunteer driver networks; from \$500,000 to \$250,000 to create a pilot purchase of service program in selected regions of the State to provide senior citizens and persons with disabilities vouchers to purchase their own transportation services; and from \$13,000,000 to \$1,500,000 for recipients of Federal Transit Administration funds throughout the State to expand their services. The amendment also provides that funding provided to the Department of Transportation is appropriated from the General Fund rather than allocated from the Highway Fund as proposed in the bill.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Transportation

LD 1249 An Act To Create the Emergency Medical Services Registration Plate

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD F MAKER J	OTP-AM ONTP	H-160

This bill provides for issuance of special firefighter registration plates for emergency medical services persons. The bill also provides that the issuance of special firefighter registration plates for emergency medical services persons for those eligible is contingent upon the Secretary of State's receiving donations from public or private sources to cover the cost of the registration plates.

Committee Amendment "A" (H-160)

This amendment strikes the provision in the bill that provides for issuance of special firefighter registration plates for emergency medical services persons. Instead, the amendment provides for the issuance of emergency medical services registration plates for emergency medical services persons who are licensed by the Emergency Medical Services' Board and certified by the Director of Maine Emergency Medical Services within the Department of Public Safety. The amendment also strikes the contingent effective date in the bill and requires the Secretary of State to issue emergency medical services registration plates on or after January 1, 2018. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 302 provides for the issuance of emergency medical services registration plates for emergency medical services persons who are licensed by the Emergency Medical Services' Board and certified by the Director of Maine Emergency Medical Services within the Department of Public Safety. The law also requires the Secretary of State to issue emergency medical services registration plates on or after January 1, 2018.

LD 1250 An Act To Ensure That Handicapped Parking Is Properly Enforced

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY C GRATWICK G	ONTP	

This bill requires a law enforcement officer to enforce disability parking restrictions on public property and on private property open to public use. The bill provides that the court may suspend up to half of the fine for a violation of disability parking restrictions and impose a nonmonetary sanction meant to educate the offender about accommodating persons with disabilities. The bill also provides that fines collected for violations of disability parking restrictions must be remitted to the municipality in which the violation occurred.

LD 1251 An Act Regarding Certain Abandoned Vehicles and Notice to the Secretary of State Regarding Those Vehicles

PUBLIC 240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-341

This bill requires a person who tows a motor vehicle or stores a motor vehicle that has been towed due to being illegally parked or left standing, at the direction of a law enforcement officer or due to being left on property without permission as soon as practicable after receipt of the motor vehicle to notify the owner or lienholder of the

Joint Standing Committee on Transportation

need to retrieve the motor vehicle and pay all towing, storage and authorized repair charges or risk losing title to the vehicle. The bill requires waiver of any towing or storage fee if notification to the owner or lienholder has not been timely made or if the notification to the Secretary of State has not been made within 14 days after receipt of the vehicle as required by law unless the person who tows or stores the towed vehicle makes a good faith attempt to notify the owner or lienholder and notify the Secretary of State.

Committee Amendment "A" (H-341)

This amendment replaces the bill and changes the title. The amendment applies to a vehicle that is left at a storage facility, if the owner failed to pay storage or rental fees, and to a vehicle left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

The amendment provides that the owner of the premises where a vehicle is stored or the owner's agent is required to notify the Secretary of State that the owner or owner's agent is in possession of the vehicle. That notification must be submitted to the Secretary of State within 14 days after the date on which the vehicle owner is responsible for any unpaid charges for authorized repair or for storage and any related towing expenses incurred by the owner or the owner's agent in possession of the vehicle.

The amendment also clarifies that if notification is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees.

Enacted Law Summary

Public Law 2017, chapter 240 applies to a vehicle that is left at a storage facility, if the owner failed to pay storage or rental fees, and to a vehicle left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

The law provides that the owner of the premises where a vehicle is stored or the owner's agent is required to notify the Secretary of State that the owner or owner's agent is in possession of the vehicle. That notification must be submitted to the Secretary of State within 14 days after the date on which the vehicle owner is responsible for any unpaid charges for authorized repair or for storage and any related towing expenses incurred by the owner or the owner's agent in possession of the vehicle. The law also clarifies that if notification is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees.

LD 1252 An Act To Permit the Operation of Certain All-terrain Vehicles on Public Ways

ONTP

Sponsor(s)
MARTIN D
JACKSON T

Committee Report
ONTP

Amendments Adopted

This bill allows the operation of an all-terrain vehicle, or ATV, on a public way as long as the ATV is registered and meets specified safety equipment requirements and the operator is licensed and has insurance. This bill establishes an annual registration fee of \$33, the same as for ATVs under current law that are not permitted on a public way. This bill prohibits the operation of an ATV on a public way with a posted speed limit of more than 50 miles per hour. The Department of Transportation may adopt rules or a municipality or county may adopt an ordinance to restrict or prohibit the operation of an ATV on a way if the department, county or municipality determines that the restriction or prohibition is necessary in the interest of public safety.

Joint Standing Committee on Transportation

**LD 1277 An Act To Require the Secretary of State To Inform Commercial Drivers
about Human Trafficking Prevention**

PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S VOLK A	OTP-AM	H-240

This bill requires that, beginning April 1, 2018, an applicant for a new commercial driver's license complete in person or online a nationally recognized training program on preventing human trafficking in the trucking industry as a requirement to receive a license. It also requires that all new and renewed commercial driver's licenses be accompanied by a wallet-sized card that outlines signs of and how to report human trafficking and includes a telephone number for a national human trafficking hotline.

Committee Amendment "A" (H-240)

This amendment strikes the requirement in the bill that an applicant for a new commercial driver's license complete a nationally recognized training program on preventing human trafficking in the trucking industry. It retains the provision in the bill that requires that all new and renewed commercial driver's licenses be accompanied by information that outlines how to recognize human trafficking and how to report human trafficking and includes a telephone number for a national human trafficking hotline.

Enacted Law Summary

Public Law 2017, chapter 192 requires that all new and renewed commercial driver's licenses be accompanied by information that outlines how to recognize human trafficking and how to report human trafficking and includes a telephone number for a national human trafficking hotline.

LD 1310 An Act To Establish a Driver's License Suspension Amnesty Day

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M MIRAMANT D	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a program in which a person who has outstanding traffic tickets with unpaid fines that have resulted in the suspension of that person's driver's license is eligible, for a limited time, to pay a reduced fine per ticket in order to reinstate that person's driver's license. It is based on a similar program in Vermont.

This bill will establish criteria for eligibility for participation in the program, including which offenses qualify, the amount that an eligible person must pay and when the program will be held.

**LD 1312 Resolve, To Investigate Extending Passenger Rail Service to Central
Maine**

**Accepted Majority
(ONTP) Report**

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

Joint Standing Committee on Transportation

This resolve directs the Department of Transportation, in consultation with the Northern New England Passenger Rail Authority and interested municipalities and planning organizations, to conduct a study and complete a plan for the implementation of passenger rail service in the State northward and westward from existing passenger rail routes. The resolve provides funding to complete the study from a one-time Highway Fund allocation of \$300,000 in the state fiscal year ending June 30, 2018.

Committee Amendment "A" (H-154)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 1318 An Act To Align State Relocation Assistance with That of the Federal Government and Make Technical Changes to Recently Enacted Laws

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-112 S-319 COLLINS R

This bill changes the amount of money the Department of Transportation pays a displaced individual due to a property acquisition for a project in which state dollars are used as funding. The bill removes the monetary limit and adds language that would align Maine with the amount allowed under the most current version of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The bill applies to payment for moving and related expenses, replacement housing for homeowners and replacement housing for tenants and others.

Committee Amendment "A" (H-112)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-319)

This amendment corrects a drafting error in L.D. 1440, the so-called Highway Fund budget, to remove two items that were voted out by the Joint Standing Committee on Transportation but were not removed in the committee amendment.

Enacted Law Summary

Public Law 2017, chapter 295 changes the amount of money the Department of Transportation pays a displaced individual due to a property acquisition for a project in which state dollars are used as funding. The law removes the monetary limit and adds language that would align Maine with the amount allowed under the most current version of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The law applies to payment for moving and related expenses, replacement housing for homeowners and replacement housing for tenants and others.

Public Law 2017, chapter 295 also corrects a drafting error in L.D. 1440, the so-called Highway Fund budget, to remove two items that were voted out by the Joint Standing Committee on Transportation but were not removed in the committee amendment.

Joint Standing Committee on Transportation

LD 1328 An Act To Promote Bicycle Safety by Placing Warning Signs on Certain Public Ways ONTP

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

This bill requires the Department of Transportation and municipalities to place bicycle warning signs on public ways that have speed limits over 35 miles per hour and have lanes in which a motor vehicle and a bicycle cannot safely travel side by side. The bill also requires state income tax returns to include a voluntary checkoff of \$5 or more to help pay for the signs.

LD 1347 An Act To Amend the Laws Regarding Driver's License Fees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E VOLK A	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide equity in the laws governing driver's license fees for persons under 65 years of age and persons 65 years of age or older.

LD 1351 An Act Regarding the Length of Time a Temporary Sign May Be Placed in a Public Way ONTP

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

Current law allows temporary signs to be placed within a public right-of-way for a maximum of six weeks in a calendar year. This bill increases to approximately 12 weeks the amount of time that a temporary sign may be placed within a public right-of-way but restricts the use of those signs to election years by specifying that they may be placed during the period from May 1st before a primary election to the Sunday immediately following that primary election and from October 1st before a general election to the Sunday immediately following that general election.

LD 1394 An Act Regarding Certain License Plates for Veterans and Providing for a Breast Cancer Support Services Disability Plate ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANINGTON S CUSHING A	ONTP	

This bill reduces the number of special veterans registration plates that may be issued to a veteran from three to two, charges the annual service fee for a veterans vanity plate only for three years and provides for issuance of a breast cancer support services disability registration plate.

Joint Standing Committee on Transportation

LD 1395 Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the PFC Buddy Wendall McLain Memorial Bridge **RESOLVE 9**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R KEIM L	OTP-AM	H-125

This resolve designates Bridge 2019, which crosses the Androscoggin River between the Town of Peru and the Town of Mexico, the Buddy Wendall McLain Bridge.

Committee Amendment "A" (H-125)

This amendment designates Bridge 2019, which crosses the Androscoggin River between the Town of Peru and the Town of Mexico, the PFC Buddy Wendall McLain Memorial Bridge.

Enacted Law Summary

Resolve 2017, chapter 9 designates Bridge 2019, which crosses the Androscoggin River between the Town of Peru and the Town of Mexico, the PFC Buddy Wendall McLain Memorial Bridge.

LD 1398 An Act To Allow Vehicles Registered as Wreckers To Transport 2 Vehicles **ONTP**

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

This bill allows a vehicle registered as a wrecker to transport two vehicles on its body instead of one vehicle as in current law.

LD 1400 An Act To Create the Bar Harbor Port Authority **CARRIED OVER**

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

This bill provides for the creation of the Bar Harbor Port Authority.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1403 An Act Regarding Drug Testing in the Transportation Sector **Accepted Majority (ONTP) Report**

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

Joint Standing Committee on Transportation

This bill requires all flaggers, including those who are privately employed, at state-funded or federally funded highway construction sites on public ways to submit to substance abuse testing, which may be based on probable cause or random, in compliance with current law regarding substance abuse testing of employees. The Department of Transportation is required to adopt rules to implement testing for all flaggers; the rules must be consistent with the law regarding substance abuse testing and may be based on existing state policy.

Committee Amendment "A" (S-87)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 1426 An Act To Allow the Use of Biotopic or Telescopic Corrective Lenses To Meet the Vision Examination Requirements for a Class C Driver's License **ONTP**

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

In lieu of a vision test, current law allows a person applying for a driver's license to submit a certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State attesting to the person's visual acuity and field of vision. This bill allows a person employing this option with regard to a Class C license to use telescopic or biotopic corrective lenses for the purpose of meeting vision examination standards as long as the doctor, optometrist, registered nurse or person approved by the Secretary of State certifies that the patient's condition does not interfere with the safe operation of a motor vehicle.

LD 1439 Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAS O MASON G	ONTP	

This resolve establishes the Commission To Study the Placement of Vehicle Charging Stations on Maine's Highways. The commission is charged with studying the placement of vehicle charging stations on Maine's highways and related costs. The commission is required to submit a report containing its findings and recommendations to the Second Regular Session of the 128th Legislature by December 6, 2017.

LD 1440 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019 **PUBLIC 283
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A COLLINS R	OTP-AM	H-504

Part A makes allocations of funds for the fiscal years ending June 30, 2018 and June 30, 2019.

Joint Standing Committee on Transportation

Part B provides funding for approved reclassifications and range changes.

Part C changes the allocation of funding for the Department of Public Safety, Bureau of State Police from 35% from the Highway Fund and 65% from the General Fund, to 100% from the General Fund.

Part D recognizes an increase in the attrition rate from 1.6% to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies.

Part E allows the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for highway and bridge needs.

Part F requires the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part G authorizes the Commissioner of Transportation to transfer Highway Fund Personal Services balance available at the end of each fiscal year to the Department of Transportation Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs for capital or all other needs. The funds may be allocated by financial order upon the recommendation of the State Budget Officer and the approval of the Governor.

Part H requires the State Controller to transfer \$6,253,259 in fiscal year 2017-18 and \$6,328,638 in fiscal year 2018-19 from the unallocated surplus of the Highway Fund to the TransCap Trust Fund.

Part I allows TransCap Trust Fund nonbond funds to be used for capital projects with an anticipated useful life of five years or more.

Committee Amendment "A" (H-504)

This amendment removes the change in the allocation of funding in the bill and instead increases certain examination fees charged by the Secretary of State for driver's license examinations. The effective date of these fee increases is January 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 283 does the following.

Part A makes allocations of funds for the fiscal years ending June 30, 2018 and June 30, 2019.

Part B provides funding for approved reclassifications and range changes.

Part C increases certain examination fees charged by the Secretary of State for driver's license examinations. The effective date of these fee increases is January 1, 2018.

Part D recognizes an increase in the attrition rate from 1.6% to 5% for the 2018-2019 biennium for judicial branch and executive branch departments and agencies.

Part E allows the Maine Municipal Bond Bank to issue up to \$50,000,000 of GARVEE bonds for highway and bridge needs.

Part F requires the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway Light Capital and Maintenance and Operations programs within the Department of Transportation for capital needs.

Part G authorizes the Commissioner of Transportation to transfer Highway Fund Personal Services balance

Joint Standing Committee on Transportation

towing or carrying a vehicle or freeing a stuck vehicle;

2. Decriminalize certain provisions of law regarding fuel tax licensing and reporting. Displaying a false fuel use identification decal remains a Class D crime;
3. Specify that the version of the federal regulations incorporated by reference into rules of the Department of Public Safety is the most current version as filed with the Secretary of State;
4. Increase the class of crime from a Class E to a Class D crime for operating, or permitting the operation of, a motor vehicle without proof of financial responsibility and to a Class C crime if death or serious bodily injury results from an accident involving that motor vehicle;
5. Clarify that the exemption from inspection requirements for antique autos applies only if the vehicle is registered as an antique auto;
6. Require a truck tractor owner or operator to display on both sides of the truck tractor the name of the owner or lessee in letters that meet the standards set forth in the Code of Federal Regulations. Current law specifies the size of the letters;
7. Correct an error in the statute pertaining to splash guards to exempt a truck tractor from having splash guards when it is hauling a trailer or semitrailer;
8. Reallocate from the Maine Revised Statutes, Title 22 to Title 29-A the statute that prohibits a person from smoking in a motor vehicle when a person who has not attained 16 years of age is present in that motor vehicle; and
9. Clarify the statute governing vehicle lengths so that it explicitly states the statute applies to recreational vehicles and so that it conforms certain vehicle lengths to federal law.

Committee Amendment "A" (H-316)

Under current law, the definition of "wrecker" specifically excludes a vehicle designed to carry or tow more than one vehicle on its own body. This amendment amends that definition to include a vehicle designed to carry or tow up to two vehicles on its own body.

The amendment also strikes redundant language that seeks to clarify that the version of federal regulations incorporated by reference into the rules of the Department of Public Safety, Maine State Police is the most current version as filed with the Secretary of State. Current law already provides for this.

The amendment strikes from the bill the provision that creates the Class C crime of operating, or permitting the operation of, a motor vehicle without proof of financial responsibility if death or serious bodily injury results from an accident involving that motor vehicle.

The amendment makes a technical correction to a reference to a federal regulation.

Current law specifies that a truck tractor need not be equipped with splash guards when it is not hauling a trailer or semitrailer. The amendment repeals that exception.

The bill reallocates from the Maine Revised Statutes, Title 22 to Title 29-A the statute that prohibits a person from smoking in a motor vehicle when a person who has not attained 16 years of age is present in that motor vehicle. The amendment provides that a penalty for a violation of this prohibition is a traffic infraction rather than a civil violation.

Enacted Law Summary

Joint Standing Committee on Transportation

Public Law 2017, chapter 165 amends the motor vehicle and traffic laws to:

1. Clarify the definition of "wrecker" to specify that it applies only when the vehicle is in the act of towing or carrying a vehicle or freeing a stuck vehicle and amends that definition to include a vehicle designed to carry or tow up to two vehicles on its own body;
2. Decriminalize certain provisions of law regarding fuel tax licensing and reporting. Displaying a false fuel use identification decal remains a Class D crime;
3. Increase the class of crime from a Class E to a Class D crime for operating, or permitting the operation of, a motor vehicle without proof of financial responsibility;
4. Clarify that the exemption from inspection requirements for antique autos applies only if the vehicle is registered as an antique auto;
5. Require a truck tractor owner or operator to display on both sides of the truck tractor the name of the owner or lessee in letters that meet the standards set forth in the Code of Federal Regulations. Current law specifies the size of the letters;
6. Reallocate from the Maine Revised Statutes, Title 22 to Title 29-A the statute that prohibits a person from smoking in a motor vehicle when a person who has not attained 16 years of age is present in that motor vehicle and provides that a penalty for a violation of this prohibition is a traffic infraction rather than a civil violation;
7. Correct an error in the statute pertaining to splash guards, which are required on a truck, truck tractor, trailer and semitrailer at all times; and
8. Clarify the statute governing vehicle lengths so that it explicitly states the statute applies to recreational vehicles and so that it conforms certain vehicle lengths to federal law.

LD 1559 An Act To Remove the Law Mandating a Front License Plate

ONTP

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

This bill removes the requirement that a motor vehicle must display a registration plate on the front of the motor vehicle.

LD 1577 An Act To Amend the Motor Vehicle Laws

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A COLLINS R	OTP-AM	H-315

This bill makes the following changes to the motor vehicle laws:

1. It allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and nondriver identification card renewals and duplicates through the municipality;

Joint Standing Committee on Transportation

2. It allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law;
3. It clarifies that the Secretary of State may authorize the display of the International Fuel Tax Agreement cab card in electronic format and reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction. It also makes clear that a suspension issued by another International Fuel Tax Agreement jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to participate in any pilot project related to International Fuel Tax Agreement licenses and decals;
4. It changes the violation provisions for when a dealer fails to file a title application with the Secretary of State within 30 days from a traffic infraction and fine for any violation to a traffic infraction for applications filed more than 30 days to less than 90 days after the sale and a Class E crime for applications not filed 90 days or more after the sale. It also requires that vehicles offered for sale by a dealer must be accompanied by a valid certificate of title and raises the amounts of the surety bond on projected dealer sales;
5. It reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate to 90 days from one year;
6. It prohibits disclosure of social security numbers in motor vehicle records except as required by federal law;
7. It modernizes language and provides consistency between statute and the rules governing motorcycle rider education requirements. It allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination. It also modifies the statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education;
8. It removes the requirement that a driver's license bear a color photograph of the licensee and allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures. It allows a person to have and present a mobile driver's license in electronic form if one is made available. It also creates an additional fee for expediting the issuance of driver's licenses and nondriver identification cards and duplicates;
9. It streamlines the requirement in the licensing of new school bus operators by allowing certain Department of Education training requirements to be completed after hiring;
10. It clarifies and makes consistent the Secretary of State's administrative driver's license suspension authority with court-ordered suspension authority;
11. It allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements;
12. It amends the law to conform to current testing practices for visual acuity;
13. It changes the position name of motor vehicle investigator to motor vehicle detective to be consistent with the position name change negotiated in the Maine State Employees Association contract; and
14. It defines "tow-away transporter combination" as a truck or truck tractor towing two trailers or semitrailers when the trailers or semitrailers are the property being transported by a manufacturer, distributor or dealer and establishes a maximum total vehicle length for the configuration of 82 feet. This change is required pursuant to the federal Fixing America's Surface Transportation Act.

Committee Amendment "A" (H-315)

Joint Standing Committee on Transportation

This amendment strikes the provision in the bill that reduces most violations of the International Fuel Tax Agreement laws from a Class E crime to a traffic infraction.

The amendment also strikes the requirement that a vehicle offered for sale by a motor vehicle dealer must be accompanied by a valid certificate of title.

The bill creates an additional fee for expediting the issuance of driver's licenses and for expediting duplicates of driver's licenses and nondriver identification cards. The amendment also creates an additional fee for expediting the issuance of nondriver identification cards.

Enacted Law Summary

Public Law 2017, chapter 229 makes the following changes to the motor vehicle laws:

1. It allows a municipal official or other persons designated by the municipality to receive and process applications for noncommercial driver's license renewals and duplicates and nondriver identification card renewals and duplicates through the municipality;
2. It allows the Secretary of State to carry out procedures established in rules for the disclosure of personal information contained in motor vehicle records in accordance with state and federal law;
3. It clarifies that the Secretary of State may authorize the display of the International Fuel Tax Agreement cab card in electronic format. It also makes clear that a suspension issued by another International Fuel Tax Agreement jurisdiction is a suspension in Maine. It further authorizes the Secretary of State to participate in any pilot project related to International Fuel Tax Agreement licenses and decals;
4. It changes the violation provisions for when a dealer fails to file a title application with the Secretary of State within 30 days from a traffic infraction and fine for any violation to a traffic infraction for applications filed more than 30 days to less than 90 days after the sale and a Class E crime for applications not filed 90 days or more after the sale;
5. It reduces the term for a permit to carry a load for vehicles weighing more than 10,000 pounds while displaying a dealer plate to 90 days from one year;
6. It prohibits disclosure of social security numbers in motor vehicle records except as required by federal law;
7. It modernizes language and provides consistency between statute and the rules governing motorcycle rider education requirements. It allows a person without a driver's license to complete the mandatory basic rider education course and be issued a Maine license restricted to the operation of a motorcycle without a road examination. It also modifies the statutory language regarding fees associated with the motorcycle rider education program to be consistent with other references to rider education;
8. It removes the requirement that a driver's license bear a color photograph of the licensee and allows the Secretary of State to adopt rules to determine the authorized distribution of digital images and digitized signatures. It allows a person to have and present a mobile driver's license in electronic form if one is made available. It also creates an additional fee for expediting the issuance of driver's licenses and nondriver identification cards and duplicates;
9. It streamlines the requirement in the licensing of new school bus operators by allowing certain Department of Education training requirements to be completed after hiring;
10. It clarifies and makes consistent the Secretary of State's administrative driver's license suspension authority with court-ordered suspension authority;

Joint Standing Committee on Transportation

- 11. It allows the Secretary of State to administer only the road test in conjunction with the reexamination process for a suspended juvenile provisional license and removes the requirement to provide a written examination to fulfill the restoration requirements;
- 12. It amends the law to conform to current testing practices for visual acuity;
- 13. It changes the position name of motor vehicle investigator to motor vehicle detective to be consistent with the position name change negotiated in the Maine State Employees Association contract; and
- 14. It defines "tow-away transporter combination" as a truck or truck tractor towing two trailers or semitrailers when the trailers or semitrailers are the property being transported by a manufacturer, distributor or dealer and establishes a maximum total vehicle length for the configuration of 82 feet. This change is required pursuant to the federal Fixing America's Surface Transportation Act.

LD 1595 An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BREEN C		

This bill allows an island community to require an emergency vehicle that is garaged and operated only on the island to be inspected every five years or every 500 miles of use or annually by a licensed inspection mechanic at the location where the vehicle is customarily kept.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1617 An Act To Initiate the Process of Terminating the Maine Turnpike Authority ONTP

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

This bill:

- 1. Prohibits the Maine Turnpike Authority from issuing any bonds after October 15, 2017;
- 2. Requires the Maine Turnpike Authority, no later than October 15, 2027, to set aside sufficient funds in trust to pay all its bonds and debts or to pay all its bonds and debts;
- 3. Requires the Maine Turnpike Authority, no later than April 1, 2018, to provide to the Department of Transportation a plan to accomplish the payment of outstanding debt held by the authority; and
- 4. Requires the Maine Turnpike Authority, no later than November 1, 2027, to submit for introduction to the Second Regular Session of the 132nd Legislature a bill to transfer all of the duties, responsibilities and assets of the authority to the department and to provide for the sale of all unnecessary equipment, buildings and property owned by the authority and the removal of all the toll facilities on the turnpike, with the exception of the York toll facility.

Joint Standing Committee on Transportation

**LD 1628 An Act To Increase the Penalty for Failing To Carry Proof of Motor
Vehicle Financial Responsibility**

ONTP

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

This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or knowingly allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in serious bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or knowingly allowing the operation of a vehicle without proof of financial responsibility.

Joint Standing Committee on Transportation

SUBJECT INDEX

Bridges

Enacted

LD 207	Resolve, To Designate a Bridge in East Machias as the Norman E. Bagley Memorial Bridge	RESOLVE 1
LD 294	Resolve, To Name the Bridge over the Penobscot River in the Towns of Enfield and Howland King's Bridge	RESOLVE 3 EMERGENCY
LD 712	Resolve, To Designate a Portion of Route 43 in Corinth, Exeter and Corinna the Donald Strout, Sr., Memorial Highway	RESOLVE 5
LD 1059	An Act Concerning Bridges on Discontinued Town Ways	PUBLIC 154
LD 1395	Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the PFC Buddy Wendall McLain Memorial Bridge	RESOLVE 9

Not Enacted

LD 790	Resolve, To Name the Bridge between Indian Township and the Town of Princeton the Sakom John Stevens Bridge	ONTP
--------	---	------

Driver Education

Enacted

LD 877	An Act To Allow Learner's Permits To Be Issued by Driver Education Schools	PUBLIC 79
--------	--	-----------

Not Enacted

LD 711	An Act To Revise the Laws Governing Learner's Permits and Intermediate Driver's Licenses and Driver Education Textbook Requirements	ONTP
LD 1069	Resolve, To Increase the Availability of Motorcycle Rider Education	ONTP
LD 1101	Resolve, Directing the Secretary of State To Review and Recommend Updates to the Maine Motorcycle Driver Education Program	ONTP

Highway Fund

Enacted

LD 1034	An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017	PUBLIC 91 EMERGENCY
LD 1440	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019	PUBLIC 283 EMERGENCY

Not Enacted

LD 1149	An Act To Provide Revenue To Fix and Rebuild Maine's Infrastructure	CARRIED OVER
LD 1150	Resolve, To Establish the Commission To Study Transportation Funding Reform	Died On Adjournment
LD 1226	An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund	ONTP

Inspection

Not Enacted

LD 29	An Act To Reduce Penalties for Violations of the Motor Vehicle Inspection Laws	Majority (ONTP) Report
LD 154	An Act To Reform Maine's Motor Vehicle Inspection Guidelines	Majority (ONTP) Report
LD 211	An Act To Require a State Automobile Inspection Biannually	INDEF PP
LD 623	An Act To Require Biennial State Motor Vehicle Inspections	Majority (ONTP) Report
LD 787	An Act To Ease the Financial Burden on Maine Motorists by Repealing the Requirement That Certain Motor Vehicles Be Inspected	ONTP
LD 788	An Act To Require Motor Vehicles To Be Registered on a Biennial Basis	ONTP
LD 1523	An Act To Exempt Motor Vehicles Less than 12 Years Old from Inspection	Majority (ONTP) Report

LD 1595	An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities	CARRIED OVER
---------	---	--------------

Marine Transportation

Not Enacted

LD 1400	An Act To Create the Bar Harbor Port Authority	CARRIED OVER
---------	--	--------------

Miscellaneous - Transportation

Not Enacted

LD 437	An Act Concerning Maine's Transportation Infrastructure	ONTP
LD 500	An Act To Allow the Formation of Transportation Corridor Districts	Died Between Houses
LD 584	An Act To Create the Fund for Municipalities To Improve Pedestrian Safety	CARRIED OVER
LD 963	An Act To Require Certain Personnel on a Bridge Painting Project To Be Certified	ONTP
LD 1010	An Act To Allow for the Regulation of Transportation Network Companies at Airports	Veto Sustained
LD 1439	Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways	ONTP

Motor Carriers

Enacted

LD 1022	An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner	PUBLIC 120
LD 1277	An Act To Require the Secretary of State To Inform Commercial Drivers about Human Trafficking Prevention	PUBLIC 192

Motor Vehicles

Enacted

LD 172	An Act To Improve Officer Safety at Roadside Incidents	PUBLIC 21
LD 1251	An Act Regarding Certain Abandoned Vehicles and Notice to the Secretary of State Regarding Those Vehicles	PUBLIC 240

Not Enacted

LD 1	An Act To Repeal the Law Regulating Reflective and Tinted Glass in Automobiles	ONTP
LD 242	An Act To Allow Extra Lights on the Front of a Motorcycle	ONTP
LD 381	An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs	Died Between Houses
LD 710	An Act Regarding Emergency Lights on Firefighters' Personal Vehicles Used When Responding to Emergency Calls	ONTP
LD 989	An Act Regarding Towed Vehicle Charges and Notice to the Secretary of State of Towed and Abandoned Vehicles	ONTP

Operator's License

Enacted

LD 306	An Act To Require State Compliance with Federal REAL ID Guidelines	PUBLIC 27
--------	--	-----------

Not Enacted

LD 134	An Act To Allow the Secretary of State To Issue Licenses Pending Receipt of Necessary Paperwork from the Driver Education and Evaluation Program	ONTP
LD 436	An Act To Allow Intermediate Driver's License Holders To Drive between Midnight and 5:00 a.m. for School Activities	ONTP
LD 709	An Act Regarding the License Restrictions for New Drivers	ONTP
LD 824	An Act To Curb Drug-impaired Driving	INDEF PP
LD 923	An Act To Establish an Enhanced Driver's License for Qualified Maine Residents To Facilitate Travel across Certain International Borders	ONTP
LD 1025	An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor	Veto Sustained
LD 1310	An Act To Establish a Driver's License Suspension Amnesty Day	ONTP
LD 1347	An Act To Amend the Laws Regarding Driver's License Fees	ONTP

LD 1426 An Act To Allow the Use of Biotopic or Telescopic Corrective Lenses To Meet the Vision Examination Requirements for a Class C Driver's License ONTP

Public Safety

Enacted

LD 1524 An Act To Amend Maine Motor Vehicle Laws PUBLIC 165

Not Enacted

LD 314 An Act Concerning Emergency Lights on Police Vehicles INDEF PP

Public Transportation

Not Enacted

LD 1248 An Act To Improve Public Transportation in Maine CARRIED OVER

Railroads

Not Enacted

LD 315 Resolve, Directing the Department of Transportation To Apply for Funds for Rail Improvements ONTP

LD 435 Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor Majority (ONTP) Report

LD 542 An Act To Increase Railroad Freight Safety ONTP

LD 724 An Act To Amend the Laws Governing the State's Rail Authority Died Between Houses

LD 1312 Resolve, To Investigate Extending Passenger Rail Service to Central Maine Majority (ONTP) Report

Registration Plates

Enacted

LD 171 An Act To Add the Air Medal as an Option for a Special Commemorative Decal on Special Veterans Registration Plates PUBLIC 8

LD 827 An Act To Repeal the Laws Governing Truck Camper Registration PUBLIC 67

LD 1249 An Act To Create the Emergency Medical Services Registration Plate PUBLIC 302

Not Enacted

LD 210 An Act To Allow Disabled Veterans To Have More Than One Set of Disabled Veteran License Plates ONTP

LD 1024	Resolve, To Direct the Secretary of State To Initiate the Process To Redesign Special Veterans Registration Plates	ONTP
LD 1115	An Act To Establish a Specialty License Plate for Female Veterans	ONTP
LD 1394	An Act Regarding Certain License Plates for Veterans and Providing for a Breast Cancer Support Services Disability Plate	ONTP
LD 1559	An Act To Remove the Law Mandating a Front License Plate	ONTP

School Buses

Enacted

LD 28	An Act To Allow Alternate Flashing Headlights on a School Bus	PUBLIC 26
-------	---	-----------

Secretary of State

Enacted

LD 1577	An Act To Amend the Motor Vehicle Laws	PUBLIC 229
---------	--	------------

Not Enacted

LD 1460	An Act To Remove the Secretary of State's Authority To Authorize Agents To Issue Noncommercial Driver's License Renewals and Nondriver Identification Card Renewals	ONTP
---------	--	------

Signs

Not Enacted

LD 119	An Act Regarding the Display and Content of Political Signs	ONTP
LD 209	An Act To Amend the Laws Governing Temporary Sign Usage	CARRIED OVER
LD 216	Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 Directing Motorists to Lincoln	ONTP
LD 752	An Act To Enhance the Safety of Schoolchildren by Requiring the Posting of the School Zone Speed Limit	ONTP
LD 1169	An Act To Exempt Temporary Categorical Signs from the Identification Label Requirement for 6 Weeks Prior to the June and November Elections	ONTP

LD 1328	An Act To Promote Bicycle Safety by Placing Warning Signs on Certain Public Ways	ONTP
LD 1351	An Act Regarding the Length of Time a Temporary Sign May Be Placed in a Public Way	ONTP

Traffic Regulations

Enacted

LD 97	An Act To Establish Speed Limits at Loring Commerce Centre and Brunswick Landing	PUBLIC 23 EMERGENCY
LD 118	An Act To Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators To Wear a Helmet	PUBLIC 51
LD 208	An Act To Allow Vehicles Hauling Animal Bedding To Travel over County or Town Ways without a Permit	PUBLIC 25
LD 444	An Act To Increase the Maximum Registered Gross Weight Allowed for Vehicles with Disabled Veterans or Special Veterans Registration Plates	PUBLIC 43
LD 785	An Act To Improve Safety and Traffic Efficiency near School Grounds	PUBLIC 132

Not Enacted

LD 120	An Act To Impose a Three-month Loss of a Driver's License for Driving While Texting	ONTP
LD 137	An Act To Increase the Safety of Motorists on Public Ways	ONTP
LD 293	An Act To Require Horse-drawn Carriages and Wagons To Be Equipped with Reflectors	ONTP
LD 371	An Act To Allow a Truck Carrying Perishable Products To Operate on a Posted Road without a Permit	ONTP
LD 434	An Act To Allow Certain Vehicles To Make a Right Turn on a Red Light Even When Prohibited	ONTP
LD 591	An Act To Require Motorists To Yield to Transit Buses	Veto Sustained
LD 624	An Act Concerning the Transporting of Dogs in Passenger Vehicles	ONTP
LD 649	An Act To Allow for Charitable Donation Stops on Local Roads Only	Majority (ONTP) Report

LD 878	An Act To Allow Municipalities To Permit the Operation of Golf Carts on Municipally Owned Streets	ONTP
LD 977	An Act To Allow a Motorist To Make a Left Turn at a Red Light under Certain Conditions	ONTP
LD 1011	An Act To Require Pedestrians To Wear Reflective Clothing on Public Ways after Sunset	ONTP
LD 1089	An Act To Prohibit the Use of Handheld Phones and Devices While Driving	Veto Sustained
LD 1250	An Act To Ensure That Handicapped Parking Is Properly Enforced	ONTP
LD 1252	An Act To Permit the Operation of Certain All-terrain Vehicles on Public Ways	ONTP
LD 1398	An Act To Allow Vehicles Registered as Wreckers To Transport 2 Vehicles	ONTP
LD 1628	An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility	ONTP

Transportation Department

Enacted

LD 236	An Act To Update Accessibility Requirements on Highways	PUBLIC 9
LD 393	An Act To Clarify That the Department of Transportation Is Exempt from Property Assessment Liabilities When Acquiring Property by Condemnation	PUBLIC 40
LD 1318	An Act To Align State Relocation Assistance with That of the Federal Government and Make Technical Changes to Recently Enacted Laws	PUBLIC 295

Not Enacted

LD 168	Resolve, Directing the Department of Transportation To Install a Caution Light in New Sweden	Majority (ONTP) Report
LD 494	An Act Regarding the Department of Transportation	ONTP
LD 495	An Act To Protect Historic Places and Structures on the Federal Aid Highway System	ONTP
LD 636	An Act To Require the Department of Transportation To Use 3rd-party Certified Examiners for Lead Inspections	ONTP

LD 786	An Act To Require Center Line Markings on All State and State Aid Highways	ONTP
LD 789	Resolve, To Require Infrastructure Projects Affecting Interstate 295 To Be Expedited	ONTP
LD 960	An Act To Use State Employees and Resources for Transportation Bond Projects	Died Between Houses
LD 1145	An Act To Allow the Department of Transportation To Recover Costs Incurred by the Department for Allowing Access to a Controlled Access Highway	ONTP
LD 1403	An Act Regarding Drug Testing in the Transportation Sector	Majority (ONTP) Report

Turnpike Authority

Enacted

LD 460	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2018	P & S 3
LD 905	An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham	PUBLIC 68

Not Enacted

LD 1009	Resolve, To Require the Maine Turnpike Authority To Study the Feasibility of Constructing a Gorham Connector	ONTP
LD 1617	An Act To Initiate the Process of Terminating the Maine Turnpike Authority	ONTP

STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL
AFFAIRS**

August 2017

STAFF:

DANIELLE FOX, LEGISLATIVE ANALYST
COLLEEN MCCARTHY REID, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

MEMBERS:

SEN. GARRETT P. MASON, CHAIR
SEN. RONALD F. COLLINS
SEN. MICHAEL E. CARPENTER

REP. LOUIS J. LUCHINI, CHAIR
REP. THOMAS R. W. LONGSTAFF
REP. JOHN C. SCHNECK
REP. KIMBERLY J. MONAGHAN
REP. CRAIG V. HICKMAN
REP. BRADLEE THOMAS FARRIN
REP. KATHLEEN R. J. DILLINGHAM
REP. SHELDON MARK HANINGTON
REP. DUSTIN MICHAEL WHITE
REP. OWEN D. CASÁS

Joint Standing Committee on Veterans and Legal Affairs

LD 4 An Act To Amend the Licensing Requirements for Beano Halls Leased ONTP
by Veterans' Organizations

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J DIAMOND B	ONTP	

This bill exempts a veterans' organization that is licensed to conduct beano or bingo games from the requirement to get a beano hall permit if that veterans' organization wishes to lease its facility as a beano hall to an organization licensed to conduct beano or bingo games.

LD 5 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Exclude Wildlife Issues from Citizen Initiatives

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

This resolution proposes to amend the Constitution of Maine to provide that the laws of the State governing wildlife management may not be amended by the citizen initiative process.

LD 30 An Act To Amend the Law Governing Special Amusement Permits for PUBLIC 13
Liquor Licensees

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B MAKER J	OTP-AM	H-11

Current law provides that dancing and some other forms of entertainment are prohibited on the premises of an establishment licensed to sell liquor for consumption on the premises unless the licensee has been issued a special amusement permit from the municipality where the establishment is located. This bill provides that dancing does not include dancing done in conjunction with the singing activity commonly known as "karaoke."

Committee Amendment "A" (H-11)

This amendment replaces the bill. Current law states that a person licensed to serve alcoholic beverages for consumption on the licensed premises must prohibit, with some limited exceptions, music, dancing and entertainment unless the licensee has received a special amusement permit from the municipality where the establishment is located. The amendment provides that a municipality may require a permit for music, dancing and entertainment based on what is permitted or prohibited by local ordinance or regulation. The amendment further specifies that when the liquor license is up for renewal a municipality may deny renewal if the establishment fails to obtain a required permit or fails to comply with the permit. The amendment removes certain requirements imposed upon the municipality governing the process for issuance of a permit for music, dancing or entertainment.

Enacted Law Summary

Public Law 2017 chapter 13 provides that a municipality may require a permit for music, dancing and entertainment based on what is permitted or prohibited by local ordinance or regulation. Chapter 13 further specifies that when the liquor license is up for renewal a municipality may deny renewal if the establishment fails to obtain a required permit or fails to comply with the permit. It also removes certain requirements imposed upon the municipality governing the process for issuance of a permit for music, dancing or entertainment.

Joint Standing Committee on Veterans and Legal Affairs

LD 31 RESOLUTION, Proposing an Amendment to the Constitution of Maine CARRIED OVER
To Require That Signatures on a Direct Initiative of Legislation Come
from Each Congressional District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E DIAMOND B		

This resolution proposes to amend the Constitution of Maine to require that the signatures on a petition to directly initiate legislation be of voters from each of the State's two congressional districts and that the number of signatures from each congressional district be not less than 10% of the total vote for Governor cast in that congressional district in the previous gubernatorial election. This resolution provides that, if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2018 instead of on the date of the Governor's proclamation.

This Resolution was reported out of committee and then recommitted to the committee; it was then carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 53 RESOLUTION, Proposing an Amendment to the Constitution of Maine Died Between
To Prohibit Payment Per Signature for Citizen Petition Drives Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S MAKER J	OTP-AM ONTP	

This resolution proposes to amend the Constitution of Maine to prohibit a person who collects signatures for a written petition for a people's veto or for the direct initiative of legislation from being paid based upon the number of signatures the person collects.

Committee Amendment "A" (H-436)

This amendment, the majority report, replaces the resolution proposing an amendment to the Constitution of Maine. The amendment instead amends the statutes governing ballot questions to prohibit the circulator of an initiative or referendum petition or a petition organization from receiving payment for the collection of signatures based on the number of signatures collected. The amendment clarifies that a salary or fee for the collection of signatures is not prohibited if it is not based on the number of signatures collected.

This amendment was not adopted.

LD 78 An Act To Permit Unenrolled Voters To Cast Ballots in Primary Accepted Majority
Elections (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K KATZ R	ONTP OTP-AM	

This bill allows an unenrolled voter to vote in a primary election without having to enroll in a political party. An unenrolled voter may vote in only one party's primary election.

Joint Standing Committee on Veterans and Legal Affairs

Committee Amendment "A" (H-155)

This amendment, which is the minority report of the committee, provides that the Secretary of State, rather than municipal clerks, is required to establish procedures for voters who are not enrolled in a party to vote in a primary election. The bill removes the requirement that a voter must be enrolled in a party to participate in a caucus or convention. This amendment provides that a voter must be enrolled in order to take part in a party's caucus or convention. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 85 An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D KUMIEGA W	OTP-AM	S-11

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue licenses to public service berthing vessels for the sale of spirits, wine and malt liquor on overnight voyages of at least one night. The bill establishes requirements and fees for such licensing.

Committee Amendment "A" (S-11)

This amendment replaces the bill. Like the bill, the amendment provides for a definition of public service berthing vessel. Unlike the bill, the amendment does not establish a separate license for a public service berthing vessel but rather makes the vessel eligible for a Class V liquor license that permits the sale of spirits, wine and malt liquor to passengers of the vessel. It also provides that the license may be issued for a single event or voyage. Like the bill, the amendment requires that the vessel acquire municipal approval to sell liquor on board the vessel to passengers while the vessel is docked. The amendment also makes a provision for storage of liquor to be sold by the licensed vessel and requires that records be maintained for each event when the licensed vessel sells liquor to passengers.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 88 An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act PUBLIC 1 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L THIBODEAU M	OTP-AM	H-1

This bill delays the effective date of most of the provisions of the Marijuana Legalization Act as enacted by citizen initiative to February 1, 2018. The delayed effective date does not apply to the provision in the initiated bill that repeals the Maine Revised Statutes, Title 22, section 2382, subsection 1, which makes possession of up to 2 1/2 ounces of marijuana a civil violation, or the following provisions, which will be effective as of January 30, 2017:

1. A person 21 years of age or older may use, possess or transport up to 2 1/2 ounces of marijuana;
2. A person 21 years of age or older may transfer, without remuneration, up to 2 1/2 ounces of marijuana and up to six immature plants or seedlings to a person who is 21 years of age or older;

Joint Standing Committee on Veterans and Legal Affairs

3. A person 21 years of age or older may possess, grow, cultivate or transport up to six flowering marijuana plants, 12 immature plants and unlimited seedlings and possess all of the marijuana produced by the plants at the person's residence; and

4. A person 21 years of age or older may consume marijuana in a private residence.

The bill clarifies that possession of a useable amount of marijuana by a juvenile is a crime, unless that juvenile is authorized to possess marijuana for medical use. Finally, the bill prohibits the possession of any edible retail marijuana products until February 1, 2018.

Committee Amendment "A" (H-1)

This amendment strikes the definition of "cannabis" from the Marijuana Legalization Act. It amends the definition of "marijuana" and adds a definition of "marijuana concentrate." The amendment adds a provision to the Marijuana Legalization Act that prohibits a person from possessing more than five grams of marijuana concentrate as part of the 2 1/2 ounces of marijuana that a person may already legally possess under the Act. This amendment strikes a provision in the bill that, prior to February 1, 2018, limited personal marijuana consumption to a private residence. The amendment provides that personal marijuana consumption by a person 21 years of age or older may occur only in a private residence or on private property with permission of the owner. It further provides that consumption may not occur in a motor vehicle or in a private residence that is used as a day care or baby-sitting service during the hours of operation.

For the purpose of adopting major substantive rules relating to the retail framework under the Marijuana Legalization Act, which are required to be submitted within nine months of the effective date of the Act, the amendment allows the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines that the expertise and resources of those other departments would be beneficial in the development of the rules.

The amendment also provides that possession of marijuana is a civil violation for a person who is 18, 19 or 20 years of age. The penalty for possession of up to 1 1/4 ounces of marijuana is a fine no less than \$350 to no more than \$600. The penalty for possession of up to 2 1/2 ounces is a fine of no less than \$700 and no more than \$1,000. These penalties are the same as those that were in law for any nonjuvenile prior to being repealed by Initiated Bill 2015, chapter 5. Finally, the amendment provides that it is a juvenile crime under the Maine Juvenile Code for a person under 18 years of age to possess marijuana and makes a corresponding technical cross-reference change.

Enacted Law Summary

Public Law 2017 chapter 1 delays the effective date of several provisions of the Marijuana Legalization Act to February 1, 2018. The delayed date does not apply to the provision in the Act, which was passed as a direct initiative, which provides that possession of up to 2 1/2 ounces of marijuana is a civil violation. The law changes the definition of "marijuana" and adds a definition of "marijuana concentrate." It adds a provision to the Marijuana Legalization Act that prohibits a person from possessing more than five grams of marijuana concentrate as part of the 2 1/2 ounces of marijuana that a person may already legally possess under the Act. Chapter 1 provides that personal marijuana consumption by a person 21 years of age or older may occur only in a private residence or on private property with permission of the owner. It further provides that consumption may not occur in a motor vehicle or in a private residence that is used as a day care or baby-sitting service during the hours of operation.

For the purpose of adopting major substantive rules relating to the retail framework under the Marijuana Legalization Act, which are required to be submitted within nine months of the effective date of the Act, this law

Joint Standing Committee on Veterans and Legal Affairs

allows the Commissioner of Agriculture, Conservation and Forestry to delegate rule-making authority to the Commissioner of Administrative and Financial Services or the Commissioner of Public Safety if the Commissioner of Agriculture, Conservation and Forestry determines that the expertise and resources of those other departments would be beneficial in the development of the rules.

Chapter 1 also provides that possession of marijuana is a civil violation for a person who is 18, 19 or 20 years of age. The penalty for possession of up to 1 1/4 ounces of marijuana is a fine no less than \$350 to no more than \$600. The penalty for possession of up to 2 1/2 ounces is a fine of no less than \$700 and no more than \$1,000. These penalties are the same as those that were in law for any nonjuvenile prior to being repealed by Initiated Bill 2015, chapter 5. Finally, this law provides that it is a crime under the Maine Juvenile Code for a person under 18 years of age to possess marijuana and makes a corresponding technical cross-reference change.

Public Law 2017, chapter 1 was enacted as an emergency measure effective January 27, 2017.

LD 121 An Act To Require Photographic Identification to Vote

Accepted Majority (ONTP) Report

Sponsor(s)
FARRIN B
COLLINS R

Committee Report
ONTP
OTP-AM

Amendments Adopted

This bill requires that a voter provide proof of identity with photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the municipal clerk, deputy clerk or warden or an election clerk within five business days of the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. Through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. Finally, the bill requires the Secretary of State to provide, at no fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting.

Committee Amendment "A" (H-51)

Under the bill, a person who does not have proper photographic identification required to cast a ballot on election day has five days to provide photographic proof of identity to the municipal clerk, deputy clerk, warden or election clerk. This amendment, which is the minority report of the committee, reduces that time period to three days to reflect the number of days by which municipal election clerks must report election results to the Secretary of State. The amendment also adds a requirement that provisional ballots must be retained in tamper-proof containers separately from provisional ballot affidavits and the provisional ballot log. The amendment requires that rejected provisional ballots, provisional ballot logs and provisional ballot affidavits must be retained in the same manner as regular ballots and election materials. The amendment also adds a mandate preamble and an appropriations and allocations section.

This amendment was not adopted.

Joint Standing Committee on Veterans and Legal Affairs

LD 122 An Act To Allow Schools To Operate Nonprofit Bingo Events for Children and Families ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CYRWAY S	ONTP	

This bill allows elementary and secondary schools to operate beano or bingo games for the entertainment of and recreation for the schools' students and the students' families if the games are not for profit. In lieu of this bill, the committee unanimously supported an amendment to the biennial budget which provided for the conduct of beano or bingo at schools under certain criteria.

LD 126 An Act To Establish New Monetary Caps for Legislative Candidates under the Maine Clean Election Act Accepted Majority (ONTP) Report

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

This bill decreases by 1/3 the amount of the distribution from the Maine Clean Election Fund a participating candidate running for State Senator or State Representative may receive under the Maine Clean Election Act.

Committee Amendment "A" (H-303)

This amendment adds an appropriations and allocations section to the bill reducing the amount of funding to the Maine Clean Election Fund.

This amendment was not adopted.

LD 136 An Act Regarding the Eviction Process PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S BRADSTREET R	OTP-AM	S-98

This bill expands the causes for a seven-day notice of termination of tenancy to include: violence, a threat of violence or sexual assault against other tenants, their guests, the landlord or the landlord's employees or agents; an unauthorized occupation of the premises; and the provision of false information on the tenant's rental application.

Committee Amendment "A" (S-98)

This amendment clarifies that a victim of domestic violence, sexual assault or stalking who has taken reasonable actions to comply with a landlord's request for the protection of tenants, guests or invitees or the landlord from violence or the threat of violence or sexual assault is not subject to eviction with a seven-day notice of termination. The amendment also removes the provision of the bill permitting seven-day notice of termination of tenancy if a tenant provides false information on the tenant's rental application.

Enacted Law Summary

Public Law 2017, chapter 103 expands the causes for a seven-day notice of termination of tenancy. The law allows

Joint Standing Committee on Veterans and Legal Affairs

a landlord to terminate a tenancy upon seven days' written notice if the landlord can demonstrate that the tenant or the tenant's invitee or guest is the perpetrator of violence, a threat of violence or sexual assault against other tenants, their guests, the landlord or the landlord's employees or agents, except that a victim of domestic violence, sexual assault or stalking who has taken reasonable actions to comply with a landlord's request for the protection of tenants, guests or invitees or the landlord from violence or the threat of violence or sexual assault is not subject to eviction with a seven-day notice of termination. The law also allows a landlord to terminate a tenancy upon seven days' written notice for an unauthorized occupation of the premises.

LD 155 An Act To Protect Voting Integrity by Establishing a Residency Verification Requirement for Purposes of Voting **Accepted Majority (ONTP) Report**

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

This bill requires the registrar of voters to verify residency when a voter registration application lists a residence address as a dormitory or domicile provided by, or located on the campus of, a postsecondary educational institution. The bill provides that certain requirements must be met to establish residency.

Committee Amendment "A" (H-92)

This amendment, which is the majority report, adds a mandate preamble and incorporates a fiscal note.

This amendment was not adopted.

LD 156 An Act To Implement the National Popular Vote for President **Accepted Majority (ONTP) Report**

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

This bill proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the State's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.

LD 212 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL L VOLK A	ONTP	

This resolution proposes to amend the Constitution of Maine to require that the signatures on a petition to directly initiate legislation be of voters from each of the State's senate districts and that the number of signatures from each senate district be not less than 10% of the total votes for Governor cast in that senate district in the previous

Joint Standing Committee on Veterans and Legal Affairs

gubernatorial election. The resolution provides that, if the required votes are cast in favor of the proposed amendment to the Constitution, the proposed amendment becomes part of the Constitution on March 1, 2018 instead of on the date of the Governor's proclamation.

LD 213 An Act To Provide Funds for Access for Veterans Seeking Health Care Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM	H-10

This bill provides a one-time General Fund appropriation of \$45,000 in fiscal year 2016-17 to the Department of Defense, Veterans and Emergency Management for passports to allow veterans to access United States Veterans Administration health care facilities located on military installations in New Hampshire.

Committee Amendment "A" (H-10)

This amendment directs the Commissioner of Defense, Veterans and Emergency Management or the commissioner's designee to pay for the fee charged for a passport card issued by the United States Department of State for a veteran who demonstrates a need to access federal military installations located in New Hampshire for medical services provided by the United States Veterans Administration and does not have the required photographic identification required. Unlike the bill, which provides an appropriation to pay for the costs of passports, the amendment provides funding for passport cards. The amendment reduces the appropriation proposed in the bill from \$45,000 to \$15,000. Under the amendment, if any funds appropriated for passport cards remain unspent 90 days following the date upon which the State conforms with the requirements of the federal REAL ID Act of 2005, that balance must be used to provide financial assistance to veterans and dependents of veterans as prescribed by the Maine Revised Statutes, Title 37-B, section 505.

LD 214 Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification RESOLVE 27 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J JACKSON T	OTP-AM	H-187

This resolve creates the Commission To Streamline Veterans' Licensing and Certification to study and address military service members' and veterans' transition from military service to the civilian workforce. The commission is also charged with making recommendations to streamline licensing and certification processes for service members and veterans.

Committee Amendment "A" (H-187)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolves 2017, chapter 27 creates the Commission To Streamline Veterans' Licensing and Certification to study and address military service members' and veterans' transition from military service to the civilian workforce. The commission is also charged with making recommendations to streamline licensing and certification processes for service members and veterans.

Resolves 2017, chapter 27 was finally passed as an emergency measure effective August 2, 2017.

Joint Standing Committee on Veterans and Legal Affairs

LD 271 An Act for Providers across Multiple Sectors To Inquire of Clients and Customers about Former Military Service

Accepted Majority (ONTP) Report

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that the Department of Health and Human Services conduct an effort similar to the effort conducted by the New Hampshire Department of Health and Human Services to coordinate public and private service providers in the areas of aging and senior services, children's services and school systems, employment and vocational services, faith-based groups and health care and medical services to inquire about former military service of clients and customers to identify veterans and direct them and their families to resources and benefits of which the veterans may not be aware or are reluctant to receive.

Committee Amendment "A" (H-406)

This amendment, the majority report, replaces the bill. It requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a program to support a community-based veteran service referral program. The program provides written and Internet-based materials and literature to state agencies, quasi-governmental agencies, local government service providers and private organizations, including a checklist of questions the service provider should ask an individual seeking assistance, including, "Have you or a member of your family ever served in the military?" The materials must also include a comprehensive list of services for which a veteran may be eligible.

This amendment was not adopted.

LD 295 An Act To Amend the Requirements for a Political Party To Retain Qualified Party Status under the Election Laws

ONTP

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

This bill amends the requirements for a political party to retain qualified party status. It allows a party to retain that status if the party's nominee for President of the United States or Governor received at least 5% of the total vote cast in the State for President or Governor in the last general election. This provision applies to any party whose nominee for President appeared on the ballot at the general election on November 8, 2016.

LD 296 An Act To Restrict Advertising of and Improve Fairness for State Lottery Games

ONTP

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

This bill requires prizes for state lotteries to have an annual aggregate payback of 90% of gross revenues or greater. The bill also states that rules adopted by the State Liquor and Lottery Commission must prohibit marketing, advertising and promotion of state lotteries except at locations where lottery tickets are sold. Finally, the bill

Joint Standing Committee on Veterans and Legal Affairs

requires the commission to adopt rules governing payback percentages and advertising no later than December 1, 2017.

LD 297 An Act To Improve the Administration of Election Recounts

PUBLIC 141

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L CARPENTER M	OTP-AM	H-156

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend current law to authorize the Secretary of State to administer recounts in an efficient and effective manner, to increase the number of voter signatures required for a statewide recount, to lower the threshold for a free statewide recount and to authorize the Secretary of State to develop by rule processes for multicounty and statewide recounts.

Committee Amendment "A" (H-156)

This amendment replaces the bill. The amendment makes several changes to the laws governing candidate and referendum recounts.

1. The amendment provides that when a recount is requested for a statewide office, congressional office, statewide referendum or county office that encompasses more than one county, the Secretary of State may direct the State Police to retrieve ballots from certain jurisdictions so that the recount may be conducted in stages.
2. The amendment provides for a new deposit and payment structure for recounts for statewide offices, congressional offices or county offices that encompass more than one county, such as District Attorney, so that a deposit is not required when the difference between the leading candidate and the requesting candidate is 1% or less of the total votes cast for that office or not more than 1,000 votes, whichever is less.
3. The amendment provides that for recounts for a statewide office, congressional office or county office that encompasses more than one county when the percentage difference exceeds the threshold for a no-deposit recount, the requesting candidate must pay a deposit of \$5,000 or 10% of the estimated cost of the first stage of the recount, whichever is greater. If the recount does not change the result of the election, the candidate must pay the actual costs to the State of conducting the recount. If the recount reverses the election, the requesting candidate receives a complete refund.
4. The amendment adopts a new deposit and payment structure for recounts of a statewide referendum that is the same as the one provided for statewide candidate recounts.
5. The amendment provides that if recounts are requested for more than one office or referendum question that are on the same ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both of the offices or questions simultaneously.
6. Finally, the amendment removes the provision in current law allowing an undeclared write-in candidate to request a recount.

Enacted Law Summary

Public Law 2017, chapter 141 makes several changes to the laws governing candidate and referendum recounts.

1. It provides that when a recount is requested for a statewide office, congressional office, statewide referendum or county office that encompasses more than one county, the Secretary of State may direct the State Police to retrieve

Joint Standing Committee on Veterans and Legal Affairs

ballots from certain jurisdictions so that the recount may be conducted in stages.

- 2. It provides for a new deposit and payment structure for recounts for statewide offices, congressional offices or county offices that encompass more than one county, such as District Attorney, so that a deposit is not required when the difference between the leading candidate and the requesting candidate is 1% or less of the total votes cast for that office or not more than 1,000 votes, whichever is less.
- 3. Chapter 141 provides that for recounts for a statewide office, congressional office or county office that encompasses more than one county when the percentage difference exceeds the threshold for a no-deposit recount, the requesting candidate must pay a deposit of \$5,000 or 10% of the estimated cost of the first stage of the recount, whichever is greater. If the recount does not change the result of the election, the candidate must pay the actual costs to the State of conducting the recount. If the recount reverses the election, the requesting candidate receives a complete refund.
- 4. The law adopts a new deposit and payment structure for recounts of a statewide referendum that is the same as the one provided for statewide candidate recounts.
- 5. It provides that if recounts are requested for more than one office or referendum question that are on the same ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both of the offices or questions simultaneously.
- 6. Finally, chapter 141 removes the provision in current law allowing an undeclared write-in candidate to request a recount.

LD 298 An Act To Limit Agency Expenditures To Influence Elections

**Accepted Majority
(ONTP) Report**

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

This bill prohibits state agencies from expending public resources to influence the outcome of a direct initiative of legislation, a people's veto referendum or other statewide referendum except to provide an impartial factual summary regarding what is at issue. It also extends the law governing the involvement of executive branch employees in elections to include direct initiatives of legislation, people's veto referenda and other statewide referenda.

Committee Amendment "A" (H-141)

This amendment, which is the minority report of the committee, removes the provisions of the bill that prohibit political subdivisions in the State from expending public resources to influence the outcome of a direct initiative of legislation, a people's veto referendum or other statewide referendum. The amendment clarifies that resources spent by an agency on a factual summary of the issues may not be used to express support or opposition for the ballot measure.

This amendment was not adopted.

Joint Standing Committee on Veterans and Legal Affairs

LD 299 An Act To Increase Voter Knowledge of Bond Issues

PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTTON P KATZ R	OTP-AM	H-27

Current law provides that the statement of the Treasurer of State setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors is ratified be printed on the ballot containing the proposed bond issue or printed as a separate document and posted outside the guardrail enclosure at each voting place. This bill amends that law to require that that information be printed on the ballot and printed as a separate document and posted outside the guardrail enclosure at each voting place.

Committee Amendment "A" (H-27)

This amendment replaces the bill. The amendment requires that each voting booth in a polling place include a copy of the Treasurer of State's statement of bond debt when there is a bond issue on a statewide ballot.

Enacted Law Summary

Public Law 2017, chapter 45 requires that each voting booth in a polling place include a copy of the Treasurer of State's statement of bond debt when there is a bond issue on a statewide ballot.

**LD 300 An Act To Preserve Funding for the Maine Clean Election Act by
Removing Gubernatorial Candidates from Eligibility**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTTON P BRAKEY E	ONTP OTP-AM	

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.

Committee Amendment "A" (H-83)

This amendment, the minority report, adds an appropriations and allocations section.

This amendment was not adopted.

LD 304 An Act To Authorize Auxiliary Liquor Licenses at Disc Golf Courses

**PUBLIC 17
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G WOOD S	OTP-AM	S-10

This bill authorizes the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to issue auxiliary licenses for additional premises located at disc golf courses.

Committee Amendment "A" (S-10)

This amendment makes a disc golf course eligible for the same liquor licenses as a golf course. The amendment

Joint Standing Committee on Veterans and Legal Affairs

adds to the bill a definition of disc golf course and makes necessary references to a disc golf course to reflect the eligibility of a disc golf course for liquor licenses for which it may have an auxiliary license or mobile service bar license. The amendment also adds an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2017, chapter 17 authorizes the Bureau of Alcoholic Beverages and Lottery Operations to issue auxiliary on-premises liquor licenses to disc golf courses. The law makes a disc golf course eligible for the same liquor licenses as a golf course. Chapter 17 establishes a definition of disc golf course and makes necessary references to a disc golf course to reflect the eligibility of a disc golf course for liquor licenses for which it may have an auxiliary license or mobile service bar license.

Public Law 2017, chapter 17 was enacted as an emergency measure effective April 12, 2017.

LD 339 **An Act To Reduce Restrictions on Wine Shipments** **ONTP**

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

This bill allows the direct shipment of wine in bottles that are smaller than 750 milliliters to customers in the State.

LD 388 **An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License** **PUBLIC 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM ONTP	S-25

This bill clarifies existing law that permits a person that is licensed to manufacture malt liquor, wine or spirits at a facility in the State to sell the product that person produces from the manufacturing facility for off-premises consumption without having to get a separate off-premises retail license. The bill specifies that the location of the manufacturing facility where off-premises sales of the manufacturer's product occur is not required to be accessed by a separate entrance from the area of the facility that is licensed to serve alcoholic beverages for on-premises consumption. It also clarifies that distilleries and small distilleries are subject to the existing law that requires spirits sold at retail to first be listed for sale and distributed by the State.

Committee Amendment "A" (S-25)

This amendment makes a technical change to the bill.

Enacted Law Summary

Public Law 2017, chapter 34 clarifies existing law that permits a person that is licensed to manufacture malt liquor, wine or spirits at a facility in the State to sell the product that person produces from the manufacturing facility for off-premises consumption without having to get a separate off-premises retail license. It specifies that the location of the manufacturing facility where off-premises sales of the manufacturer's product occur is not required to be accessed by a separate entrance from the area of the facility that is licensed to serve alcoholic beverages for on-premises consumption. Chapter 34 also clarifies that distilleries and small distilleries are subject to the existing law that requires spirits sold at retail to first be listed for sale and distributed by the State.

Joint Standing Committee on Veterans and Legal Affairs

LD 394 An Act Regarding Terminology in Campaign Finance Law

**Accepted Majority
(ONTP) Report**

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

This bill changes references to the Maine Clean Election Act and the Maine Clean Election Fund to the Maine Campaign Public Financing Act and the Maine Campaign Public Financing Fund.

Committee Amendment "A" (H-79)

The bill changes references to the Maine Clean Election Act and the Maine Clean Election Fund to the Maine Campaign Public Financing Act and the Maine Campaign Public Financing Fund. This amendment, which is the minority report of the committee, changes references to the Maine Clean Election Act and the Maine Clean Election Fund to the Maine Taxpayer-funded Campaign Act and the Maine Taxpayer-funded Campaign Fund.

This amendment was not adopted.

LD 403 An Act Regarding Referendum Recounts

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DESCHAMBAULT S	ONTP	

This bill requires the Secretary of State to conduct a recount paid for by the State for a referendum if the percentage difference between the yes and no votes as shown by the official tabulation of the referendum votes is 0.25% or less. It allows a group of voters to request a recount for a referendum in which the percentage difference between the yes and no votes as shown in the official tabulation of the referendum votes is greater than 0.25%. The party requesting a recount for a referendum in which the percentage difference between the yes and no votes as shown by the official tabulation is greater than 0.25% must pay for the recount.

LD 407 An Act To Simplify the Laws Regarding Games of Chance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R HANINGTON S	ONTP	

This bill specifies, for the purposes of the laws governing games of chance, that games of chance are those games in which the outcome is solely determined by chance, outside the control of the contestant or participant.

LD 408 An Act To Prohibit Taxpayer-funded Campaign Expenditures from Being Used on Post-election Parties

PUBLIC 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R FARRIN B	OTP-AM ONTP	S-20

Joint Standing Committee on Veterans and Legal Affairs

This bill prohibits funds distributed to candidates from the Maine Clean Election Fund from being used for post-election parties.

Committee Amendment "A" (S-20)

This amendment, which is the majority report of the committee, clarifies that a Maine Clean Election Act candidate may use personal funds for a post-election party in accordance with rules of the Commission on Governmental Ethics and Election Practices.

Enacted Law Summary

Public Law 2017, chapter 31 clarifies that a Maine Clean Election Act candidate may use personal funds for a post-election party in accordance with rules of the Commission on Governmental Ethics and Election Practices.

LD 413 An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions Accepted Report A (ONTP)

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J DILLINGHAM K	ONTP OTP-AM OTP-AM	

Current law prohibits the Governor, members of the Legislature, constitutional officers and the staff or agents of the Governor, members of the Legislature and constitutional officers from soliciting or accepting contributions from a lobbyist, lobbyist associate or employer while the Legislature is convened in session. This bill extends application of that prohibition year-round, regardless of whether the Legislature is in session.

Committee Amendment "B" (S-78)

This amendment replaces the bill and is a minority report of the committee. Like the bill, the amendment prohibits a member of the Legislature, the Governor or any constitutional officer from soliciting or accepting a contribution from a lobbyist or an employer. The amendment provides that candidates for the Legislature or Governor are also subject to this year-round contribution prohibition. The amendment also provides that party committees may solicit or accept contributions when the Legislature is not in session as long as a member of the Legislature, the Governor or a constitutional officer is not the treasurer, an officer or primary decision maker or fund-raiser for the party committee.

Committee Amendment "A" (S-77)

This amendment replaces the bill and is a minority report of the committee. Like the bill, the amendment prohibits a member of the Legislature, the Governor or any constitutional officer from soliciting or accepting a contribution from a lobbyist, a lobbyist associate or an employer. The amendment provides that candidates for the Legislature or Governor are also subject to this year-round contribution prohibition. The amendment clarifies that with regard to a political action committee, party committee or ballot question committee, the prohibition applies to contributions solicited, accepted or given only when the Legislature is in session.

LD 415 An Act To Modify the Amount of Product Samples of Malt Liquor, Wine or Spirits That May Be Provided to Retail Licensees PUBLIC 35

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G LUCHINI L	OTP	

Joint Standing Committee on Veterans and Legal Affairs

Current law allows a brewery, winery or wholesaler to provide to a retail licensee samples of products, limited to nine gallons of malt liquor and nine liters of wine annually. This bill increases the annual limit to 18 gallons of malt liquor and 18 liters of wine.

Current law allows a licensed sales representative for a distilled spirits manufacturer or supplier to give to a retail licensee a maximum of three liters per year per distiller represented by the sales representative. This bill increases the annual limit to six liters per distiller.

Enacted Law Summary

Current law allows a brewery, winery or wholesaler to provide to a retail licensee samples of products, limited to nine gallons of malt liquor and nine liters of wine annually. Public Law 2017, chapter 35 increases the annual limit to 18 gallons of malt liquor and 18 liters of wine.

Current law allows a licensed sales representative for a distilled spirits manufacturer or supplier to give to a retail licensee a maximum of three liters per year per distiller represented by the sales representative. Public Law 2017, chapter 35 increases the annual limit to six liters per distiller.

LD 438	An Act To Provide a Travel Reimbursement to Members of the Maine National Guard	ONTP
---------------	--	-------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H CARPENTER M	ONTP	

This bill allows a member of the Maine National Guard to obtain reimbursement for travel to and from authorized training exercises at the same rate paid to state employees who use their private vehicles for travel for state business.

LD 439	An Act To Allow Voters To Choose Ongoing Absentee Voter Status	ONTP
---------------	---	-------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R BELLOWS S	ONTP	

This bill provides a process for a voter to request ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election until the status is terminated.

LD 440	An Act To Expand Absentee Balloting To Include Certain Residents in Independent Living Facilities	ONTP
---------------	--	-------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOGAN G CHENETTE J	ONTP	

This bill requires municipal clerks to conduct absentee voting in independent living facilities at the request of the management company managing the facility. The balloting must be conducted in the presence of an election official.

Joint Standing Committee on Veterans and Legal Affairs

LD 446 An Act To Allow Campgrounds To Operate Beano or Bingo

**PUBLIC 47
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R LUCHINI L	OTP-AM	S-21

This bill amends current law concerning the licensing of beano and bingo games in resort hotels. The bill adds campgrounds to the licensing provisions, removes the restriction on the number of seasonal licenses that may be issued and changes the license fee from \$10 to up to \$100.

Committee Amendment "A" (S-21)

This amendment replaces the bill. The amendment provides that a campground may conduct beano without a license if games are conducted only for campground patrons and their guests, prizes do not exceed \$25 per game and proceeds from the games are used only for prizes and to cover the actual costs of conducting the game. The amendment also adds an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2017, chapter 47 provides that a campground may conduct beano without a license if games are conducted only for campground patrons and their guests, prizes do not exceed \$25 per game and proceeds from the games are used only for prizes and to cover the actual costs of conducting the game.

Public Law 2017, chapter 47 was enacted as an emergency measure effective May 7, 2017.

LD 459 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

**RESOLVE 13
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-183

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-183)

This amendment provides that the provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices may be finally authorized if the rule is changed to strike provisions in the rule that state that, when a candidate authorizes other individuals to collect qualifying contributions, the candidate is responsible for ensuring that those individuals have received proper training in the procedures for collecting qualifying contributions and the candidate must exercise due diligence to ensure that contributions collected by others comply with the requirements of the Maine Clean Election Act.

Enacted Law Summary

Resolve 2017, chapter 13 provides that the provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices may be finally authorized if the rule is changed to strike provisions in the rule that state that, when a candidate authorizes other individuals to collect qualifying contributions, the candidate is responsible for ensuring that those individuals have received proper training in the procedures for collecting qualifying contributions and the candidate must exercise due diligence to ensure that contributions

Joint Standing Committee on Veterans and Legal Affairs

collected by others comply with the requirements of the Maine Clean Election Act.

Resolve 2017, chapter 13 was finally passed as an emergency measure effective June 7, 2017.

LD 465 An Act To Assist Veterans in Their Applications for Service-related Benefits Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N GOLDEN J	ONTP OTP-AM	

This bill requires the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to provide all veterans in the State the opportunity to have their claims represented by the bureau acting under a power of attorney when filing for service-related benefits to the United States Department of Veterans Affairs, veterans' service organizations and other organizations dedicated to serving veterans.

Committee Amendment "A" (S-168)

This amendment, the minority report, provides that the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services is required to represent all veterans in filing their initial claims for service-related benefits to the United States Department of Veterans Affairs. The bill applies this requirement to all claims for service-related benefits and includes claims made to other veterans' service organizations.

This amendment was not adopted.

LD 496 An Act To Update Maine's Veterans' Benefits Eligibility Requirements ONTP

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

This bill expands eligibility for admission to Maine Veterans' Homes to residents of Maine who served at least 180 days in the Maine National Guard during a federally recognized war period.

LD 510 An Act To Create Fairness in Gaming License Fees for Small Nonprofit Organizations ONTP

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

This bill reduces by 75% the annual fee for a license to conduct games of chance and games of cards, including tournament games, for organizations with net revenues from those activities of less than \$10,000 for the prior year.

LD 543 An Act Regarding Political Action Committee Expenditures PUBLIC 98

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-93

Joint Standing Committee on Veterans and Legal Affairs

This bill prohibits a political action committee from compensating a Legislator or member of the Legislator's immediate family or household or a business owned or operated by the Legislator for services provided to the committee if the Legislator is a principal officer or treasurer of the committee or is one of the individuals primarily responsible for raising contributions or making decisions for the committee.

Committee Amendment "A" (H-93)

The bill prohibits a political action committee for which a Legislator is a principal officer or treasurer from compensating a Legislator's family member or household member for services provided to the committee. This amendment removes that prohibition.

Enacted Law Summary

Public Law 2017, chapter 98 prohibits a political action committee from compensating a Legislator or a business owned or operated by the Legislator for services provided to the committee if the Legislator is a principal officer or treasurer of the committee or is one of the individuals primarily responsible for raising contributions or making decisions for the committee.

LD 544 **An Act To Expand Wine and Beer Tastings at Retail Establishments** **ONTP**

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

Current law allows a person licensed for retail sale of wine or malt liquor for off-premises consumption to conduct taste tastings on the licensee's premises if the licensee stocks at least 125 different labels of wine or 100 different labels of malt liquor. This bill removes the minimum stock requirements.

LD 564 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Number of Signatures Required for a Direct Initiative of Legislation** **ONTP**

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

This resolution proposes to amend the Constitution of Maine to require that the number of signatures on a direct initiative petition be at least 15% of the total vote for President cast in the State in the last presidential election. The Constitution of Maine currently requires this number to be at least 10% of the total vote for Governor cast in the last gubernatorial election.

LD 568 **An Act To Require Candidates To Be Listed as Unenrolled If Not Registered with a Recognized Party** **Died Between Houses**

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

This bill requires that the political designation for an unenrolled candidate who is nominated by petition be "unenrolled" and disallows the term "independent" for an unenrolled candidate. This bill also prohibits a candidate

Joint Standing Committee on Veterans and Legal Affairs

who intends to form a new party to be placed on the ballot by petition, but requires the candidate to follow the procedures in the election laws for forming new parties.

Committee Amendment "A" (H-188)

This amendment is the minority report, it replaces the bill and changes the title to reflect the content of the amendment.

This amendment provides that the party or political designation of a candidate of an unqualified party is limited to one word and may not include additional numbers or symbols. Presidential and vice-presidential candidate designations remain subject to the current law, which provides that such a party or political designation must be no longer than three words.

This amendment was not adopted.

LD 579 An Act Regarding Transfers of Liquor between Licensed Manufacturers' Facilities

PUBLIC 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO T	OTP-AM OTP-AM	S-137

This bill permits a manufacturer who manufactures liquor at multiple licensed locations to transport the manufacturer's own product between those locations, as is allowed under federal law.

Committee Amendment "A" (S-137)

This amendment, the majority report, replaces the bill. The amendment provides that a manufacturer of liquor who operates multiple facilities licensed for the manufacture of liquor may transfer liquor the manufacturer produces from one facility to another. It also clarifies that a manufacturer may transfer liquor the manufacturer produces from the licensed manufacturing facility to any establishment operated by the manufacturer that is licensed for on-premises consumption, where samples are served and where sales are permitted for consumption off of the premises.

Committee Amendment "B" (S-138)

This amendment replaces the bill and is the minority report of the committee. The amendment provides that manufacturers of liquor who operate multiple facilities licensed for the manufacture of liquor may transfer liquor they produce from one facility to another. It also clarifies that a manufacturer may transfer liquor the manufacturer produces from the licensed manufacturing facility to any establishment operated by the manufacturer that is licensed for on-premises consumption where samples are served and where sales are permitted for consumption off of the premises. This amendment differs from the majority report in that it does not include language regarding clarification of majority ownership of a manufacturing facility as it applies to the transfer of liquor authorized by the amendment.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 123 provides that a manufacturer of liquor who operates multiple facilities licensed for the manufacture of liquor may transfer liquor the manufacturer produces from one facility to another. It also clarifies that a manufacturer may transfer liquor the manufacturer produces from the licensed manufacturing facility to any establishment operated by the manufacturer that is licensed for on-premises consumption, where samples are served and where sales are permitted for consumption off of the premises.

Joint Standing Committee on Veterans and Legal Affairs

LD 585 An Act To Allow Cash Qualifying Contributions under the Maine Clean Election Act

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D SHEATS B	ONTP OTP-AM	

This bill amends the definition of "qualifying contribution" under the Maine Clean Election Act to include \$5 cash contributions in addition to those made by check or money order or via the Internet. Current law defines a qualifying contribution as a contribution in the amount of \$5 or more. This bill limits the contribution to \$5. The bill also provides a process to ensure that qualifying contributions made in cash are valid contributions. A contributor must attest, using a form designed by the Commission on Governmental Ethics and Election Practices, that a qualifying contribution was made using the contributor's personal funds and the contributor received nothing in return for the contribution. Finally, the bill provides that a candidate may submit a check to the Maine Clean Election Fund equal to the amount of qualifying contributions made in cash along with the receipt and acknowledgment forms required to be submitted to be certified as a participating candidate under the Maine Clean Election Act.

Committee Amendment "A" (S-140)

This amendment, the minority report; establishes an alternative method for collecting and submitting qualifying cash contributions collected by a participating candidate under the Maine Clean Election Act. The bill provides that a cash qualifying contribution is valid if the contributor signed a receipt and acknowledgment form. The amendment instead allows for qualifying contributions to be submitted in the manner prescribed in current law, which requires use of a money order, and adds that a cashier's check may also be used. Under the alternative method, the contributor signs a form, separate from the receipt and acknowledgment form required under current law. The amendment provides that the cash contributions may not be deposited into the candidate's campaign account.

This amendment was not adopted.

LD 657 An Act To Reduce the In-stock Spirits Requirements for Liquor Agents in Towns with Certain Populations

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R LAWRENCE M	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the provisions in law requiring a certain amount of in-stock spirits for agency liquor stores by allowing agency liquor stores in smaller municipalities or municipalities with seasonal populations to carry less in-stock spirits than currently required.

Joint Standing Committee on Veterans and Legal Affairs

LD 713 Resolve, Authorizing Legislation To Streamline the Laws Governing the ONTP
Licensing and Conduct of Beano and Games of Chance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DIAMOND B	ONTP	

This resolve directs the Joint Standing Committee on Veterans and Legal Affairs to meet to develop proposals to streamline the laws governing beano and games of chance with the purpose of simplifying licensure, maximizing revenue to licensed charitable organizations and easing the administrative and enforcement burdens of the Chief of the State Police. The resolve requires the chief to provide certain information regarding licensing, revenues and costs of administration to the committee.

LD 714 An Act To Create an Award Program for Maine's Veteran-friendly ONTP
Workplaces

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M CARSON B	ONTP	

This bill creates a veteran-friendly workplace award program through which the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services recognizes employers that employ veterans and that support those veterans by making accommodations to allow the veterans to access or attend medical treatments and appointments and other veteran-related services during the work day.

LD 715 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Amend the Citizen Initiative Process

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

This resolution proposes to amend the Constitution of Maine to require that a direct initiative petition contain signatures of at least 15% of the registered voters in each county. The Constitution of Maine currently requires a petition to contain a number of signatures equal to at least 10% of the total vote for Governor cast in the last gubernatorial election.

This resolution requires the Secretary of State to hold at least one public debate on the measure proposed in the petition in each senatorial district at which the full text of the measure and any amended form, substitute or recommendation of the Legislature must be read aloud in its entirety.

LD 716 An Act To Improve Requirements for Reporting to the Commission on Died Between
Governmental Ethics and Election Practices Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W COLLINS R	ONTP OTP	

Joint Standing Committee on Veterans and Legal Affairs

This bill amends the laws governing expenditures made for political communications advocating the election or defeat of a candidate or the election or defeat of a ballot measure. The bill requires communications made by mail to be posted for delivery within 14 days of the expenditure being made. The bill also requires that a copy of the communication be sent to the Commission on Governmental Ethics and Election Practices in the same manner and form and at the same time as it is sent to those persons the communication is intended to influence.

LD 719 An Act To Allow Slot Machines or a Casino in York County

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

This bill which was submitted to the Legislature pursuant to citizen's initiative, allows slot machines or a casino in York County. It authorizes the Department of Public Safety, Gambling Control Board to accept an application for a license to operate slot machines or a casino from an entity that owned in 2003 at least 51% of an entity licensed to operate a commercial track in Penobscot County that conducted harness horse racing with pari-mutuel wagering on more than 25 days in 2002 if certain criteria are met.

The operation of the slot machines or casino must be approved by the voters or the municipal officers of the municipality in which the slot machines or casino will be located. The slot machines must be located and operated in a slot machine facility or the slot machines and table games must be located and operated in a casino.

Current law provides that a casino operator license or slot machine operator license may not be issued to operate any casino or slot machine facility within 100 miles of a licensed casino or slot machine facility. This initiated bill exempts a slot machine operator or a casino operator licensed under the provisions of this initiated bill from the 100-mile restriction.

This initiated bill raises the limit on the number of slot machines allowed to be registered in the State from 3,000 to 4,500. The operation of the slot machines or casino is subject to regulation by the Gambling Control Board. The applicant for a slot machine operator license or casino operator license must pay the \$5,000,000 license fee, which applies when in the absence of a competitive bid process, as set out in the Maine Revised Statutes, Title 8, section 1018, subsection 1-A.

The slot machine or casino operator must collect and distribute 1% of gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the Gambling Control Board. The slot machine or casino operator must collect and distribute 39% of the net slot machine income to the Gambling Control Board for distribution by the board as follows:

1. One percent must be deposited to the General Fund for administrative expenses of the board except for a certain amount that must be transferred annually to the Gambling Addiction Prevention and Treatment Fund;
2. Ten percent must be credited to a fund to supplement harness racing purses;
3. Three percent must be credited to the Sire Stakes Fund;
4. Three percent must be credited to the Agricultural Fair Support Fund;
5. Ten percent must be credited to the Department of Education to be used to supplement and not to supplant funding for essential programs and services for kindergarten to grade 12;
6. Two percent must be forwarded to the University of Maine System Scholarship Fund and to the Board of

Joint Standing Committee on Veterans and Legal Affairs

Trustees of the Maine Maritime Academy to be applied by the board of trustees to fund its scholarship program;

7. One percent must be forwarded to the Board of Trustees of the Maine Community College System to be applied by the board of trustees to fund its scholarship program;

8. Two percent must be credited to the Fund to Encourage Racing at Maine's Commercial Tracks;

9. Three percent must be forwarded to the Treasurer of State, who must distribute that money at the municipal level throughout the State to be used to reduce property taxes;

10. One percent must be distributed to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe;

11. One percent must be forwarded to the Treasurer of State, who must use the money to fund drug education initiatives throughout the State;

12. One percent must be distributed to supplement programs at the office of aging and disability services within the Department of Health and Human Services; and

13. One percent must be forwarded to the municipality in which the slot machines are located.

The casino operator must collect and distribute 16% of the net table game income to the Gambling Control Board for distribution by the board as follows:

1. Nine percent must be credited to the Department of Education to be used to supplement and not to supplant funding for essential programs and services for kindergarten to grade 12;

2. Three percent must be deposited to the Gambling Control Board administrative expenses Other Special Revenue Funds account;

3. Two percent must be forwarded to the municipality in which the table games are located; and

4. Two percent must be deposited into the Coordinated Veterans Assistance Fund.

This direct initiative will be placed on the ballot for approval by the voters at an election to be held on November 7, 2017.

LD 791 An Act Regarding Advertisements by Maine Clean Election Act Candidates

Died Between Houses

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

This bill requires a campaign communication authorized by a candidate who is a certified candidate under the Maine Clean Election Act to state that the communication was paid for with Maine taxpayer funds.

Committee Amendment "A" (H-30)

This amendment, the minority report, makes a clarifying change to the bill by stating that when an expenditure for political communications is made by a Maine Clean Election Act candidate, it is the expenditure that triggers the additional disclosure.

Joint Standing Committee on Veterans and Legal Affairs

This amendment was not adopted.

LD 792 An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARPENTER M	OTP-AM ONTP	H-58

This bill provides a one-time General Fund appropriation in fiscal year 2017-18 to the Department of Defense, Veterans and Emergency Management for the Betsy Ann Ross House of Hope to provide suitable housing for women veterans in transition and their families.

Committee Amendment "A" (H-58)

This amendment, the majority report, incorporates a fiscal note.

This bill was reported out of committee and then carried over, to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 793 An Act To Limit Campaign Independent Expenditures

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K HAMPER J	ONTP	

This bill limits independent expenditures for candidates for Governor, State Senator and State Representative.

LD 794 An Act Regarding the Taxation of Flavored Malt Beverages

PUBLIC 301

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S BELLOWS S	OTP-AM	H-472

This bill clarifies under the liquor laws that "spirits" does not include a food flavoring or similar product used for cooking that has a high alcohol content and that a "low-alcohol spirits product" does not include malt liquor or malt liquor flavored with a food flavoring or similar product used for cooking that has a high alcohol content to prevent the malt liquor from being taxed as a low-alcohol spirits product.

Committee Amendment "A" (H-472)

This amendment replaces the bill. The amendment clarifies the definition of "low-alcohol spirits product" and the definition of "spirits" to exclude additives and flavorings, such as extracts and concentrates, that may contain alcohol but are not intended to be consumed alone but serve as a flavor enhancement to food products or beverages. This amendment also specifies that the changes made by this legislation are not intended to affect the taxation of such products prior to July 1, 2019.

Enacted Law Summary

Joint Standing Committee on Veterans and Legal Affairs

Public Law 2017, chapter 301 clarifies the definition of "low-alcohol spirits product" and the definition of "spirits" to exclude additives and flavorings, such as extracts and concentrates, that may contain alcohol but are not intended to be consumed alone but serve as a flavor enhancement to food products or beverages. This law also specifies that the changes made by this legislation are not intended to affect the taxation of such products prior to July 1, 2019.

LD 795 An Act To Improve Voter Access to Information Regarding Referendum Questions on the Ballot PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J	OTP-AM	H-404

This bill requires the full text of a direct initiative to be printed on the ballot.

Committee Amendment "A" (H-404)

This amendment replaces the bill and changes the title. The amendment requires the election clerk to post a conspicuous notice in the voting place indicating that the citizen's guide to the referendum election is available for voters to read and that it provides helpful information regarding the referendum questions on the ballot.

Enacted Law Summary

Public Law 2017, chapter 246 amends the laws governing the conduct of elections by requiring the election clerk to post a conspicuous notice in the voting place indicating that the citizen's guide to the referendum election is available for voters to read and that it provides helpful information regarding the referendum questions on the ballot.

LD 796 RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Referendum Questions for Statewide Ballots ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART H LANGLEY B	ONTP	

This resolution proposes to amend the Constitution of Maine to require the total number of signatures required for a direct initiative of legislation to be not less than 10% of the total vote for Governor cast in each county in the last gubernatorial election. It also requires each of the signatures from a county to be that of a person registered to vote in that county.

LD 813 An Act To Amend the Laws Governing the Political Party Representation of Election Clerks Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G DENNO D	OTP-AM ONTP	

This bill requires election clerks in a municipality to be selected so that 33% of clerks are from one major party and 33% from another, with 34% of clerks being selected without regard to party enrollment.

Committee Amendment "A" (S-139)

This amendment, the majority report, strikes and replaces the bill, which requires election clerks in a

Joint Standing Committee on Veterans and Legal Affairs

municipality to be selected so that 33% of clerks were from one major party, 33% from another major party and 34% selected without regard to party enrollment. This amendment amends the process for selection of election clerks and clarifies other provisions regarding election clerks.

Specifically, the amendment retains the provision in current law allowing parties to nominate election clerks but also allows the municipal clerk or any registered voter to make nominations. Like current law, the amendment directs timely consideration of nominations but does not require municipal officers to appoint the election clerks from among nominees but allows them to appoint any qualified voter. Under the amendment, the minimum requirement is two election clerks at each voting place, one each from the two major parties. Similar to the bill, the amendment requires that at least half of the election clerks working at any election are affiliated with the major parties, and the rest of the election clerks may be affiliated with a minor party or be unenrolled.

The amendment also provides that if the municipal officers do not appoint a sufficient number of election clerks representing the major parties or an insufficient number of appointees are available to serve from the list provided by municipal officers, the municipal clerk may appoint additional election clerks without regard to party enrollment status.

This amendment was not adopted.

LD 819 Resolve, To Establish the Commission To Study the Adequacy of Housing Safety Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N GOLDEN J	ONTP	

This resolve establishes the Commission To Study the Adequacy of Housing Safety Laws. The commission is charged with studying the housing safety laws, including landlord and tenant relations and rights, the eviction process, bank foreclosure actions on abandoned property and rental housing fire safety issues, and making recommendations for any necessary changes. The commission is required to submit a report containing its findings and recommendations to the Joint Standing Committee on Veterans and Legal Affairs by December 6, 2017.

LD 833 An Act To Streamline the Gaming Permit Process for Veterans' Organizations ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reduce the processing and paperwork associated with games of chance sponsored by American Legion Posts. Under current law and rules, in order for an American Legion Post to hold a bingo game, it is necessary to obtain up to three separate permits. Under this bill, the application for permits would be consolidated into one application, and the processing would be streamlined.

Joint Standing Committee on Veterans and Legal Affairs

LD 852 An Act To Make Changes to the Maine Liquor Liability Act

PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K	OTP-AM	H-80

This bill amends the Maine Liquor Liability Act to provide that the inability of a plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency constitutes good cause as to why the plaintiff could not reasonably file notice to all defendants within the 180-day limit.

Committee Amendment "A" (H-80)

This amendment clarifies that "good cause" is not limited to the inability of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

Enacted Law Summary

Public Law 2017, chapter 77 amends the Maine Liquor Liability Act to provide that the inability of a plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency constitutes good cause as to why the plaintiff could not reasonably file notice to all defendants within the 180-day limit. It specifically states that "good cause" is not limited to the inability of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

LD 853 An Act To Allow Beano at Campgrounds

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L COLLINS R	ONTP	

This bill provides an exception to the law that requires a license to conduct games of beano. The bill states that certain campgrounds are not required to get a license to operate beano games if the games are offered to campground patrons and their guests only and the value of a prize awarded for winning a game does not exceed \$25.

LD 879 An Act To Allow Any Person To Purchase Voter Registration Lists

ONTP

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

This bill allows any person to purchase voter registration information. Current law allows only candidates, office holders, political action committees and other similarly situated persons to purchase such information.

**LD 883 An Act To Establish a Minimum Payment for Signatures Gathered by
Maine Citizens for Referendums**

ONTP

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

Joint Standing Committee on Veterans and Legal Affairs

This bill provides that if a person is paid to circulate a petition for a direct initiative or a people's veto referendum and solicit signatures, that person must be paid at least \$25 per signature.

LD 906 An Act Regarding the Collection of Signatures for a Direct Initiative ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J KATZ R	ONTP	

This bill requires a person circulating a petition for a direct initiative of legislation to give a voter that voter's own printed paper copy of the full text of the direct initiative and the fiscal impact statement and provide the voter the opportunity to read the full text of the direct initiative prior to that voter signing the petition. Current law also requires a person circulating a petition for a direct initiative of legislation to provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement.

**LD 937 An Act To Require the Fiscal Impact of a Direct Initiative of Legislation
To Be Included on the Ballot ONTP**

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

This bill provides that a ballot for a statewide vote on a direct initiative must include the fiscal impact estimate prepared by the Office of Fiscal and Program Review for that direct initiative.

**LD 948 Resolve, To Direct the Adjutant General To Procure Medals for Maine
National Guard Members Mobilized for the 1958-1961 Berlin Crisis ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CUSHING A	ONTP	

This resolve directs the Adjutant General to procure an adequate number of National Emergency Service Medals for Maine National Guard members' service during the 1958-1961 Berlin crisis and award the medals in a ceremony to former members entitled to the medal and, if a former member entitled to receive the medal is deceased, award a medal to that member posthumously and present the medal to the next of kin or another family member. The medals, while authorized in 1962, were never awarded.

**LD 950 Resolve, To Study Using Blockchain Technology in Conjunction with
Paper Ballots in Maine Elections ONTP**

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

This resolve establishes the Commission to Study Using Blockchain Technology in Conjunction with Paper Ballots in Maine Elections.

Joint Standing Committee on Veterans and Legal Affairs

**LD 957 Resolve, To Direct Legislative Staff To Recodify and Revise Title 28-A of
the Maine Revised Statutes**

RESOLVE 18

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B LUCHINI L	OTP-AM	S-192

This resolve requires the Department of Economic and Community Development and the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to convene a study group consisting of representatives of appropriate state agencies and stakeholders, including alcoholic beverage producers, distributors and retailers and representatives of entities that enforce the laws governing alcoholic beverages, to review and propose revisions to the laws governing alcoholic beverages to eliminate outdated laws, respond to industry concerns and support the State's emerging craft beer, wine and liquor industry.

Committee Amendment "A" (S-192)

This amendment strikes and replaces the resolve and changes the title. It directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, nonpartisan staff to the Legislature, to prepare a recodification and revision of the Maine Revised Statutes, Title 28-A. The proposed recodification and revision must be completed by January 15, 2019, and submitted to the joint standing committee of the Legislature having jurisdiction over liquor matters for introduction to the First Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2017, chapter 18 directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, nonpartisan staff to the Legislature, to prepare a recodification and revision of the Maine Revised Statutes, Title 28-A. The proposed recodification and revision must be completed by January 15, 2019, and submitted to the joint standing committee of the Legislature having jurisdiction over liquor matters for introduction to the First Regular Session of the 129th Legislature.

**LD 961 An Act To Improve the Cost-efficiency of Funds Disbursed under the
Maine Clean Election Act**

ONTP

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

This bill allows a candidate who receives funds under the Maine Clean Election Act to use a political party's nonprofit postage meter for campaign mailings.

LD 975 An Act Regarding Licensing of Cribbage Tournaments

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L LANGLEY B	ONTP	

This bill provides that a license to conduct games of chance is not required for a cribbage tournament operated on the premises of a restaurant or Class A restaurant licensed to sell alcoholic beverages for on-premises consumption or at a manufacturing facility where samples are provided or sold, commonly known as a tasting room. The operator must limit participation to patrons of the establishment who are 21 years of age or older. The operator of a

Joint Standing Committee on Veterans and Legal Affairs

game may not profit and all entry fees must be paid to players in the form of winnings or donated to a charitable organization. Entry fees may not exceed \$25 per person.

A similar proposal was enacted as part of the biennial budget, Public Law 2017, chapter 284 (LD390).

LD 976 An Act Regarding Primary Election Contribution Limits and Contribution Limits for Unenrolled Candidates

Leave to Withdraw Pursuant to Joint Rule

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

This bill is presented in response to the United States District Court decision in Woodhouse, et al. v. Maine Commission on Governmental Ethics and Election Practices, et al., United States District Court, District of Maine, Docket No. 1:14-CV-266-DBH.

The bill provides that contributions received by a candidate for a primary election must be segregated from those received for the general election. The bill allows a candidate who is unopposed in a primary election to use in the general election primary election contributions received prior to the deadline by which primary candidates must submit petitions to take part in a primary election. Contributions carried forward from the primary election to the general election are subject to the dollar limits that apply to contributions made to a candidate by a single donor. The bill permits a candidate who defeats a primary opponent to carry forward to the general election unspent contributions received for the primary election. Regardless of whether the candidate was opposed in a primary election, if the sum of a primary election contribution and a general election contribution from the same donor exceeds contribution limits, the candidate must return at least the excess amount to the donor.

The bill specifies that contributions received for the purpose of supporting a candidate in a primary election may not be used primarily to support the candidate's general election campaign.

The bill repeals the limit of \$25,000 per calendar year on an individual's aggregate contributions to all political candidates.

Finally, the bill also makes technical, cross-reference changes.

LD 979 An Act Regarding Early Voting in Person

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	ONTP	

This bill allows for municipalities to conduct early voting in person during the same period as absentee voting. Early voting takes place in the municipal offices with the same requirements and restrictions for polling places, voting booths, ballot boxes and ballot challenges as for regular voting. At the end of early voting, the municipal clerk delivers the sealed ballot boxes to the polling place as presently required by law.

Joint Standing Committee on Veterans and Legal Affairs

LD 980 An Act To Improve Absentee Balloting ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T MILLETT R	ONTP	

This bill requires that the list of requests for absentee ballots that a clerk is required to create and maintain include, in the case of a request that is rejected, the reasons for the rejection.

LD 995 An Act To Allow a Resident Veteran's Child Who Is Enrolled in an ONTP
Out-of-state College or University To Take a Course in Maine at a State
Postsecondary Education Institution for Free

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

This bill provides that a person who is enrolled as a student at a postsecondary education institution outside this State and who is the child of a veteran who is a resident of this State may take one course at a state postsecondary education institution in this State with no charge for tuition.

LD 1012 An Act To Improve the Availability of Agency Liquor Stores in ONTP
Underserved Areas and To Expand the Sale of Spirits in New Channels

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

This bill creates an exception to the limit on the number of agency liquor stores allowed by population threshold to allow the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to license an agency liquor store in a municipality without an agency liquor store as long as an agency liquor store is not located within 3.5 miles of the municipality. With regard to such a store, it allows the bureau to adopt rules regarding hours, seasons of operation and inventory. It also allows the bureau to license stores in municipalities along interstate highways and at major airports in the State and requires the bureau to enter into contracts for the management of those stores.

LD 1013 An Act To Clarify the Law Allowing Certificate of Approval Holders PUBLIC 153
and Manufacturers or Suppliers of Spirits To Offer Mail-in Rebates

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KINNEY J	OTP-AM ONTP	H-265

This bill clarifies that a manufacturer or supplier of spirits or a certificate of approval holder may offer mail-in rebates approved by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations that offer an incrementally greater discount for an increased volume of purchased spirits.

Committee Amendment "A" (H-265)

Joint Standing Committee on Veterans and Legal Affairs

This amendment, the majority report, replaces the bill. The amendment clarifies that mail-in rebates may offer an incrementally greater discount on the purchase of liquor based upon increased volume of purchased product.

Enacted Law Summary

Public Law 2013, chapter 153 clarifies that mail-in rebates offered to consumers on the purchase of spirits, beer, wine and low alcohol spirits products may offer an incrementally greater discount on the purchase of liquor based upon increased volume of purchased product.

LD 1033 An Act To Eliminate the 24-hour Reporting Requirement under the Election Laws Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G LUCHINI L	ONTP OTP-AM	

This bill removes the requirement for political candidates, party committees and political action committees to report to the Commission on Governmental Ethics and Election Practices within 24 hours of receiving certain contributions or making certain expenditures after the 14th day before an election.

Committee Amendment "A" (S-213)

This amendment, the minority report, replaces the bill, which eliminates the requirement that political action committees, state party committees, local party committees and candidates file 24-hour reports for certain contributions and expenditures. The amendment eliminates the 24-hour reporting requirement for expenditures of \$1,000 or more made by candidates.

This amendment was not adopted.

LD 1035 An Act To Require an Opinion of the Supreme Judicial Court on Direct Initiatives of Legislation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER B BRAKEY E	ONTP	

This bill requires the Legislature to request an opinion of the Justices of the Supreme Judicial Court for a direct initiative of legislation that will be submitted to the voters. It also requires that this opinion be printed on the ballot containing the direct initiative of legislation.

LD 1046 An Act To Require Maine Clean Election Act Candidates To Purchase Services from Maine-based Companies ONTP

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

This bill provides that services purchased by a candidate with funds from the Maine Clean Election Fund must be purchased from a business with an office in this State unless no such business is available to provide the services.

Joint Standing Committee on Veterans and Legal Affairs

LD 1077 An Act To Reduce the License Fee for High-stakes Beano

PUBLIC 233

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA M	OTP-AM ONTP	H-366

This bill authorizes the Department of Public Safety, Gambling Control Board to accept an application from the Passamaquoddy Tribe to operate 50 slot machines at a gaming facility in Washington County at which high-stakes beano is conducted by the Passamaquoddy Tribe. The bill raises the limit on the number of slot machines allowed in the State by 50 to accommodate the slot machines that may be operated by the Passamaquoddy Tribe. Slot machines operated by the Passamaquoddy Tribe would be subject to the oversight of the Gambling Control Board and subject to the same laws and rules as other slot machines operated in this State.

It also reduces the annual license fee for high-stakes beano from \$50,000 to \$25,000 and allows the Passamaquoddy Tribe to operate 50 slot machines in the tribe's high-stakes beano facility.

Committee Amendment "A" (H-366)

This amendment, which is the majority report, changes the title of the bill and strikes the emergency preamble and emergency clause from the bill and all of the provisions that authorize the operation of slot machines at a facility where high-stakes beano is conducted by the Passamaquoddy Tribe. The amendment retains the provision that reduces the license fee for high-stakes beano, except that the amendment reduces the annual fee to \$5,000. The amendment also provides that fees collected from any one federally recognized Indian tribe in the State for the operation of high-stakes beano may not exceed \$5,000 in calendar year 2017.

Enacted Law Summary

Public Law 2017, chapter 233 reduces the annual license fee for high-stakes beano from \$50,000 to \$5,000. It also provides that fees collected from any one federally recognized Indian tribe in the State for the operation of high-stakes beano may not exceed \$5,000 in calendar year 2017.

**LD 1086 An Act To Amend the Laws on the Conduct of Elections and To
Establish a Nonpartisan Primary Election System for State and Federal
Candidates**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D GRATWICK G	ONTP OTP-AM	

This bill amends the election laws to create a nonpartisan primary process for the election of Legislators, United States Senators, Representatives to Congress and other state and county officers.

The bill also amends the laws on the conduct of elections by requiring that a sample ballot be provided with an absentee ballot and that a sample ballot be posted in or near each voting booth on election day. It also removes the requirement that a voter must file an application to change party enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.

Committee Amendment "A" (H-527)

This amendment, which is the minority report, adds provisions to the bill that specify that primaries are held for the

Joint Standing Committee on Veterans and Legal Affairs

purpose of selecting two candidates to be placed on the general election ballot for the offices of United States Senator, Representative to Congress, Governor, State Senator and Representative to the Legislature. Primary candidates placed on the general election ballot for an office are the two candidates who received the highest number of votes. The bill provides that voters may participate in a primary election for these offices regardless of party enrollment. The amendment adds provisions inadvertently omitted from the bill that are consistent with the proposal to establish a nonpartisan primary election for state and federal offices. The amendment also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 1102 An Act To Discourage Tenants from Damaging Rental Property ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N CUSHING A	ONTP	

This bill creates the Class E crime of unlawful damage by a tenant if at the termination of a tenancy a rental unit has sustained over \$1,000 worth of damage over the amount of the security deposit and the tenant does not pay the landlord within 60 days' notice by the landlord of the damage. A 2nd or subsequent offense is a Class D crime.

LD 1103 An Act To Require Correction of False Information Distributed in a Campaign ONTP

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

This bill requires the Commission on Governmental Ethics and Election Practices, upon complaint made by a candidate for Governor, State Senate or State House of Representatives, to investigate an allegation that a person distributed factually incorrect information about that candidate. If the commission determines that a person distributed factually incorrect information about a candidate, the commission must impose a fine of \$10,000 on that person and that person must distribute a correction of the factually incorrect information in the same manner as the factually incorrect information was distributed.

LD 1107 An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY W DION M	OTP-AM ONTP	

This bill allows a municipality to extend the time for the sale or delivery of liquor by licensed establishments by one hour, by either opening earlier than 5 a.m. or closing later than 1 a.m., within that municipality. This bill also allows a municipality to extend by one hour, to 2:15 a.m., the permitted consumption or possession of liquor in licensed establishments. In order to extend the time of operation, consumption or possession, the legislative body of that municipality must vote to extend by one hour the sale or consumption or possession of liquor at establishments licensed for on-premises consumption within the municipality; the municipality must have a full-time police department or contract with the county sheriff or State Police to provide coverage during the extended hour of operation; and the municipality must notify the Department of Administrative and Financial Services, Bureau of

Joint Standing Committee on Veterans and Legal Affairs

Alcoholic Beverages and Lottery Operations of the extended hour within 30 days of adoption.

Committee Amendment "A" (H-266)

This amendment, which is the majority report, makes technical changes to the bill to clarify that an on-premises licensee may sell liquor until 2 a.m. if the municipality in which the licensee is located approves liquor sales until 2 a.m.

**LD 1122 An Act To Amend the Campaign Reports and Finances Law and the
Maine Clean Election Act**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-367

The bill amends the laws governing the financing of political campaigns and the Commission on Governmental Ethics and Election Practices by:

1. Clarifying that the definition of "election" covers both candidate and ballot question elections;
2. Requiring the commission to submit an annual statistical report of campaign finance activity to the joint standing committee of the Legislature having jurisdiction over legal affairs;
3. Amending the requirement for state party committees to provide names, mailing addresses and e-mail addresses of the chair and treasurer for municipal, district and county party committees to the commission;
4. Eliminating the requirement for unopposed primary election candidates to report contributions and expenditures of \$1,000 or more within 24 hours during the last 13 days before the primary election;
5. Requiring candidates to disclose the addresses of payees and creditors in their campaign finance reports;
6. Permitting candidates to spend surplus campaign contributions on expenses associated with a recount of an election;
7. Clarifying the reporting deadlines for state party committees, political action committees and ballot question committees. Under the bill, quarterly campaign finance reports are due every year; committees must file preelection and post-election reports on the 11th day before and the 42nd day after an election for both the primary and general elections during a candidate election year; and for elections held in other years, committees must file the preelection and post-election reports only if they received contributions or made expenditures for the purpose of influencing the election;
8. Clarifying that municipal, district and county party committees are not required to report large contributions and expenditures within 24 hours during the last 13 days before a primary election;
9. Increasing the potential penalty for an individual's failure to register as a candidate with the commission from \$10 to \$100;
10. Defining "caucus political action committee" to mean a committee designated by a party leader in the Legislature to promote the election of the nominees of their political party to the House or Senate;
11. Eliminating the requirement for candidates to report money order fees paid by the candidate with personal funds when seeking Maine Clean Election Act funding; and

Joint Standing Committee on Veterans and Legal Affairs

12. Prohibiting candidates and others from signing the name of a contributor on a receipt and acknowledgment form submitted to the commission, except when a contributor's immediate family member, domestic partner or live-in caregiver signs on behalf of the contributor due to a physical impairment or disability.

Committee Amendment "A" (H-367)

This amendment, which is the majority report of the committee, strikes the provisions in the bill that define "caucus political action committee" and the provision that requires each appointed legislative leader of a political party in the House of Representatives and the Senate to designate one caucus political action committee to promote the election of nominees to be the party's appointed leader. The amendment also strikes the provision in the bill that directs the Commission on Governmental Ethics and Election Practices to submit an annual statistical report of campaign finance activity.

Committee Amendment "B" (H-368)

This amendment, which is the minority report of the committee. The amendment adds a provision to the bill that provides that, for the purposes of a recount, donations made to candidates who are not enrolled in a political party are not subject to contribution limits.

LD 1125 An Act To Establish a Recall Procedure for Elected Officials ONTP

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

This bill establishes a recall procedure for federal, state and local elected officials and specifies grounds for such a recall.

LD 1174 An Act To Clarify the Use of Public Money for Bulk Mailing in the Election Process Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A GUERIN S	OTP-AM ONTP	

This bill requires a treasurer or deputy treasurer of a Maine Clean Election Act candidate, or a political action committee engaging in bulk mailing in connection to the campaign of a participating or certified candidate, to document all bulk mail by submitting a copy of United States Postal Service form 3602 for standard mail and form 3600 for first-class mail to the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (S-214)

Like the bill, this amendment, which is the majority report, requires reporting of expenditures used for bulk mail. Unlike the bill, which only applied to campaigns with a candidate certified as a Maine Clean Election Act candidate, this amendment requires documentation of the use of bulk mail by all candidates and political action committees to be included in campaign finance reports.

Joint Standing Committee on Veterans and Legal Affairs

LD 1201 An Act To Authorize Tribal Gaming

CARRIED OVER

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

This bill authorizes the Department of Public Safety, Gambling Control Board to accept applications for a casino operator license from federally recognized Indian tribes in the State. A license issued to a federally recognized Indian tribe would authorize operation of table games and up to an aggregate total of 1,500 slot machines at multiple facilities on land owned by the tribe. The bill provides that casinos operated by federally recognized Indian tribes are exempt from the requirement that a newly licensed casino may not be within 100 miles of an existing casino or slot machine facility. It also provides that the Gambling Control Board may not license a new casino, slot machine facility or other gambling facility or authorize expansion of existing casinos until all federally recognized Indian tribes have been licensed to operate a casino. The bill establishes a distribution rate of 25% of net slot machine income and 16% of net table game income for casinos operated by federally recognized Indian tribes. The slot machine income and table game income is deposited to the General Fund.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1204 An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J	OTP-AM	H-494

This bill amends the law governing the issuance of absentee ballots to a voter who is a resident of a nursing home, a residential care facility or an assisted housing program. The bill prohibits a municipal clerk from issuing an absentee ballot to an immediate family member or a third person for a voter who has granted another person power of attorney and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney. The bill also prohibits a municipal clerk, when facilitating absentee voting at a nursing home, a residential care facility or an assisted housing program, from issuing an absentee ballot to a voter who has granted power of attorney to another person and who is receiving medical care due to dementia unless the clerk acquires the consent of the person who has been granted power of attorney.

Committee Amendment "A" (H-494)

This amendment replaces the bill, which proposes to prohibit the issuance of absentee ballots at nursing and residential care facilities to certain residents who have granted another person power of attorney in the absence of consent of that person who has been granted power of attorney. The amendment instead requires that the municipal clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

Joint Standing Committee on Veterans and Legal Affairs

LD 1208 An Act To Amend the Veterans Service Laws

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-140

This bill makes the following changes to the laws governing veterans' services.

1. It changes the name of the Bureau of Maine Veterans' Services to the Maine Bureau of Veterans' Services.
2. It removes the authority of the bureau to provide grants of temporary and emergency cash assistance to veterans. It authorizes the bureau to accept money to provide financial assistance to veterans and to award grants to organizations that provide assistance to veterans such as housing or emergency assistance.

Committee Amendment "A" (H-140)

This amendment adds an emergency preamble and emergency clause to the bill. The bill repeals current law governing how the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services issues temporary financial assistance to veterans in financial crises and in its place authorizes the bureau to provide grants to private organizations for the purpose of providing financial assistance to veterans. The amendment strikes that provision and establishes an account within the bureau for the purpose of issuing temporary emergency financial assistance to veterans and provides for a transfer of \$375,000 from the administrative account of the bureau to the Other Special Revenue Funds account established by the amendment. The amendment adds a revision clause to change the name of the Bureau of Maine Veterans' Services to the Maine Bureau of Veterans' Services throughout the Maine Revised Statutes.

LD 1210 An Act Regarding the Maine Clean Election Fund

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-185

This bill is submitted by the Commission on Governmental Ethics and Election Practices.

This bill increases the transfer from the General Fund to the Maine Clean Election Fund for the fiscal year ending June 30, 2018 from \$3,000,000 to \$6,000,000 with \$3,000,000 to be transferred on or before January 1, 2018 and \$3,000,000 to be transferred on or before May 30, 2018. It decreases by \$1,300,000, from \$3,000,000 to \$1,700,000, the transfer from the General Fund to the Maine Clean Election Fund for the fiscal year ending June 30, 2019.

Committee Amendment "A" (H-185)

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

Joint Standing Committee on Veterans and Legal Affairs

LD 1211 An Act To Amend the Laws Governing Legislative Political Action Committees

**Accepted Majority
(ONTP) Report**

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

This bill prohibits a legislative candidate from establishing political action committees for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. The bill also makes a change to a provision under the Maine Clean Election Act, which includes the same prohibition, to clarify that the prohibition in that Act applies only to participating gubernatorial candidates and certified gubernatorial candidates.

LD 1231 Resolve, To Assess the Need for Mental Health Care Services for Veterans in Maine and To Establish a Pilot Program To Provide Case Management Services to Veterans for Mental Health Care

**RESOLVE 24
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDEN J LIBBY N	OTP-AM ONTP	H-407 H-553 GOLDEN J

This bill directs the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to station at each of the bureau's field offices a social worker to provide direct mental health care to veterans, to coordinate mental health care for veterans and to work with the Federal Government and state and local mental health service providers to provide mental health care to veterans. It also requires the director to administer a program to provide grants to providers of mental health services to veterans and appropriates ongoing funds of \$1,000,000 annually for the program.

Committee Amendment "A" (H-407)

This amendment, which is the majority report, replaces the bill with a resolve. The amendment establishes a program for the collection of data by hospitals regarding the number of veterans presenting to the hospitals' emergency departments for mental or behavioral health care. The data must be analyzed by the Commissioner of Health and Human Services, in coordination with the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, to quantify the unmet need for mental health care services, particularly inpatient treatment, among veterans in the State and to identify gaps in mental health care services administered by the United States Department of Veterans Affairs. The amendment also establishes a two-year pilot program to provide contracted case management services to veterans in need of mental health care services. The amendment provides funding to mitigate the costs to hospitals for collecting and reporting data and to pay for the contracted case management services program.

House Amendment "A" To Committee Amendment "A" (H-553)

This amendment expands the provisions in Committee Amendment "A" that establish a pilot program to provide mental health case management services to veterans. It also establishes the Veterans Mental Health Case Management and Services Fund and changes the source of funding. The amendment also adds an emergency preamble and emergency clause and an appropriations and allocations section.

Enacted Law Summary

Resolves 2017, chapter 24 establishes a program for the collection of data by hospitals regarding the number of

Joint Standing Committee on Veterans and Legal Affairs

veterans presenting to the hospitals' emergency departments for mental or behavioral health care. The data must be analyzed by the Commissioner of Health and Human Services, in coordination with the Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, to quantify the unmet need for mental health care services, particularly inpatient treatment, among veterans in the State and to identify gaps in mental health care services administered by the United States Department of Veterans Affairs. This law also establishes a two-year pilot program to provide contracted case management services to veterans and those serving in the Maine Army National Guard, the Maine Air National Guard and Reserves of the United States Armed Forces in need of mental health care services. Chapter 24 establishes the Veterans Mental Health Case Management and Services Fund and provides funding to mitigate the costs to hospitals for collecting and reporting data and to pay for the contracted case management services program.

Resolves 2017, chapter 24 was finally passed as emergency measure effective August 2, 2017.

**LD 1232 An Act To Require the Secretary of State To Automatically Register
Nonregistered Persons Who Are Qualified To Vote through Records of
the Bureau of Motor Vehicles**

**Died Between
Houses**

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

This bill establishes a method of automatically registering eligible individuals to vote. The Department of the Secretary of State, Bureau of Motor Vehicles, when receiving any documentation from an individual doing business with the bureau, including applying for or renewing a driver's license or nondriver identification card, is required to scan and electronically store the documentation provided by the applicant. If the documentation provides proof of eligibility to vote, including citizenship, age and residency, that individual is added to the central voter registration system and relevant information is transmitted to election officials unless the individual, at the time of the collection of the documentation, chooses not to be registered to vote.

An application or document used to collect information that may be used to register an individual must contain a notice that the individual's information may be used to register that individual to vote, meaning that the information would be available by persons other than the State or election officials. An election official must provide the same notice to an individual upon receipt of the registration record from the Bureau of Motor Vehicles and also must inform the individual of the ability to choose not to be registered to vote and to pick a party affiliation. If the individual fails to respond within 21 days, the individual is considered a registered voter.

The Secretary of State and the Governor are allowed to designate other state agencies and departments and public and private entities, such as colleges and municipal clerk offices, as so-called source agencies that are allowed to submit registration information to the bureau for inclusion in the central voter registration system, but only if those agencies, as part of their normal course of business, collect information that provides proof of eligibility to vote. Beginning in 2022, an entity that is designated under the National Voter Registration Act of 1993 as a voter-registration agency that collects information that provides proof of voter eligibility is designated a source agency. A source agency is required to comply with the same restrictions regarding sharing and use of documentation as the bureau. Information from a source agency may also be used to update an individual's voter registration.

Committee Amendment "A" (H-267)

This amendment, which is the majority report, replaces the bill with a resolve directing the Secretary of State to study the implementation of automatic voter registration. The Secretary of State is required to submit a report to the Joint Standing Committee on Veterans and Legal Affairs by March 1, 2018.

Joint Standing Committee on Veterans and Legal Affairs

LD 1253 An Act To Make Maine's Casinos More Competitive by Authorizing Extensions of Credit

Leave to Withdraw Pursuant to Joint Rule

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

This bill allows a casino operator to extend credit to qualified customers within certain limitations.

LD 1254 An Act To Amend the Law Regarding Super Cribbage Tournaments

PUBLIC 182 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARD K	OTP-AM	H-262

This bill amends the law regarding super cribbage tournaments to remove the provision repealing the law on September 30, 2017.

Committee Amendment "A" (H-262)

This amendment reduces the number of players required to conduct a super cribbage tournament from 50 to 30 and increases the number of tournaments permitted per year from 3 to 15.

Enacted Law Summary

Public Law 2017, chapter 182 amends the law regarding super cribbage tournaments to remove a provision which would have repealed the law on September 30, 2017. It also reduces the number of players required to conduct a super cribbage tournament from 50 to 30 and increases the number of tournaments permitted per year from 3 to 15.

Public Law 2017, chapter 182 was enacted as an emergency measure effective June 13, 2017.

LD 1255 An Act Authorizing an Instant Lottery Game with Proceeds To Benefit Early Childhood Education

ONTP

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

This bill directs the Department of Administrative and Financial Services, the State Liquor and Lottery Commission to develop an early childhood education lottery game. Proceeds from the lottery game will be used to fund the Early Childhood Education Fund, which is established for the purpose of providing grant funding for public preschool programs.

Joint Standing Committee on Veterans and Legal Affairs

LD 1256 Resolve, To Establish the Task Force To Implement Ranked-choice Voting ONTP

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

This resolve establishes the Task Force To Implement Ranked-choice Voting. The task force is charged with making recommendations for rules and changes to the law to implement ranked-choice voting. The task force is required to submit a report containing its findings and recommendations to the Joint Standing Committee on Veterans and Legal Affairs by December 6, 2017. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation concerning the report to the Second Regular Session of the 128th Legislature.

LD 1271 An Act Regarding the Certification Process for Direct Initiatives and People's Veto Referenda ONTP

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

This bill amends the laws regarding the notarization or certification of a petition for a people's veto referendum or a direct initiative of legislation by:

1. Requiring a petition organization when registering as a petition organization to list all notaries public and other persons authorized by law to administer oaths or affirmations who notarize or certify petitions for the petition organization;
2. Requiring a notary public or other person authorized by law to administer oaths or affirmations to acquire a special seal and unique identifying number from the Secretary of State to notarize or certify a petition;
3. Prohibiting a notary public or other person authorized by law to administer oaths or affirmations who notarizes or certifies petitions for a petition organization from being paid by the hour or being employed in any other capacity by the petition organization;
4. Allowing the Secretary of State to disqualify a petition for being notarized or certified in violation of the notary requirements established by this bill and for a hearing and appeal process by a petition organization or a notary public or other person authorized by law to administer oaths or affirmations whose petition has been disqualified by the Secretary of State;
5. Making a violation of the notary requirements established by this bill a Class E crime; and
6. Requiring the Secretary of State to establish a publicly accessible website providing information for the public about reporting fraud or other violations of the petition process.

LD 1278 An Act To Amend the Military Bureau Laws and Veterans Service Laws PUBLIC 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B	OTP-AM	H-263

Joint Standing Committee on Veterans and Legal Affairs

This bill allows the Adjutant General to provide to or accept military forces from other states in support of federally funded National Guard missions. It provides the Adjutant General the authority to appoint a provost marshal to oversee security at National Guard military facilities and certain real property. It allows the Military Bureau to rent its readiness centers and other real property in addition to armories and allows the Adjutant General to waive fees for certain rentals. It changes the description of a stepchild who is eligible to receive certain educational benefits. It prohibits a veteran service officer from knowingly presenting or prosecuting a fraudulent or frivolous claim.

Committee Amendment "A" (H-263)

This amendment corrects a cross-reference in the bill and makes nonsubstantive changes to the section of the bill regarding the provision of security at National Guard military facilities and real property of the Department of Defense, Veterans and Emergency Management.

Enacted Law Summary

Public Law 2017, chapter 108 allows the Adjutant General to provide to or accept military forces from other states in support of federally funded National Guard missions. It provides the Adjutant General the authority to appoint a provost marshal to oversee security at National Guard military facilities and certain real property. It allows the Military Bureau to rent its readiness centers and other real property in addition to armories and allows the Adjutant General to waive fees for certain rentals. Chapter 108 changes the description of a stepchild who is eligible to receive certain educational benefits. Finally, it prohibits a veteran service officer from knowingly presenting or prosecuting a fraudulent or frivolous claim.

LD 1284 An Act To Require Election Transparency and Audits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HICKMAN C	ONTP	

This bill requires the Secretary of State to:

1. Publish a guide to election procedures for public distribution and revise the guide annually to reflect current law, rules and procedures regarding elections;
2. Provide local election procedure and ballot reconciliation forms for local election officials to complete;
3. Develop an election complaint process;
4. Routinely monitor the central voter registration system;
5. Report to the Legislature on certain election issues within 12 months of a general election; and
6. Develop a pilot program for conducting a post-election audit.

LD 1293 An Act To Allow Wine Tastings at Farmers' Markets

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D AUSTIN B	ONTP	

Joint Standing Committee on Veterans and Legal Affairs

This bill allows wine taste testings at farmers' markets.

LD 1320 An Act To Regulate Fantasy Sports Contests

PUBLIC 303

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R TIMBERLAKE J	OTP-AM ONTP	S-314

This bill requires persons who operate fantasy contests to register annually with the Department of Public Safety and pay a registration fee based on the gross revenues generated by that fantasy contest operator during the 12 months prior to registration or renewal. "Fantasy contest" is defined as a simulated game or contest in which one or more players pay an entry fee and compete for and win prizes of value based on outcomes that reflect the relative knowledge and skill of the players and that are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.

This bill regulates the operators of fantasy contests, including by prohibiting the fantasy contest operator, an employee of the operator or a relative of the employee in the same household from participating in the contests; requiring the outcome to be based on more than just a score or point spread of a single game or contest; allowing an individual, on that individual's request to the operator, to be barred from playing in the contest; requiring the operator to provide notice of the prizes prior to the contest; and requiring the operator to establish a separate reserve account for the payment of prizes.

Finally, the bill exempts fantasy contests from the laws prohibiting games of chance and gambling.

Committee Amendment "A" (S-314)

This amendment, the majority report, replaces the bill and changes the title. Like the bill, the amendment sets up a structure to regulate the conduct of fantasy contests in the State.

The bill requires fantasy contest operators to register with the Department of Public Safety and sets a registration fee of 10% of the fantasy contest operator's annual gross fantasy contest revenues not to exceed \$5,000. The amendment requires the director of the Gambling Control Unit within the Department of Public Safety to oversee and administer the licensing and enforcement of the conduct of fantasy contests in the State. The amendment establishes an annual license fee of \$2,500 for contest operators that receive \$100,000 or more in gross fantasy contest revenue per year and authorizes the director of the Gambling Control Unit to set an application fee to cover the costs of administering the application process and conducting necessary background investigations. Fantasy contest operators that receive less than \$100,000 in gross fantasy contest revenues are not required to pay the license fee but are subject to the application fee. The amendment establishes licensing criteria and conditions of licensure for the operators of fantasy contests and requires the director to adopt rules.

The amendment requires a distribution of 10% of gross fantasy contest revenues of fantasy contest operators that receive revenues of \$100,000 or more annually. Finally, the amendment provides that the laws governing unlawful gambling and games of chance do not apply to fantasy contest operators that comply with the laws governing fantasy contests.

Enacted Law Summary

Public Law 2017, chapter 303 establishes a structure to regulate the conduct of fantasy contests in the State.

It requires fantasy contest operators to register with the Department of Public Safety and sets a registration fee of 10% of the fantasy contest operator's annual gross fantasy contest revenues not to exceed \$5,000. The law requires

Joint Standing Committee on Veterans and Legal Affairs

the director of the Gambling Control Unit within the Department of Public Safety to oversee and administer the licensing and enforcement of the conduct of fantasy contests in the State. It also establishes an annual license fee of \$2,500 for contest operators that receive \$100,000 or more in gross fantasy contest revenue per year and authorizes the director of the Gambling Control Unit to set an application fee to cover the costs of administering the application process and conducting necessary background investigations. Fantasy contest operators that receive less than \$100,000 in gross fantasy contest revenues are not required to pay the license fee but are subject to the application fee. The law establishes licensing criteria and conditions of licensure for the operators of fantasy contests and requires the director to adopt rules.

Chapter 303 requires a distribution of 10% of gross fantasy contest revenues of fantasy contest operators that receive revenues of \$100,000 or more annually. Finally, it provides that the laws governing unlawful gambling and games of chance do not apply to fantasy contest operators that comply with the laws governing fantasy contests.

LD 1323 An Act To Amend the Direct Initiative Signature Gathering Process

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-405

This bill authorizes the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public who has allowed another person to use that notary public's commission. It also authorizes the Secretary of State to invalidate a petition for a direct initiative or people's veto if the Secretary of State is unable to verify the notarization of that petition. The bill directs the Secretary of State to establish an online reporting system for suspected fraudulent signature gathering practices for direct initiative and people's veto petitions.

Committee Amendment "A" (H-405)

This amendment adds sections to the bill regarding certifying and notarizing petitions for a direct initiative or people's veto referendum. The amendment requires that a circulator sign a petition in the presence of a notary public or other authorized person to verify by oath or affirmation that the circulator personally witnessed all signatures to the petition. After administration of the oath or affirmation by the notary public or other authorized person, the notary public or other authorized person is required to sign the notarial certificate in the presence of the circulator. It also requires the notary public or other authorized person to maintain a log of the petitions for which the notary public or other authorized person administered the circulator's oath.

The amendment also provides that a notary public or other authorized person is prohibited from notarizing a petition for a direct initiative or people's veto if the notary public or other authorized person is employed or compensated by a petition organization or ballot question committee for any purpose other than providing notarial acts.

Finally, the amendment strikes the provision in the bill that requires the Secretary of State to establish an online reporting system for suspected fraudulent signature gathering practices and instead directs the Secretary of State to establish a method to facilitate the acceptance of such reports from members of the public.

Enacted Law Summary

Public Law 2017, chapter 277 authorizes the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public who has allowed another person to use that notary public's commission. It also authorizes the Secretary of State to invalidate a petition for a direct initiative or people's veto if the Secretary of State is unable to verify the notarization of that petition.

The law requires that a circulator of a petition for a people's veto or direct initiative sign a petition in the presence of a notary public or another person authorized to verify by oath or affirmation that the circulator personally witnessed all signatures to the petition. After administration of the oath or affirmation by the notary public or other authorized

Joint Standing Committee on Veterans and Legal Affairs

person, the notary public or other authorized person is required to sign the notarial certificate in the presence of the circulator. It also requires the notary public or other authorized person to maintain a log of the petitions for which the notary public or other authorized person administered the circulator's oath.

Chapter 277 provides that a notary public or other authorized person is prohibited from notarizing a petition for a direct initiative or people's veto if the notary public or other authorized person is employed or compensated by a petition organization or ballot question committee for any purpose other than providing notarial acts.

Finally, the law directs the Secretary of State to establish a method to facilitate the acceptance of such reports from members of the public.

LD 1339 An Act To Amend the Procedure To Determine the Wording of Ballot Questions for Citizen Initiatives ONTP

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

This bill requires the Secretary of State to submit the ballot question for a pending citizen initiative of legislation to the Legislative Council for the council's review and approval. If the council does not approve the ballot question, the Secretary of State is required to revise the question and submit the revised question to the council for its review and approval.

LD 1357 An Act To Authorize Multiparty Candidate Nominations for State Offices ONTP

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

This bill allows a candidate to be nominated for a state office by more than one party. A candidate is not required to be an enrolled member of a party to serve as that party's nominee for state office. The name of such a candidate must appear on the ballot once with the name of each party that nominated the candidate listed below the candidate's name.

LD 1368 An Act To Amend Funding Distributions under the Maine Clean Election Act ONTP

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

This bill changes funding distributions under the Maine Clean Election Act. It removes the changes made to funding distributions in Initiated Bill 2015, chapter 1. It restores the method of funding distributions that was in law prior to enactment of Initiated Bill 2015, chapter 1, which required the Commission on Governmental Ethics and Election Practices to determine the funding amount at least every two years and set a specific distribution for gubernatorial elections. It differs from the method of funding distributions in law prior to enactment of the initiated bill by limiting the information the commission may consider in making a determination. It also eliminates supplemental fund distributions.

Joint Standing Committee on Veterans and Legal Affairs

**LD 1383 RESOLUTION, Proposing an Amendment to the Constitution of Maine
Regarding Early Voting**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DENNO D CARPENTER M	OTP-AM ONTP	

This resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a process to allow qualified voters to vote at polling places in or outside their election districts during the 15-day period immediately preceding an election or to vote by another method and to allow absentee voting for any sufficient reason.

Committee Amendment "A" (H-268)

This amendment, the majority report, changes the provision of the constitutional resolution allowing early voting to provide that the Legislature may authorize a process by which municipalities may conduct early voting by allowing voters to vote in the same manner as on election day during a period immediately preceding an election. The amendment retains the provision of the resolution that allows absentee voting for any sufficient reason.

This amendment was not adopted.

LD 1384 An Act To Amend the Election Laws

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON G LUCHINI L	OTP-AM	S-169

This bill makes the following changes to the election laws.

1. It prohibits a voter from filing an application to change or withdraw party enrollment on the day of a primary election.
2. It clarifies that a municipality may not charge a rental fee or janitorial service fee to a municipal party committee for an available public building provided for the biennial municipal caucus.
3. It repeals the provision allowing a party to designate who can participate in the party's primary other than party members.
4. It removes the requirement for the state ballots to include a write-in space after the list of candidates for an office, unless there is a write-in candidate who has filed a declaration for that office.
5. It adds a requirement for a notary public or other person authorized to administer oaths to keep a log for the purpose of recording information about the direct initiative or people's veto petitions on which the notary public has administered the circulator's oath and clarifies that the notary public must sign the circulator's oath immediately after the circulator has signed the petition in the notary's presence.
6. It corrects an omission in the districts for the Knox County budget committee.
7. It clarifies the types of licensed facilities at which municipal clerks are required to conduct absentee voting for the residents prior to an election.

Joint Standing Committee on Veterans and Legal Affairs

8. It moves the filing deadline for municipal nomination petitions from the 45th day to the 70th day prior to the election.

Committee Amendment "A" (S-169)

This amendment strikes the provisions of the bill that remove the requirement to print a space on state ballots for undeclared write-in candidates. It also strikes the provision in the bill that removes the option for a party to determine who may participate in the party's primary. The bill prohibits a voter from changing enrollment or withdrawing enrollment in a party on election day. The amendment provides that a voter may change or withdraw enrollment on election day, but the application to do so is not deemed received until the next business day. The amendment specifies that a municipality may charge a rental fee or janitorial service fee when the municipality provides space for a local caucus to meet. The amendment strikes a provision governing notarial acts related to petitions for a direct initiative of legislation and a people's veto referendum. Finally, the amendment provides that the deadline for filing municipal nomination papers is the 60th day prior to the election, rather than the 70th day prior to the election that is proposed in the bill.

Enacted Law Summary

Public Law 2017, chapter 248 makes several changes to the laws governing elections. It provides that a voter may change or withdraw enrollment on election day, but the application to do so is not deemed received until the next business day. It specifies that a municipality may charge a rental fee or janitorial service fee when the municipality provides space for a local caucus to meet. Chapter 248 changes the deadline for filing municipal nomination papers from the 45th day prior to the election to the 60th day prior to the election. It corrects an omission in the districts for the Knox County budget committee. Finally, this law clarifies the types of licensed facilities at which municipal clerks are required to conduct absentee voting for the residents prior to an election.

LD 1397 An Act To Amend the Maine Clean Election Act and Related Laws

ONTP

Sponsor(s)

STETKIS J
VOLK A

Committee Report

ONTP

Amendments Adopted

This bill makes the following changes to the Maine Clean Election Act and other related laws.

1. It changes references to the Maine Clean Election Act to the Maine Publicly Financed Election Act and removes specific references to the Maine Clean Election Fund.
2. It changes the tax revenue amounts required to be deposited in the fund by the State Controller from \$3,000,000 to \$2,000,000.
3. It limits participation in the Maine Publicly Financed Election Act to first-time candidates for Governor, State Senator or State Representative and provides that seed money for participating candidates running for State Senator or State Representative may come only from the participating candidate's district. It also revises seed money contribution limits for legislative candidates and eliminates the provision allowing participating candidates to collect additional qualifying contributions.
4. It changes funding distributions under the Maine Publicly Financed Election Act to require the Commission on Governmental Ethics and Election Practices to determine the funding amounts for legislative candidates at least every two years and sets a specific distribution for gubernatorial elections. It also eliminates supplemental fund distributions.
5. It removes a provision requiring that communications that are independent expenditures include a conspicuous

Joint Standing Committee on Veterans and Legal Affairs

statement listing the top three funders of the entity making the independent expenditure. It also specifies that reports of independent expenditures aggregating in excess of \$250 during any one candidate's election are required to be filed only by party committees, political committees and political action committees.

6. It removes a provision requiring the joint standing committee of the Legislature having jurisdiction over taxation matters to report out legislation to eliminate corporate tax expenditures totaling \$6,000,000 per biennium.

LD 1411 RESOLUTION, Proposing an Amendment to the Constitution of Maine ONTP
To Limit Petitions for Direct Initiatives That Would Violate the
Constitution of Maine

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

This resolution proposes to amend the Constitution of Maine to allow the Governor, Attorney General, Legislature by a 1/3 vote of both Houses or at least 500 electors by petition filed in the office of the Secretary of State to request an opinion of the Justices of the Supreme Judicial Court on whether a bill, resolve or resolution proposed by electors to the Legislature would, if passed and implemented, violate the Constitution of Maine in any manner, including, but not limited to, the restriction or abridgement of the rights of citizens expressly declared in the Constitution of Maine. The Secretary of State must reject a petition if a majority of the Justices of the Supreme Judicial Court determines that the bill, resolve or resolution proposed by electors would, if passed and implemented, violate the Constitution of Maine.

LD 1422 An Act To Require Presidential and Vice-Presidential Candidates To Accepted Majority
Disclose Their Federal Income Tax Returns (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S BELLOWS S	ONTP OTP-AM	

This bill requires that, in order for a candidate for President or a candidate for Vice President to appear on a general election ballot, the candidate for President or the candidate for Vice President must disclose the previous five years of that candidate's federal income tax returns, which may be redacted to remove personally identifying information other than the candidate's name. It directs the Secretary of State to post the tax returns on the Secretary of State's website and to include in the secretary's report regarding presidential primaries pursuant to Public Law 2015, chapter 474, section 5 suggested legislation requiring primary candidates to disclose federal income tax returns.

Committee Amendment "A" (H-269)

This amendment, the minority report, provides that a candidate for President or Vice President must disclose the previous three years of tax returns to appear on the general election ballot; the bill requires tax returns from the previous five years.

This amendment was not adopted.

Joint Standing Committee on Veterans and Legal Affairs

LD 1441 An Act To Create Veteran-friendly Workplaces

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B CARSON B	OTP-AM ONTP	H-369

This bill establishes a program within the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to encourage employers in the State to establish veteran-friendly workplaces. The bill provides criteria for certifying a workplace as a veteran-friendly workplace and requires the Director of the Bureau of Maine Veterans' Services to conduct regular trainings for employers who voluntarily decide to establish such a workplace. The bill also directs the Department of Labor to establish a manner for recognizing employers whose workplaces have been certified as veteran-friendly workplaces.

This bill also requires an employer to allow an employee who is a veteran to take paid leave to attend scheduled appointments at a medical facility operated by the United States Veterans Administration. The employee must make reasonable efforts to consult with the employer before scheduling such an appointment in order to accommodate, so far as is reasonable, the needs of the employer. The employer may require reasonable advance notice and verification from the veteran of such an appointment.

Committee Amendment "A" (H-369)

This amendment, the majority report, replaces the bill, striking the provisions that require an employer to provide a veteran with paid leave for appointments at a medical facility operated by the United States Veterans Administration and that establish a program to recognize veteran-friendly workplaces. The amendment amends current law governing family sick leave by defining "veteran" and requiring an employer with fewer than 25 employees to allow a veteran to take unpaid leave for scheduled appointments at a medical facility operated by the United States Department of Veterans Affairs when the veteran provides two weeks' notice. Employers who provide sick leave and have 25 or more employees must provide the veteran with paid leave for those appointments.

**LD 1447 An Act To Recognize and Provide for the Right of the Houlton Band of
Maliseet Indians To Operate a Casino on Houlton Band Trust Land
Exempt from Certain Gaming Laws**

**Died Between
Houses**

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

This bill authorizes the Department of Public Safety, Gambling Control Board to accept an application for a casino operator license from the Houlton Band of Maliseet Indians to operate 350 slot machines and 10 table games at a casino on Houlton Band Trust Land located on the North Road property of the Houlton Band of Maliseet Indians in the Town of Houlton. A casino operated by the Houlton Band of Maliseet Indians is not subject to a referendum. The bill raises the limit on the number of slot machines allowed in the State from 3,000 to 3,350 to accommodate the casino operated by the Houlton Band of Maliseet Indians. A casino operated by the Houlton Band of Maliseet Indians would be subject to the oversight of the Gambling Control Board.

Committee Amendment "A" (H-437)

This amendment, the minority report, provides that an application submitted to the Gambling Control Board within the Department of Public Safety by the Houlton Band of Maliseet Indians to operate a casino must include an acknowledgment that the operation of the casino is subject to the oversight and enforcement of the Gambling Control Board. The amendment removes the provision in the bill that states a casino operated by the Houlton Band

Joint Standing Committee on Veterans and Legal Affairs

of Maliseet Indians is not subject to any fees. The amendment provides that the casino operated by the Houlton Band of Maliseet Indians is subject to the fees applied to casinos that were initially licensed before 2012 under current law except that the initial license fee is \$100,000 and the annual renewal fee is \$35,000. The amendment also makes a change to the distribution of table game revenue, which under the bill provides 2% of net revenue to all off-track betting facilities and to nonprofit organizations that conduct licensed charitable gaming. The amendment changes this distribution so that 1% of table game revenue supplements harness racing purses and 1% goes to veterans' organizations that have been continuously operating licensed charitable gaming for at least two years as of January 1, 2017.

LD 1449 An Act To Support Maine Military Charities

PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K MASON G	OTP-AM	H-264

This bill authorizes the Military Bureau to provide space in military facilities to nonprofit organizations that provide assistance to members or families of members of the Maine National Guard. Under the bill, space provided to a nonprofit organization by the Military Bureau may be used only to provide assistance to members or families of members of the Maine National Guard.

Committee Amendment "A" (H-264)

This amendment replaces the bill. It establishes a definition of state military welfare society and authorizes the Adjutant General to provide logistical and administrative support to state military welfare societies and similar societies established under federal law. The amendment also provides that the Adjutant General may authorize state military welfare societies to distribute financial assistance to state military forces and their families from the Maine Military Family Relief Fund.

Enacted Law Summary

Public Law 2017, chapter 114 establishes a definition of state military welfare society and authorizes the Adjutant General to provide logistical and administrative support to state military welfare societies and similar societies established under federal law. It also provides that the Adjutant General may authorize state military welfare societies to distribute financial assistance to state military forces and their families from the Maine Military Family Relief Fund.

LD 1480 An Act To Improve the Disclosure of Major Contributors Influencing Maine Elections

Accepted Majority (ONTP) Report

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

This bill amends the law governing campaign financing and reporting by:

1. Setting more specific criteria for the reporting of contributions by an organization that has received funds for multiple purposes and has formed a political action committee; and
2. Requiring an organization that has contributed more than \$100,000 to a political action committee, party committee or ballot question committee in this State to file a one-time report with the Commission on Governmental Ethics and Election Practices disclosing information about the organization, its top five sources of funding and a

Joint Standing Committee on Veterans and Legal Affairs

certification as to whether the organization has received money to influence elections in this State.

Committee Amendment "A" (H-526)

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

LD 1525 An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L SAVIELLO T	ONTP	

This bill removes duplicative language regarding samples provided to the public by manufacturers licensed to produce wine, malt liquor and spirits in the State. The bill consolidates into one paragraph the provisions that govern the sale of a manufacturer's product for off-premises consumption to nonlicensees from the licensed manufacturer's facility. It also repeals and replaces in a separate subsection the provisions governing the authorization of a licensed manufacturer in the State to have a retail establishment licensed for the sale of liquor to be consumed on the premises, issued in accordance with the Maine Revised Statutes, Title 28-A, chapter 43.

LD 1533 An Act To Update the Laws Relating to Liquor Licensing and Enforcement PUBLIC 167

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	H-363

This bill:

1. Replaces the term "golf club" with "golf course" to eliminate the confusion in Title 28-A between golf clubs and other types of clubs;
2. Eliminates a threshold amount for a single retail purchase of liquor;
3. Clarifies which type of establishments on the same premises as an off-premises retailer must serve full course meals or food;
4. Removes the requirement that a business prior to being considered for an agency liquor store license must have sold malt liquor and wine for one year and have been violation free for that same period;
5. Amends language that establishes a minimum inventory value of spirits based on the population threshold established in the Maine Revised Statutes, Title 28-A, section 461;
6. Removes language providing an exception for businesses with more than five locations in the State that are sold to a company that has sold malt liquor or wine in another state;
7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality and adds a requirement that the application for relocation include proof that all existing agency liquor stores in the same municipality were notified of the relocation prior to approval by that municipality;
8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. The only approval needed is

Joint Standing Committee on Veterans and Legal Affairs

from the municipality on the relocation request by the agency liquor store;

9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";
10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes of purchasing liquor;
11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;
12. Reduces the number of gallons that constitute a keg;
13. Establishes that mobile service bars used on golf courses may serve all types of liquor; and
14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. The bill also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.

Committee Amendment "A" (H-363)

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality to which another agency liquor store is applying to relocate may submit support of or objections to the bureau regarding the relocation. The bill proposes to eliminate from the criteria for issuance of a new agency liquor store license that the applicant be licensed to sell beer and wine for at least one year prior to application and that the applicant was not found to have violated any provision of that license. The amendment provides that an applicant is not required to have been previously licensed to sell beer and wine, but that if the applicant was licensed to conduct those sales the applicant did so without a violation of law. The amendment adds a requirement that the applicant demonstrate that the applicant will act as a responsible licensee. The amendment also changes the laws regarding mobile service bars at golf courses and disc golf courses, reflecting changes made in Public Law 2017, chapter 17.

Enacted Law Summary

Public Law 2017, chapter 167 makes the follow changes to the laws governing liquor in that it:

1. Replaces the term "golf club" with "golf course" to eliminate the confusion in Title 28-A between golf clubs and other types of clubs;
2. Eliminates a threshold amount for a single retail purchase of liquor;
3. Clarifies which type of establishments on the same premises as an off-premises retailer must serve full course meals or food;
4. It removes from the criteria for issuance of a new agency liquor store license that the applicant be licensed to sell beer and wine for at least one year prior to application and that the applicant was not found to have violated any provision of that license. In its place, chapter 167 provides that an applicant is not required to have been previously licensed to sell beer and wine, but that if the applicant was licensed to conduct those sales the applicant did so without a violation of law and adds a requirement that the applicant demonstrate that the applicant will act as a responsible licensee;
5. Amends language that establishes a minimum inventory value of spirits based on the population threshold;

Joint Standing Committee on Veterans and Legal Affairs

6. Removes language providing an exception for businesses with more than five locations in the State that are sold to a company that has sold malt liquor or wine in another state;
7. Eliminates the fee for an application for a relocation of an agency liquor store within the same municipality;
8. Repeals the requirement that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations hold a public hearing on the relocation application. It requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to establish a process by which an existing agency liquor store in the same municipality as another agency liquor store applying to relocate may submit support of or objections to the bureau regarding the relocation. The only approval needed is from the municipality on the relocation request by the agency liquor store;
9. Adds railroads to the list of public service corporation licensees in order to align with the definition of "public service corporation";
10. Clarifies that identification issued by a federally recognized Indian tribe in the State is an acceptable form of identification for the purposes of purchasing liquor;
11. Amends the provision of law requiring that any malt liquor served from a faucet, spigot or dispensing apparatus must be identified by trade name to include all types of liquor;
12. Reduces the number of gallons that constitute a keg;
13. Establishes that mobile service bars used on golf courses and disc golf courses may serve all types of liquor; and
14. Corrects provisions of law to refer to the director of the bureau instead of the Commissioner of Administrative and Financial Services. These changes were inadvertently left out of Public Law 2013, chapter 368, Part V and Public Law 2013, chapter 476, Part A. Chapter 167 also provides that the director or the director's designee may approve an alcohol server education course that meets specific criteria.

LD 1536 An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets and To Allow Taste Testings at Farmers' Markets

PUBLIC 168

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-364

This bill allows the sale of wine, spirits and malt liquor manufactured in Maine for off-premises consumption at taste-testing events and the sale of spirits manufactured in Maine at farmers' markets. Under current law, the sale of wine and malt liquor at farmers' markets is allowed. The bill also allows taste testings to be conducted at farmers' markets.

Committee Amendment "A" (H-364)

This amendment strikes the provisions in the bill that permit a manufacturer who takes part in a taste-testing event to also sell the manufacturer's products at that event for off-premises consumption. The bill eliminates the requirement that a manufacturer provide advance notice to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations that the manufacturer is selling its product at a farmers' market. The amendment maintains that requirement and requires that notice of a taste-testing event also be provided to the bureau. The amendment clarifies that spirits sold by a small distillery at a farmers' market may be sold in the same manner as permitted under current law when a small distillery sells spirits from its manufacturing facility for off-premises consumption. The amendment maintains the authorization in the bill that manufacturers of

Joint Standing Committee on Veterans and Legal Affairs

liquor may conduct a taste testing at farmers' markets. The amendment specifies that the manufacturer must comply with the bylaws of the farmers' market in order to conduct a taste testing and that a farmers' market is limited to two taste-testing events per month at which a manufacturer may offer the manufacturer's product for taste testing.

Enacted Law Summary

Public Law 2017, chapter 168 permits the sale of spirits at farmers' markets. Under current law, the sale of wine and malt liquor at farmers' markets is allowed. It also allows taste testings of beer, wine and spirits to be conducted at farmers' markets. Chapter 168 specifies that a manufacturer must comply with the bylaws of the farmers' market in order to conduct a taste testing and that a farmers' market is limited to two taste-testing events per month at which a manufacturer may offer the manufacturer's product for taste testing.

Finally, the law clarifies that spirits sold by a small distillery at a farmers' market may be sold in the same manner as permitted under current law when a small distillery sells spirits from its manufacturing facility for off-premises consumption.

LD 1543 An Act To Simplify the Licensing Process for Off-site Catering

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M HERBIG E	OTP-AM OTP-AM	S-234

Current law requires that a Class A restaurant, Class A lounge, Class A restaurant/lounge, club licensed to sell liquor, hotel or bed and breakfast that wishes to acquire an off-premises catering license from the State also receive approval from the municipality in which the event is to occur, and a municipality may set its own fee for granting a permit. This bill eliminates the requirement that an applicant for an off-premises catering license from the State receive approval from the municipality.

Committee Amendment "A" (S-234)

This amendment, which is the majority report of the committee, replaces the bill. The bill eliminates municipal approval for off-premises catering licenses. The amendment provides that, if the municipal approval required as part of an application for an off-premises catering license or a qualified catering license is submitted by the municipality electronically, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must accept the municipal approval in that form.

Committee Amendment "B" (S-235)

This amendment is the minority report of the committee and replaces the bill. The bill eliminates municipal approval for off-premises catering licenses. The amendment provides that, if a municipality does not provide approval or denial of an application for an off-premises catering license or a qualified caterer's license within five days, municipal approval is presumed.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 260 provides that, if the municipal approval required as part of an application for an off-premises catering license or a qualified catering license is submitted by the municipality electronically, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must accept the municipal approval in that form.

Joint Standing Committee on Veterans and Legal Affairs

**LD 1554 Resolve, Authorizing Claire Dean Perry and the Estate of William Dean
To Bring Suit against the Surety Obtained by the Department of Health
and Human Services in Its Capacity as Public Conservator** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P	OTP-AM	H-365

This resolve authorizes Claire Dean Perry and the estate of William Dean to bring suit against the surety bond that was obtained by the Department of Health and Human Services in the department's capacity as public conservator or public guardian of William Dean and that was filed with the Probate Court pursuant to the Maine Revised Statutes, Title 18-A, section 5-611. This resolve constitutes a waiver of the State's defense of sovereign immunity.

Committee Amendment "A" (H-365)

This amendment clarifies that the surety for the State may not assert the defense of immunity in any proceeding authorized by the resolve and filed with the Probate Court. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to the next special or regular session of the 128th Legislature on the Special Appropriations Table by joint order, S.P. 601.

LD 1560 An Act Regarding Veteran Homelessness **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to address veteran homelessness in this State in a comprehensive and collaborative manner by implementing strategies recommended in the "Strategic Plan to Prevent and End Veteran Homelessness" prepared by the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

1. The bill would create a subcommittee of the Statewide Homeless Council, referred to in this bill as "the subcommittee," to share information among all organizations working to prevent and address veteran homelessness.
 - A. The subcommittee consists of the following members:
 - (1) The members of the Maine Homeless Veterans Action Committee;
 - (2) A representative of the Bureau of Maine Veterans' Services, who is the chair;
 - (3) A representative of the United States Department of Veterans Affairs, who is the vice-chair;
 - (4) A veteran who advocates on behalf of homeless veterans;
 - (5) The justice action coordinator from the United States Department of Veterans Affairs;
 - (6) A representative of a community action program;

Joint Standing Committee on Veterans and Legal Affairs

(7) A representative of the Veterans Justice Outreach Program of the United States Department of Veterans Affairs;

(8) A representative of the Maine Department of Labor;

(9) A representative of the Maine Apartment Owners and Managers Association;

(10) An employment specialist from the United States Department of Veterans Affairs;

(11) A representative of Shelter Plus Care or the Bridging Rental Assistance Program at the Maine Department of Health and Human Services;

(12) A member of the Statewide Homeless Council; and

(13) Other representatives of organizations that provide services to homeless veterans.

B. The following are the duties of the subcommittee:

(1) Manage the list by name of homeless veterans through regular review and updating and conferencing to coordinate the deployment of resources;

(2) Add the name of a homeless veteran to the list at the request of an agency or concerned citizen;

(3) Provide training on best referral practices to other agencies and organizations; and

(4) Report annually to the joint standing committee of the Legislature having jurisdiction over veterans matters.

2. The bill would encourage the execution of memoranda of understanding between state agencies that provide services to veterans, including the Bureau of Maine Veterans' Services, Department of Health and Human Services and Department of Labor, to foster the improvement of communication between these agencies and the improvement of the sharing of data among providers of services to veterans.

3. The bill would provide funding for the establishment of an Assistant Coordinator of Homeless Veterans Services in the Bureau of Maine Veterans' Services. This position:

A. Reports to, staffs and coordinates the activities of the subcommittee;

B. Works with agencies and organizations to coordinate service delivery, data collection and data analysis and reporting; and

C. Administers the Landlord Assistance Fund, to be established in the bill.

4. The bill would provide funding for enhancements to technology, including the development of uniform reporting standards and improved data collection.

5. The bill would provide grants for a statewide system of veteran homelessness prevention. Grants must be approved by the subcommittee and administered by the Bureau of Maine Veterans' Services.

6. The bill would provide training on best practices for referring a homeless veteran to law enforcement, hospital staff or helpline staff accessed by dialing 2-1-1. The subcommittee would administer this training.

Joint Standing Committee on Veterans and Legal Affairs

- 7. The bill would add capacity to the 2-1-1 system to help homeless veterans and encourage people to use the 2-1-1 system to report a veteran in distress.
- 8. The bill would seek to find long-term solutions to reduce barriers to veterans securing housing, including, but not limited to, substance abuse, mental illness, felony charges, lack of a driver's license, physical disability, lack of case management and unemployment.
- 9. The bill would increase the number of permanent supportive housing units.
- 10. The bill would require the subcommittee to establish a pilot project to determine best practices for a coordinated system of entry using a standard assessment process by all providers in order to provide a consistent level of services to homeless veterans regardless of which provider first serves a veteran.
- 11. The bill would establish a percentage of Section 8 vouchers for which homeless veterans will be given preference.
- 12. The bill would provide funding to assist landlords to improve substandard apartments to provide housing for homeless veterans.
- 13. The bill would provide for an annual address on the state of homelessness to be given to the Legislature by the Statewide Homeless Council.

LD 1561 An Act To Enact the Maine Citizens' Initiatives Clean Election Act

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K	ONTP OTP-AM	

This bill establishes the Maine Citizens' Initiatives Clean Election Act. It provides a public financing mechanism for committees that are Maine-chartered nonprofits or groups whose principal officers are Maine citizens and are formed to support or oppose a citizens' initiative ballot question or a people's veto or to support a competing measure to a citizens' initiative ballot question. The funding process is similar to that provided for clean election candidates under the Maine Revised Statutes, Title 21-A, chapter 14. It provides for limits on the amount of funds that committees seeking public funding may raise and spend prior to qualifying for public funding and the amount of qualifying contributions that a committee must raise to be certified to receive public funding, and it establishes the amounts that certified committees may receive. It also establishes procedures governing financial reporting and accounting, appeals of decisions, penalties for violations and other procedural matters to ensure the integrity of the process. In addition to other available funds, including qualifying contributions raised by committees and voluntary contributions through a tax checkoff program, funding for certified committees is provided by an annual appropriation of \$3,000,000.

Committee Amendment "A" (H-438)

This amendment, which is the minority report, provides allocations to finance certified committees and to pay administrative and enforcement costs of the Commission on Governmental Ethics and Election Practices.

This amendment was not adopted.

Joint Standing Committee on Veterans and Legal Affairs

LD 1568 An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R SCHNECK J		

Current law prohibits the transfer or assignment of a casino operator license. This bill requires that a corporation applying for a license must have had the same principal officers for at least five years prior to the issue of that license and must retain those officers for at least 10 years after the issue or renewal of the license.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H. P. 1138.

LD 1571 An Act To Amend the Election Laws Relating to Party Qualification

PUBLIC 254

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM OTP-AM	H-439

This bill creates a new category of political party, defined as a "minor party," with a minimum of 5,000 and a maximum of 50,000 enrolled voters. A party with more than 50,000 enrolled voters is defined as a "major party" and nominates candidates through the primary election process. Minor parties do not participate in primaries but instead nominate candidates at state conventions and are required to file consent forms and statements of qualification for those candidates with the Secretary of State within 30 days of the convention or by August 8th of the election year, whichever first occurs. The bill modifies the timeline and procedure for major and minor parties to qualify and to retain qualified party status. It includes an administrative process, similar to the existing one for candidate petition challenges, by which a party may challenge a determination by the Secretary of State that it has failed to qualify. These changes to the party qualification process are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

Committee Amendment "A" (H-439)

This amendment replaces the bill and is the majority report of the committee. The amendment extends the date by which a party may qualify as a party by submitting an application to the Secretary of State with the required number of voters enrolled in the proposed party. The amendment also provides that a party has two general election cycles to enroll the required number of voters to maintain party status. Current law provides for one general election cycle to enroll the required 10,000 voters. Like the bill, the amendment establishes an appeal process if the Secretary of State denies an application for party qualification. These changes to the process of party qualification are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

This amendment also provides that the party qualifications in this amendment apply retroactively to November 1, 2016.

Committee Amendment "B" (H-440)

This amendment, which is the minority report of the committee, provides that a party that filed a certification with

Joint Standing Committee on Veterans and Legal Affairs

the Secretary of State in 2016 that it has at least 5,000 voters enrolled in the party and whose nominee for President of the United States appeared on the ballot at the general election on November 8, 2016 is qualified as a minor party as defined by the bill.

Enacted Law Summary

Public Law 2017, chapter 254 extends the date by which a party may qualify as a party by submitting an application to the Secretary of State with the required number of voters enrolled in the proposed party. The law provides that a party has two general election cycles to enroll the required number of voters to maintain party status. Current law provides for one general election cycle to enroll the required 10,000 voters. Chapter 254 establishes an appeal process if the Secretary of State denies an application for party qualification. These changes to the process of party qualification are intended to address legal issues raised by the Libertarian Party of Maine in a lawsuit filed in 2016, *Libertarian Party of Maine v. Dunlap*, Docket No. 2:16-cv-00002-JAW, and addressed by the United States District Court in a preliminary injunction order issued on May 27, 2016.

Public Law 2017, chapter 254 also provides that the party qualifications in this amendment apply retroactively to November 1, 2016.

LD 1590 An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M TALBOT ROSS R		

Current law requires that 4% of the net slot machine income from the casino in Oxford be distributed to the tribal governments of the Penobscot Nation and the Passamaquoddy Tribe. This bill requires that this 4% of the net slot machine income be distributed to the tribal governments of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1591 An Act To Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials Accepted Majority (ONTP) Report

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

Current law allows former Legislators and certain former executive-level state employees to engage in compensated lobbying for up to eight hours per calendar month for the first year after leaving office or employment. This bill prohibits all compensated lobbying by such persons during that period of time.

Joint Standing Committee on Veterans and Legal Affairs

**LD 1624 RESOLUTION, Proposing an Amendment to the Constitution of Maine
To Implement Ranked-choice Voting** **Final Passage
Failed**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM ONTP OTP-AM	S-300

This resolution proposes to amend the Constitution of Maine to require candidates for the political offices of Governor, State Senator and State Representative to be elected by a majority of the votes cast for that office.

Committee Amendment "A" (S-300)

This amendment replaces the resolution and proposes an amendment to the Constitution of Maine to authorize the Legislature, or the electors through the direct initiative process, to enact legislation for the determination of the winners of elections for the offices of State Senator, State Representative and Governor by popular vote.

LD 1625 An Act To Repeal the Ranked-choice Voting Law **Died Between
Houses**

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

This bill repeals provisions of the Maine Revised Statutes establishing ranked-choice voting enacted by the voters with Initiated Bill 2015, chapter 3.

Committee Amendment "B" (S-303)

This amendment replaces the bill. This amendment does not affect the use of the ranked-choice voting method for the primary nomination elections to the office of the Governor and to the Legislature. The amendment requires the ratification of an amendment to the Constitution of Maine that approves the use of the ranked-choice voting method for those offices before that method may be used.

This amendment requires the Secretary of State to adopt routine technical rules for the administration of ranked-choice voting, including the administration of recounts.

The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "C" (S-304)

This amendment replaces the bill. It amends the laws governing ranked-choice voting to exclude the election of Governor, State Senator and State Representative. The ranked-choice voting method would still be applied to primary nomination elections for these offices. The amendment delays the implementation of ranked-choice voting for applicable offices until elections held after December 1, 2019. The amendment requires the Secretary of State to submit a report on the implementation of ranked-choice voting to the joint standing committee of the Legislature having jurisdiction over elections matters no later than January 1, 2019.

Joint Standing Committee on Veterans and Legal Affairs

This amendment was not adopted.

Committee Amendment "A" (S-302)

This amendment incorporates a fiscal note.

This amendment was not adopted.

LD 1627 An Act To Protect the Integrity of Maine Elections by Requiring INDEF PP
Photographic Identification for the Purpose of Voting

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

This bill requires that a voter provide proof of identity with photographic identification for the purpose of voting. The bill specifies the types of photographic identification that may be used to verify the identity of a voter. It provides that a person who does not present photographic identification may cast a provisional ballot and establishes the process for provisional voting. Under this process, if the person can verify the person's identity to the warden or an election clerk within three business days of the election by presenting acceptable photographic identification, the ballot will be cast as a regular ballot. Through the general election of 2018, a person who does not present acceptable photographic identification but is known to a municipal clerk, registrar or election official at the voting place may cast a regular ballot upon submission of an affidavit by the municipal clerk, registrar or election official attesting to the person's identity. Finally, the bill requires the Secretary of State to provide, at no fee, nondriver identification cards to eligible persons who do not have another form of acceptable photographic identification to verify identity for the purpose of voting.

LD 1631 An Act To Repeal the Law Permitting Advance Deposit Wagering Died On
Adjournment

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

This bill repeals the laws permitting the practice of advance deposit wagering.

LD 1642 An Act To Clarify Licensing Provisions for the Manufacture and Sale of PUBLIC 280
Liquor EMERGENCY

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

This bill clarifies one of the criteria that qualify a person who is licensed to manufacture liquor in the State to also have an establishment licensed for the sale of liquor to be consumed on the licensed premises. The bill requires that the person have a controlling interest in both the manufacturing business and the on-premises establishment, regardless of the business structure of either entity. Under current law, and as applicable to this bill, "person" is defined as an individual, partnership, corporation, firm, association or other legal entity.

The bill also temporarily prohibits the Department of Administrative and Financial Services, Bureau of Alcoholic

Joint Standing Committee on Veterans and Legal Affairs

SUBJECT INDEX

Alcoholic Beverages

Enacted

LD 30	An Act To Amend the Law Governing Special Amusement Permits for Liquor Licensees	PUBLIC 13
LD 304	An Act To Authorize Auxiliary Liquor Licenses at Disc Golf Courses	PUBLIC 17 EMERGENCY
LD 388	An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License	PUBLIC 34
LD 415	An Act To Modify the Amount of Product Samples of Malt Liquor, Wine or Spirits That May Be Provided to Retail Licensees	PUBLIC 35
LD 579	An Act Regarding Transfers of Liquor between Licensed Manufacturers' Facilities	PUBLIC 123
LD 794	An Act Regarding the Taxation of Flavored Malt Beverages	PUBLIC 301
LD 852	An Act To Make Changes to the Maine Liquor Liability Act	PUBLIC 77
LD 957	Resolve, To Direct Legislative Staff To Recodify and Revise Title 28-A of the Maine Revised Statutes	RESOLVE 18
LD 1013	An Act To Clarify the Law Allowing Certificate of Approval Holders and Manufacturers or Suppliers of Spirits To Offer Mail-in Rebates	PUBLIC 153
LD 1533	An Act To Update the Laws Relating to Liquor Licensing and Enforcement	PUBLIC 167
LD 1536	An Act To Allow Maine Manufacturers To Sell Spirits at Farmers' Markets and To Allow Taste Testings at Farmers' Markets	PUBLIC 168
LD 1543	An Act To Simplify the Licensing Process for Off-site Catering	PUBLIC 260
LD 1642	An Act To Clarify Licensing Provisions for the Manufacture and Sale of Liquor	PUBLIC 280 EMERGENCY
<u>Not Enacted</u>		
LD 85	An Act Regarding Public Service Berthing Vessels Licensed for the Sale of Liquor	CARRIED OVER

LD 339	An Act To Reduce Restrictions on Wine Shipments	ONTP
LD 544	An Act To Expand Wine and Beer Tastings at Retail Establishments	ONTP
LD 657	An Act To Reduce the In-stock Spirits Requirements for Liquor Agents in Towns with Certain Populations	ONTP
LD 1012	An Act To Improve the Availability of Agency Liquor Stores in Underserved Areas and To Expand the Sale of Spirits in New Channels	ONTP
LD 1107	An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol	Died Between Houses
LD 1293	An Act To Allow Wine Tastings at Farmers' Markets	ONTP
LD 1525	An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses	ONTP

Beano and Games of Chance

Enacted

LD 446	An Act To Allow Campgrounds To Operate Beano or Bingo	PUBLIC 47 EMERGENCY
LD 1077	An Act To Reduce the License Fee for High-stakes Beano	PUBLIC 233
LD 1254	An Act To Amend the Law Regarding Super Cribbage Tournaments	PUBLIC 182 EMERGENCY

Not Enacted

LD 4	An Act To Amend the Licensing Requirements for Beano Halls Leased by Veterans' Organizations	ONTP
LD 122	An Act To Allow Schools To Operate Nonprofit Bingo Events for Children and Families	ONTP
LD 407	An Act To Simplify the Laws Regarding Games of Chance	ONTP
LD 510	An Act To Create Fairness in Gaming License Fees for Small Nonprofit Organizations	ONTP
LD 713	Resolve, Authorizing Legislation To Streamline the Laws Governing the Licensing and Conduct of Beano and Games of Chance	ONTP
LD 833	An Act To Streamline the Gaming Permit Process for Veterans' Organizations	ONTP
LD 853	An Act To Allow Beano at Campgrounds	ONTP
LD 975	An Act Regarding Licensing of Cribbage Tournaments	ONTP

Campaign Finance and Maine Clean Election Act

Enacted

LD 408	An Act To Prohibit Taxpayer-funded Campaign Expenditures from Being Used on Post-election Parties	PUBLIC 31
LD 459	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 13 EMERGENCY
LD 543	An Act Regarding Political Action Committee Expenditures	PUBLIC 98

Not Enacted

LD 126	An Act To Establish New Monetary Caps for Legislative Candidates under the Maine Clean Election Act	Majority (ONTP) Report
LD 298	An Act To Limit Agency Expenditures To Influence Elections	Majority (ONTP) Report
LD 300	An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility	Majority (ONTP) Report
LD 394	An Act Regarding Terminology in Campaign Finance Law	Majority (ONTP) Report
LD 585	An Act To Allow Cash Qualifying Contributions under the Maine Clean Election Act	Majority (ONTP) Report
LD 716	An Act To Improve Requirements for Reporting to the Commission on Governmental Ethics and Election Practices	Died Between Houses
LD 791	An Act Regarding Advertisements by Maine Clean Election Act Candidates	Died Between Houses
LD 793	An Act To Limit Campaign Independent Expenditures	ONTP
LD 961	An Act To Improve the Cost-efficiency of Funds Disbursed under the Maine Clean Election Act	ONTP
LD 976	An Act Regarding Primary Election Contribution Limits and Contribution Limits for Unenrolled Candidates	Leave to Withdraw Pursuant to Joint Rule 310
LD 1033	An Act To Eliminate the 24-hour Reporting Requirement under the Election Laws	Died Between Houses
LD 1046	An Act To Require Maine Clean Election Act Candidates To Purchase Services from Maine-based Companies	ONTP
LD 1122	An Act To Amend the Campaign Reports and Finances Law and the Maine Clean Election Act	Veto Sustained
LD 1174	An Act To Clarify the Use of Public Money for Bulk Mailing in the Election Process	Died Between Houses
LD 1210	An Act Regarding the Maine Clean Election Fund	Died On Adjournment

LD 1211	An Act To Amend the Laws Governing Legislative Political Action Committees	Majority (ONTP) Report
LD 1368	An Act To Amend Funding Distributions under the Maine Clean Election Act	ONTP
LD 1397	An Act To Amend the Maine Clean Election Act and Related Laws	ONTP
LD 1480	An Act To Improve the Disclosure of Major Contributors Influencing Maine Elections	Majority (ONTP) Report

Campaign Practices

Not Enacted

LD 1103	An Act To Require Correction of False Information Distributed in a Campaign	ONTP
---------	---	------

Claims Against the State

Not Enacted

LD 1554	Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator	CARRIED OVER
---------	--	--------------

Defense, Veterans and Emergency Management

Enacted

LD 1278	An Act To Amend the Military Bureau Laws and Veterans Service Laws	PUBLIC 108
LD 1449	An Act To Support Maine Military Charities	PUBLIC 114

Elections

Enacted

LD 297	An Act To Improve the Administration of Election Recounts	PUBLIC 141
LD 299	An Act To Increase Voter Knowledge of Bond Issues	PUBLIC 45
LD 795	An Act To Improve Voter Access to Information Regarding Referendum Questions on the Ballot	PUBLIC 246
LD 1384	An Act To Amend the Election Laws	PUBLIC 248
LD 1571	An Act To Amend the Election Laws Relating to Party Qualification	PUBLIC 254

Not Enacted

LD 156	An Act To Implement the National Popular Vote for President	Majority (ONTP) Report
LD 403	An Act Regarding Referendum Recounts	ONTP

LD 568	An Act To Require Candidates To Be Listed as Unenrolled If Not Registered with a Recognized Party	Died Between Houses
LD 813	An Act To Amend the Laws Governing the Political Party Representation of Election Clerks	Died Between Houses
LD 950	Resolve, To Study Using Blockchain Technology in Conjunction with Paper Ballots in Maine Elections	ONTP
LD 980	An Act To Improve Absentee Balloting	ONTP
LD 1086	An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates	Majority (ONTP) Report
LD 1125	An Act To Establish a Recall Procedure for Elected Officials	ONTP
LD 1284	An Act To Require Election Transparency and Audits	ONTP
LD 1357	An Act To Authorize Multiparty Candidate Nominations for State Offices	ONTP
LD 1422	An Act To Require Presidential and Vice-Presidential Candidates To Disclose Their Federal Income Tax Returns	Majority (ONTP) Report

Fantasy Contests

Enacted

LD 1320	An Act To Regulate Fantasy Sports Contests	PUBLIC 303
---------	--	------------

Harness Racing and Off-track Betting

Not Enacted

LD 1631	An Act To Repeal the Law Permitting Advance Deposit Wagering	Died On Adjournment
---------	--	---------------------

Initiatives and Referenda

Enacted

LD 1323	An Act To Amend the Direct Initiative Signature Gathering Process	PUBLIC 277
---------	---	------------

Not Enacted

LD 5	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exclude Wildlife Issues from Citizen Initiatives	ONTP
LD 31	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District	CARRIED OVER
LD 53	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives	Died Between Houses

LD 212	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District	ONTP
LD 564	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Number of Signatures Required for a Direct Initiative of Legislation	ONTP
LD 715	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Citizen Initiative Process	ONTP
LD 796	RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Referendum Questions for Statewide Ballots	ONTP
LD 883	An Act To Establish a Minimum Payment for Signatures Gathered by Maine Citizens for Referendums	ONTP
LD 906	An Act Regarding the Collection of Signatures for a Direct Initiative	ONTP
LD 937	An Act To Require the Fiscal Impact of a Direct Initiative of Legislation To Be Included on the Ballot	ONTP
LD 1035	An Act To Require an Opinion of the Supreme Judicial Court on Direct Initiatives of Legislation	ONTP
LD 1271	An Act Regarding the Certification Process for Direct Initiatives and People's Veto Referenda	ONTP
LD 1339	An Act To Amend the Procedure To Determine the Wording of Ballot Questions for Citizen Initiatives	ONTP
LD 1411	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Petitions for Direct Initiatives That Would Violate the Constitution of Maine	ONTP
LD 1561	An Act To Enact the Maine Citizens' Initiatives Clean Election Act	Majority (ONTP) Report

Landlord/Tenant Laws

Enacted

LD 136	An Act Regarding the Eviction Process	PUBLIC 103
--------	---------------------------------------	------------

Not Enacted

LD 819	Resolve, To Establish the Commission To Study the Adequacy of Housing Safety Laws	ONTP
LD 1102	An Act To Discourage Tenants from Damaging Rental Property	ONTP

Legislative Ethics

Not Enacted

LD 413	An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions	Report A (ONTP)
--------	--	-----------------

Lobbying and Lobbyists

Not Enacted

LD 1591	An Act To Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials	Majority (ONTP) Report
---------	--	------------------------

Lottery

Not Enacted

LD 296	An Act To Restrict Advertising of and Improve Fairness for State Lottery Games	ONTP
LD 1255	An Act Authorizing an Instant Lottery Game with Proceeds To Benefit Early Childhood Education	ONTP

Maine National Guard

Not Enacted

LD 438	An Act To Provide a Travel Reimbursement to Members of the Maine National Guard	ONTP
LD 948	Resolve, To Direct the Adjutant General To Procure Medals for Maine National Guard Members Mobilized for the 1958-1961 Berlin Crisis	ONTP

Marijuana Legalization

Enacted

LD 88	An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act	PUBLIC 1 EMERGENCY
-------	--	-----------------------

Slot Machines and Gambling

Not Enacted

LD 719	An Act To Allow Slot Machines or a Casino in York County	INDEF PP
LD 1201	An Act To Authorize Tribal Gaming	CARRIED OVER
LD 1253	An Act To Make Maine's Casinos More Competitive by Authorizing Extensions of Credit	Leave to Withdraw Pursuant to Joint Rule 310
LD 1447	An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws	Died Between Houses
LD 1568	An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License	CARRIED OVER

LD 1590	An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino	CARRIED OVER
---------	---	--------------

Veterans

Enacted

LD 214	Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification	RESOLVE 27 EMERGENCY
--------	--	-------------------------

LD 1231	Resolve, To Assess the Need for Mental Health Care Services for Veterans in Maine and To Establish a Pilot Program To Provide Case Management Services to Veterans for Mental Health Care	RESOLVE 24 EMERGENCY
---------	---	-------------------------

Not Enacted

LD 213	An Act To Provide Funds for Access for Veterans Seeking Health Care	Veto Sustained
--------	---	----------------

LD 271	An Act for Providers across Multiple Sectors To Inquire of Clients and Customers about Former Military Service	Majority (ONTP) Report
--------	--	---------------------------

LD 465	An Act To Assist Veterans in Their Applications for Service-related Benefits	Died Between Houses
--------	--	------------------------

LD 496	An Act To Update Maine's Veterans' Benefits Eligibility Requirements	ONTP
--------	--	------

LD 714	An Act To Create an Award Program for Maine's Veteran-friendly Workplaces	ONTP
--------	---	------

LD 792	An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families	CARRIED OVER
--------	--	--------------

LD 995	An Act To Allow a Resident Veteran's Child Who Is Enrolled in an Out-of-state College or University To Take a Course in Maine at a State Postsecondary Education Institution for Free	ONTP
--------	---	------

LD 1208	An Act To Amend the Veterans Service Laws	Died On Adjournment
---------	---	------------------------

LD 1441	An Act To Create Veteran-friendly Workplaces	Veto Sustained
---------	--	----------------

LD 1560	An Act Regarding Veteran Homelessness	ONTP
---------	---------------------------------------	------

Voting

Not Enacted

LD 78	An Act To Permit Unenrolled Voters To Cast Ballots in Primary Elections	Majority (ONTP) Report
-------	---	---------------------------

LD 121	An Act To Require Photographic Identification to Vote	Majority (ONTP) Report
--------	---	---------------------------

LD 155	An Act To Protect Voting Integrity by Establishing a Residency Verification Requirement for Purposes of Voting	Majority (ONTP) Report
--------	--	---------------------------

LD 439	An Act To Allow Voters To Choose Ongoing Absentee Voter Status	ONTP
LD 440	An Act To Expand Absentee Balloting To Include Certain Residents in Independent Living Facilities	ONTP
LD 879	An Act To Allow Any Person To Purchase Voter Registration Lists	ONTP
LD 979	An Act Regarding Early Voting in Person	ONTP
LD 1204	An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities	CARRIED OVER
LD 1232	An Act To Require the Secretary of State To Automatically Register Nonregistered Persons Who Are Qualified To Vote through Records of the Bureau of Motor Vehicles	Died Between Houses
LD 1256	Resolve, To Establish the Task Force To Implement Ranked-choice Voting	ONTP
LD 1383	RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting	Died Between Houses
LD 1624	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting	Final Passage Failed
LD 1625	An Act To Repeal the Ranked-choice Voting Law	Died Between Houses
LD 1627	An Act To Protect the Integrity of Maine Elections by Requiring Photographic Identification for the Purpose of Voting	INDEF PP
LD 1646	An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance	CARRIED OVER

APPENDIX A

SESSION STATISTICS
OVERALL AND
BY INDIVIDUAL COMMITTEE

**128th LEGISLATURE
FIRST REGULAR SESSION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out and not carried over</i>	1306	79.3%
<i>Bills and Joint Resolutions Carried Over to next session</i>	319 *	19.4%
Total Bills referred	1624	98.7%
B. Bills reported out by law or joint order and not referred back to committee	3	0.2%
C. Bills introduced without reference	17	1.0%
D. <u>Bills referred, but not reported out</u>	2 **	
Total Bills considered by Legislature	1646	100.0%
E. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred and voted out (SLG)</i>	1	0.1%
Total Orders and Resolutions Referred	1	0.1%
		% of All Committee Reports
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	70	5.1%
<i>Ought to Pass as Amended</i>	272	19.6%
<i>Leave to Withdraw</i>	25	1.8%
<i>Ought Not to Pass</i>	523	37.8%
Total unanimous reports	890	64.3%
B. Divided committee reports		
<i>Two-way reports</i>	473	34.2%
<i>Three-way reports</i>	23	1.7%
<i>Four-way reports</i>	2	0.1%
Total divided reports	498	36.0%
Total Committee reports	1385	85.0%
III. CONFIRMATION HEARINGS	82	N/A
		% of All Bills/Rules
IV. FINAL DISPOSITION	<u>Number</u>	<u>Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	313	19.0%
<i>Private and Special Laws</i>	9	0.5%
<i>Resolves</i>	27	1.6%
<i>Constitutional Resolutions</i>	1	0.1%
Total Enacted or Finally Passed	350	21.3%
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	6	50.0%
Rules authorized with legislative changes	5	41.7%
<u>Rules not authorized by the Legislature</u>	<u>1</u>	<u>8.3%</u>
Total number of rules reviewed	12	100.0%
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	55	3.3%
<i>Vetoed sustained</i>	73	4.4%
<u>Held by the Governor</u>	<u>0</u>	<u>0.0%</u>
Total	128	7.8%

* Total number of bills carried over to the next session includes 76 bills reported out of various committees and then carried over on the Special Appropriations Table by SP 601, 1 bill carried over on the Special Appropriations Table by HP 1138 and 1 bill carried over on the Special Study Table by SP 602.

** Bills referred, but not reported out include LD 571 from the TAX Committee and LD 719 from the VLA Committee.

**128th LEGISLATURE
AGRICULTURE, CONSERVATION AND FORESTRY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	51	82.3%	3.1%
<i><u>Bills Carried Over to next session</u></i>	<u>11</u> *	<u>17.7%</u>	<u>0.7%</u>
Total Bills referred	62	100.0%	3.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	62	100.0%	3.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	5.5%	0.2%
<i>Ought to Pass as Amended</i>	15	27.3%	1.1%
<i>Leave to Withdraw</i>	2	3.6%	0.1%
<i>Ought Not to Pass</i>	22	40.0%	1.6%
Total unanimous reports	42	76.4%	3.0%
B. Divided committee reports			
<i>Two-way reports</i>	13	23.6%	0.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	13	23.6%	0.9%
Total committee reports	55	88.7%	4.0%
III. CONFIRMATION HEARINGS	8	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	22.6%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.6%	0.1%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	15	24.2%	0.9%
B. Major substantive rules			
<i>Authorized without legislative changes</i>	0	0.0%	0.0%
<i>Authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to next session</i>	0	0.0%	0.0%
<i><u>Not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	4	6.5%	0.2%
<i>Vetoed sustained</i>	3	4.8%	0.2%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	7	11.3%	0.4%

* Total number of bills carried over to the next session includes 4 bills reported out of the ACF Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	22	32.8%	1.3%
<u><i>Bills Carried Over to next session</i></u>	45 *	67.2%	2.7%
Total Bills referred	67	100.0%	4.1%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	67	100.0%	4.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	5	20.8%	0.4%
<i>Leave to Withdraw</i>	3	12.5%	0.2%
<u><i>Ought Not to Pass</i></u>	1	4.2%	0.1%
Total unanimous reports	9	37.5%	0.6%
B. Divided committee reports			
<i>Two-way reports</i>	13	54.2%	0.9%
<i>Three-way reports</i>	1	4.2%	0.1%
<u><i>Four-way reports</i></u>	1	4.2%	0.1%
Total divided reports	15	62.5%	1.1%
Total committee reports	24 **	35.8%	1.7%
III. CONFIRMATION HEARINGS	2	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	4	6.0%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.5%	0.1%
<u><i>Constitutional Resolutions</i></u>	1	1.5%	0.1%
Total Enacted or Finally Passed	6	9.0%	0.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	0	0.0%	0.0%
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	1	1.5%	0.1%
<i>Vetoed sustained</i>	5	7.5%	0.3%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	6	9.0%	0.4%

* Total number of bills carried over to the next session includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1138.

** Total number of committee reports includes 2 bills reported out of the AFA Committee and then carried over to the Second Regular Session by HP 1138.

**128th LEGISLATURE
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	107	82.9%	6.5%
<u><i>Bills Carried Over to next session</i></u>	<u>22</u> *	<u>17.1%</u>	<u>1.3%</u>
Total Bills referred	129	100.0%	7.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	129	100.0%	7.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	5.1%	0.4%
<i>Ought to Pass as Amended</i>	24	20.5%	1.7%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>40</u>	<u>34.2%</u>	<u>2.9%</u>
Total unanimous reports	70	59.8%	5.1%
B. Divided committee reports			
<i>Two-way reports</i>	43	36.8%	3.1%
<i>Three-way reports</i>	3	2.6%	0.2%
<u><i>Four-way reports</i></u>	<u>1</u>	<u>0.9%</u>	<u>0.1%</u>
Total divided reports	47	40.2%	3.4%
Total committee reports	117	90.7%	8.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	21.7%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.8%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	22.5%	1.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	8.3%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	3.9%	0.3%
<i>Vetoed sustained</i>	6	4.7%	0.4%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	11	8.5%	0.7%

* Total number of bills carried over to the next session includes 10 bills reported out of the CJPS Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
EDUCATION AND CULTURAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	121	89.6%	7.4%
<u><i>Bills Carried Over to next session</i></u>	<u>13</u> *	<u>9.6%</u>	<u>0.8%</u>
Total Bills referred	134	99.3%	8.1%
B. Bills reported out by law or joint order and not referred back to committee			
	1	0.7%	0.1%
Total Bills considered by Committee	135	100.0%	8.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	2.3%	0.2%
<i>Ought to Pass as Amended</i>	12	9.3%	0.9%
<i>Leave to Withdraw</i>	3	2.3%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>55</u>	<u>42.6%</u>	<u>4.0%</u>
Total unanimous reports	73	56.6%	5.3%
B. Divided committee reports			
<i>Two-way reports</i>	53	41.1%	3.8%
<i>Three-way reports</i>	3	2.3%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	56	43.4%	4.0%
Total committee reports	129	95.6%	9.3%
III. CONFIRMATION HEARINGS	21	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	8.1%	0.7%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	4	3.0%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	16	11.9%	1.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	16.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	16.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	1.5%	0.1%
<i>Vetoed sustained</i>	10	7.4%	0.6%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	12	8.9%	0.7%

* Total number of bills carried over to the next session includes 7 bills reported out of the EDU Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
ENERGY AND UTILITIES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	44	69.8%	2.7%
<u>Bills Carried Over to next session</u>	18 *	<u>28.6%</u>	<u>1.1%</u>
Total Bills referred	62	98.4%	3.8%
B. Bills reported out by law or joint order and not referred back to committee	1	1.6%	0.1%
Total Bills considered by Committee	63	100.0%	3.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	Number		
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	8.5%	0.3%
<i>Ought to Pass as Amended</i>	14	29.8%	1.0%
<i>Leave to Withdraw</i>	1	2.1%	0.1%
<u>Ought Not to Pass</u>	<u>18</u>	<u>38.3%</u>	<u>1.3%</u>
Total unanimous reports	37	78.7%	2.7%
B. Divided committee reports			
<i>Two-way reports</i>	10	21.3%	0.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	10	21.3%	0.7%
Total committee reports	47	74.6%	3.4%
III. CONFIRMATION HEARINGS	3	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	Number		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	25.4%	1.0%
<i>Private and Special Laws</i>	3	4.8%	0.2%
<i>Resolves</i>	1	1.6%	0.1%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	20	31.7%	1.2%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	1	100.0%	8.3%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to next session</i>	0		
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	3.2%	0.1%
<i>Vetoed sustained</i>	4	6.3%	0.2%
<u>Held by the Governor</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	6	9.5%	0.4%

* Total number of bills carried over to the next session includes 2 bills reported out of the EUT Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
ENVIRONMENT AND NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	48	92.3%	2.9%
<u><i>Bills Carried Over to next session</i></u>	<u>4</u>	<u>7.7%</u>	<u>0.2%</u>
Total Bills referred	52	100.0%	3.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	52	100.0%	3.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	2.1%	0.1%
<i>Ought to Pass as Amended</i>	5	10.4%	0.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>27</u>	<u>56.3%</u>	<u>1.9%</u>
Total unanimous reports	33	68.8%	2.4%
B. Divided committee reports			
<i>Two-way reports</i>	15	31.3%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	31.3%	1.1%
Total committee reports	48	92.3%	3.5%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	15.4%	0.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	8	15.4%	0.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>1</u>	<u>100.0%</u>	<u>8.3%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	3	5.8%	0.2%
<i>Vetoed sustained</i>	5	9.6%	0.3%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	8	15.4%	0.5%

**128th LEGISLATURE
HEALTH AND HUMAN SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	133	64.9%	8.1%
<u>Bills Carried Over to next session</u>	<u>72</u> *	<u>35.1%</u>	<u>4.4%</u>
Total Bills referred	205	100.0%	12.5%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	205	100.0%	12.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	4.5%	0.5%
<i>Ought to Pass as Amended</i>	27	17.5%	1.9%
<i>Leave to Withdraw</i>	3	1.9%	0.2%
<u>Ought Not to Pass</u>	<u>57</u>	<u>37.0%</u>	<u>4.1%</u>
Total unanimous reports	94	61.0%	6.8%
B. Divided committee reports			
<i>Two-way reports</i>	55	35.7%	4.0%
<i>Three-way reports</i>	5	3.2%	0.4%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	60	39.0%	4.3%
Total committee reports	154	75.1%	11.1%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	30	14.6%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	2.4%	0.3%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	35	17.1%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	3	60.0%	25.0%
Rules authorized with legislative changes	2	40.0%	16.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	5	100.0%	41.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	9	4.4%	0.5%
<i>Vetoed sustained</i>	5	2.4%	0.3%
<u>Held by the Governor</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	14	6.8%	0.9%

* Total number of bills carried over to the next session includes 20 bills reported out of the HHS Committee and then carried over on the Special Appropriations Table by SP 601 and 1 bill carried over on the Special Appropriations Table by HP 1138.

**128th LEGISLATURE
INSURANCE AND FINANCIAL SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	48	78.7%	2.9%
<u><i>Bills Carried Over to next session</i></u>	13 *	21.3%	0.8%
Total Bills referred	61	100.0%	3.7%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	61	100.0%	3.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	12.0%	0.4%
<i>Ought to Pass as Amended</i>	17	34.0%	1.2%
<i>Leave to Withdraw</i>	1	2.0%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>12</u>	<u>24.0%</u>	<u>0.9%</u>
Total unanimous reports	36	72.0%	2.6%
B. Divided committee reports			
<i>Two-way reports</i>	14	28.0%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	14	28.0%	1.0%
Total committee reports	50	82.0%	3.6%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	37.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	1.6%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	24	39.3%	1.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	8.3%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	3.3%	0.1%
<i>Vetoed sustained</i>	2	3.3%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	4	6.6%	0.2%

* Total number of bills carried over to the next session includes 2 bills reported out of the IFS Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
INLAND FISHERIES AND WILDLIFE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	73	91.3%	4.4%
<u><i>Bills Carried Over to next session</i></u>	<u>7</u>	<u>8.8%</u>	<u>0.4%</u>
Total Bills referred	80	100.0%	4.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	80	100.0%	4.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	1.3%	0.1%
<i>Ought to Pass as Amended</i>	16	21.3%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>29</u>	<u>38.7%</u>	<u>2.1%</u>
Total unanimous reports	47	62.7%	3.4%
B. Divided committee reports			
<i>Two-way reports</i>	26	34.7%	1.9%
<i>Three-way reports</i>	2	2.7%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	28	37.3%	2.0%
Total committee reports	75	93.8%	5.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	20	25.0%	1.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	2.5%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	22	27.5%	1.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over to the next session includes 2 bills reported out of the IFW Committee and then carried over on the Special Appropriations Table by SP 601.

Prepared by the Office of Policy and Legal Analysis
128th Legislature, First Regular Session

**128th LEGISLATURE
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	98	86.0%	6.0%
<u><i>Bills Carried Over to next session</i></u>	<u>16</u> *	<u>14.0%</u>	<u>1.0%</u>
Total Bills referred	114	100.0%	6.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	114	100.0%	6.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	6.9%	0.5%
<i>Ought to Pass as Amended</i>	20	19.6%	1.4%
<i>Leave to Withdraw</i>	2	2.0%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>37</u>	<u>36.3%</u>	<u>2.7%</u>
Total unanimous reports	66	64.7%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	35	34.3%	2.5%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	36	35.3%	2.6%
Total committee reports	102	89.5%	7.4%
III. CONFIRMATION HEARINGS	9	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	20.2%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	23	20.2%	1.4%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i>Rules carried over to the next session</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	5	4.4%	0.3%
<i>Vetoed sustained</i>	8	7.0%	0.5%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	13	11.4%	0.8%

* Total number of bills carried over to the next session includes 4 bills reported out of the JUD Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	125	88.0%	7.6%
<u><i>Bills Carried Over to next session</i></u>	<u>17</u> *	<u>12.0%</u>	<u>1.0%</u>
Total Bills referred	142	100.0%	8.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	142	100.0%	8.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	5.3%	0.5%
<i>Ought to Pass as Amended</i>	35	26.3%	2.5%
<i>Leave to Withdraw</i>	2	1.5%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>41</u>	<u>30.8%</u>	<u>3.0%</u>
Total unanimous reports	85	63.9%	6.1%
B. Divided committee reports			
<i>Two-way reports</i>	48	36.1%	3.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	48	36.1%	3.5%
Total committee reports	133	93.7%	9.6%
III. CONFIRMATION HEARINGS	18	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	41	28.9%	2.5%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	1	0.7%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	43	30.3%	2.6%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	4	2.8%	0.2%
<i>Vetoed sustained</i>	7	4.9%	0.4%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	11	7.7%	0.7%

* Total number of bills carried over to the next session includes 8 bills reported out of the LCRED Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	38	92.7%	2.3%
<u><i>Bills Carried Over to next session</i></u>	<u>3</u>	<u>7.3%</u>	<u>0.2%</u>
Total Bills referred	41	100.0%	2.5%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	41	100.0%	2.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	9	23.7%	0.6%
<i>Leave to Withdraw</i>	1	2.6%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>19</u>	<u>50.0%</u>	<u>1.4%</u>
Total unanimous reports	29	76.3%	2.1%
B. Divided committee reports			
<i>Two-way reports</i>	9	23.7%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	23.7%	0.6%
Total committee reports	38	92.7%	2.7%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	29.3%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	12	29.3%	0.7%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

**128th LEGISLATURE
MARIJUANA LEGALIZATION AND IMPLEMENTATION COMMITTEE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	2	5.9%	0.1%
<u><i>Bills Carried Over to next session</i></u>	<u>31</u>	<u>91.2%</u>	<u>1.9%</u>
Total Bills referred	33	97.1%	2.0%
B. Bills reported out by law or joint order and not referred back to committee			
	1	2.9%	0.1%
Total Bills considered by Committee	34	100.0%	2.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	33.3%	0.1%
<i>Ought to Pass as Amended</i>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	1	33.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total unanimous reports	2	66.7%	0.1%
B. Divided committee reports			
<i>Two-way reports</i>	1	33.3%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	1	33.3%	0.1%
Total committee reports	3	8.8%	0.2%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	2.9%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	1	2.9%	0.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	1	2.9%	0.1%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	2.9%	0.1%

**128th LEGISLATURE
STATE AND LOCAL GOVERNMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	72	84.7%	4.4%
<u><i>Bills Carried Over to next session</i></u>	<u>13</u> *	<u>15.3%</u>	<u>0.8%</u>
Total Bills referred	85	100.0%	5.2%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	85	100.0%	5.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	1	100.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	9	12.0%	0.6%
<i>Ought to Pass as Amended</i>	16	21.3%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>13</u>	<u>17.3%</u>	<u>0.9%</u>
Total unanimous reports	39	52.0%	2.8%
B. Divided committee reports			
<i>Two-way reports</i>	35	46.7%	2.5%
<i>Three-way reports</i>	1	1.3%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	36	48.0%	2.6%
Total committee reports	75	87.2%	5.4%
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	16	18.8%	1.0%
<i>Private and Special Laws</i>	3	3.5%	0.2%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	19	22.4%	1.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	5.9%	0.3%
<i>Vetoed sustained</i>	9	10.6%	0.5%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	14	16.5%	0.9%

* Total number of bills carried over to the next session includes 2 bill reported out of the SLG Committee and then carried over on the Special Appropriations Table by SP 601 and 1 bill carried over on the Special Study Table by SP 602.

**128th LEGISLATURE
TAXATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	96	83.5%	5.8%
<u><i>Bills Carried Over to next session</i></u>	19 *	16.5%	1.2%
Total Bills referred	115 **	100.0%	7.0%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	115	100.0%	7.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	5.7%	0.4%
<i>Ought to Pass as Amended</i>	16	15.2%	1.2%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>42</u>	<u>40.0%</u>	<u>3.0%</u>
Total unanimous reports	66	62.9%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	36	34.3%	2.6%
<i>Three-way reports</i>	3	2.9%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	39	37.1%	2.8%
Total committee reports	105 ***	91.3%	7.6%
III. CONFIRMATION HEARINGS			
	0	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	10.4%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.9%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	13	11.3%	0.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	2	1.7%	0.1%
<i>Vetoed sustained</i>	2	1.7%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	4	3.5%	0.2%

* Total number of bills carried over to the next session includes 10 bills reported out of the TAX Committee and then carried over on the Special Appropriations Table by SP 601.

** Total number of bills referred includes LD 571, which was referred to the committee and was voted to carry over, but was later removed from the committee without a committee report under Joint Rule 309.

*** Total number of committee reports does not include LD 571, which was referred to the committee and was voted to carry over, but was later removed from the committee without a committee report under Joint Rule 309.

**128th LEGISLATURE
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	104	94.5%	6.3%
<u><i>Bills Carried Over to next session</i></u>	<u>6</u> *	<u>5.5%</u>	<u>0.4%</u>
Total Bills referred	110	100.0%	6.7%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	110	100.0%	6.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	7.6%	0.6%
<i>Ought to Pass as Amended</i>	15	14.3%	1.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	56	53.3%	4.0%
Total unanimous reports	79	75.2%	5.7%
B. Divided committee reports			
<i>Two-way reports</i>	25	23.8%	1.8%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	26	24.8%	1.9%
Total committee reports	105	95.5%	7.6%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	21.8%	1.5%
<i>Private and Special Laws</i>	1	0.9%	0.1%
<i>Resolves</i>	4	3.6%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	26.4%	1.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	4.5%	0.3%
<i>Vetoed sustained</i>	4	3.6%	0.2%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	9	8.2%	0.5%

* Total number of bills carried over to the next session includes 1 bill reported out of the TRA Committee and then carried over on the Special Appropriations Table by SP 601.

**128th LEGISLATURE
VETERANS AND LEGAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	124	93.9%	7.5%
<i><u>Bills and Joint Resolutions Carried Over to next session</u></i>	<u>8</u> *	<u>6.1%</u>	<u>0.5%</u>
Total Bills referred	132 **	100.0%	8.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	132	100.0%	8.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
		% of this Committee's Reports	% of All Committee Reports
II. COMMITTEE REPORTS	<u>Number</u>		
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	0.8%	0.1%
<i>Ought to Pass as Amended</i>	26	20.3%	1.9%
<i>Leave to Withdraw</i>	2	1.6%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>54</u>	<u>42.2%</u>	<u>3.9%</u>
Total unanimous reports	83	64.8%	6.0%
B. Divided committee reports			
<i>Two-way reports</i>	42	32.8%	3.0%
<i>Three-way reports</i>	3	2.3%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	45	35.2%	3.2%
Total committee reports	128	97.0%	9.2%
III. CONFIRMATION HEARINGS	5	N/A	N/A
		% of Comm Bills/Papers	% of All Bills/Papers
IV. FINAL DISPOSITION	<u>Number</u>		
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	21.2%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	3.0%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	32	24.2%	1.9%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	1	100.0%	8.3%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	8.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	5	3.8%	0.3%
<i>Vetoed sustained</i>	3	2.3%	0.2%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	8	6.1%	0.5%

* Total number of bills carried over to the next session includes 4 bills reported out of the VLA Committee and then carried over on the Special Appropriations Table by SP 601.

** Total number of bills referred does not include LD 719, which was removed from committee without a committee report under Joint Rule 309.

Prepared by the Office of Policy and Legal Analysis
128th Legislature, First Regular Session

APPENDIX B

INDEX OF BILLS

NOT REFERRED TO COMMITTEE

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
211	An Act To Require a State Automobile Inspection Biannually	Transportation
303	An Act To Change the Name of Captain Ambrose Bear Stream	State and Local Government
314	An Act Concerning Emergency Lights on Police Vehicles	Transportation
824	An Act To Curb Drug-impaired Driving	Transportation
892	An Act To Allow an Attorney Responding to an Incident that Involved the Use of Deadly Force To Use Emergency Lights on a Vehicle	Criminal Justice and Public Safety
1039	An Act To Enhance Access to Affordable Health Care	Health and Human Services
1116	An Act To Improve the Unemployment Compensation System	Labor, Commerce, Research and Economic Development
1222	An Act To Address the Policies Relating to Substance Use in the Workplace	Labor, Commerce, Research and Economic Development
1303	An Act To Establish the Vaccine Consumer Protection Program within the Department of Health and Human Services	Health and Human Services
1528	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of Regional School Unit No. 5	Education and Cultural Affairs
1627	An Act To Protect the Integrity of Maine Elections by Requiring Photographic Identification for the Purpose of Voting	Veterans and Legal Affairs
1631	An Act To Repeal the Law Permitting Advance Deposit Wagering	Veterans and Legal Affairs
1633	An Act Concerning Private Personal Information of Public Employees and Licensed Individuals	Judiciary
1634	An Act To Update the Scheduling Guidelines for Review of Agencies or Independent Agencies under the State Government Evaluation Act	Energy, Utilities and Technology
1638	An Act To Promote Workforce Education Attainment	Education and Cultural Affairs

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
1640	Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services	Agriculture, Conservation and Forestry
1641	An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities	Marijuana Legalization Implementation
1643	An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants	Labor, Commerce, Research and Economic Development
1644	An Act To Fund the Agreement with Executive Branch Employees	Appropriations and Financial Affairs
1645	An Act To Reduce the Rate of Tax Imposed on the Rental of Living Quarters	Taxation